96th Congress, 2d Session — Senate Document No. 96-79

APPROPRIATIONS, BUDGET ESTIMATES, ETC.

STATEMENTS

NINETY-SIXTH CONGRESS, SECOND SESSION

(January 3, 1980 to December 16, 1980)

SHOWING

I.—APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE NINETY-SIXTH CONGRESS IN REGULAR ANNUAL, SUPPLEMENTAL, AND MISCELLANEOUS APPROPRIATION ACTS; RESCISSION ACTS; DEFERRAL RESOLUTIONS; AND MAJOR ACTS AUTHORIZING APPROPRIATIONS (pp. 1-1901)

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X.—TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 2125-2132)

PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

BY

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COMPILERS' NOTES

1. The Legislative Appropriation Act approved June 7, 1924, provided:

   "In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary."

   Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

2. This compilation contains laws affecting, rescinding, or making appropriations which were enacted during the second session of the 96th Congress with the exception of private relief acts containing appropriations. Such private acts have been omitted from this compilation but a summary containing the number of the act, the beneficiaries, and the amount appropriated is included.

   A total of 27 appropriation bills were acted on to some degree by the Congress during the second session of the 96th Congress, and 15 of those bills were eventually enacted into law. These 27 bills included the thirteen regular annual appropriation bills; ten supplementals; and four continuing resolutions. Five of the thirteen regular annual appropriation bills did not become law for various reasons: One was vetoed by the President (H.R. 7584—State, Justice, Commerce, 1981); one did not advance beyond the stage of being reported to the Senate (H.R. 7583—Treasury, Postal Service, 1981); two were passed by the House but no further legislative action was taken (H.R. 7593—Legislative Branch, 1981, and H.R. 7998—Labor-HHS, 1981); and one did not advance beyond the stage of being reported to the House (H.R. 7854—Foreign Assistance, 1981). A chronology of all 27 bills is included in table V of this volume (pp. 1942–1949).

   Financing of programs and activities normally included in the five bills that did not become law is provided by a series of continuing resolutions as follows:

   —Public Law 96–369 for the period October 1–December 15, 1980;
   —Public Law 96–536 for the period December 16, 1980–June 5, 1981, and
   —Public Law 97–12 (sec. 401) for the period June 6–September 30, 1981.

   Reference should be made to the "Note" at the beginning of the text of these five bills (pp. 173, 243, 275, 299, and 343, this volume) for further information.

   In addition, section 101(c) of the further continuing resolution for fiscal year 1980 (Public Law 96–123) provided funding at the "current rate" for certain programs and activities which were excluded from the Labor-HEW Appropriations Bill, 1980 (H.R. 4389) due to lack of authorizing legislation. These estimates, which totaled $647,894,000, were shown in the previous volume (96th Cong., 1st sess.) for informational purposes only and were *not* reflected in the totals of the various tabulations. Budget estimates for these programs have been increased by $14,425,0000 for a total of $662,319,000 and are included in this volume along with the related budget authority as shown in the fiscal year 1980 column of the President's Budget for 1981 (H. Doc. 96–246). Amounts shown in tables IX and X of this volume (96th Cong., 2d sess.) as considered and appropriated during the 96th Cong., 1st sess., have been adjusted accordingly.

   So-called deferral resolutions for the second session of the 96th Congress are printed in this volume for informational purposes. Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) provides that resolutions may be introduced in either the House or the Senate to disapprove proposals by the President to defer the obligation of budget authority. Adoption of a resolution by either body mandates obligation of the budget authority in accordance with the applicable appropriating act.

3. This volume also contains various comparative tabulations for the session showing, by fiscal years and in both detailed and summarized form, the Presidential budget estimates (requests) for "appropriations" and certain other types of requests involving the appropriation of obligating and spending authority.

4. While required by the Constitution as a necessary prerequisite to the withdrawal of *any* money from the Treasury, through long usage the term "appropriation" acquired a definite, technical word-of-art meaning in relation to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations

of congressional fiscal actions. If the proposition did not "appropriate" within the concept thus imparted to the term, then it was not added in the "appropriation" totals. If it did so "appropriate", it was added in.

Thus, in congressional tabulations generally, a "reappropriation" (extension) of a balance of a previous appropriation was not added to the "appropriation" totals even though it provided obligational and spending authority beyond what would in its absence have been the case. An "authorization to expend from debt receipts" (sometimes called "public debt borrowing authority") was not counted as an "appropriation" even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation ("contract authorization"), being authority to obligate the Government but not to *expend* money, was not added in the general "appropriation" totals. But a subsequent "appropriation to liquidate" that contract authorization—an authority to expend money but not to create additional obligations—was counted as an "appropriation".

Furthermore, historically, prior to fiscal year 1969 the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal, or Federally-owned funds, as distinct from *trust* funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture, they subsequently came to loom large, and while *separately* tabulated and noted in volumes of this work *previous* to the 90th Cong., 2d sess., they were not included in the aggregate totals, of "appropriations" generally emphasized and cited. (See note, table X, in volumes *prior* to the 90th Cong. 2d sess.). But in subsequent volumes, including this volume, they *are* incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term "appropriations" includes, in appropriate context "* * * funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes *prior* to the 90th Cong., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental "appropriation" acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not cranked directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess. This especially affects tables VIII, IX, and X. To retain some consistency of ready identity as between amounts relating to the regular annual and supplemental "appropriation" acts and amounts relating to "appropriations" in legislative acts", there is a breakout along these lines in each of these three tables (in some years, the "legislative act" amounts are quite significant, relatively. And sometimes, it is not easy or possible to nail down with absolute precision the amounts involved in the "budget estimates" or the amounts "appropriated"). The total new budget (obligational) authority in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, *unified* budget concept recommended by the President's Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a *single* concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to "appropriations."

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to "appropriations," pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)

Thus, in lieu of the terms "Estimates" and "Appropriations" used in volumes previous to the 90th Cong., 2d sess., subsequent volumes, including this volume, use the terms "Budget estimates of new (obligational) authority" and "New budget (obligational) authority appropriated." In broad terms, by far the major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of *trust* funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of *previous* sessions that thus do not require action in bills of the *current* session). And even under the new concept, in all but a relative handful of instances, the new budget (obligational) authority "requested" and "appropriated" is in the old, conventional "appropriation" form as previously used and understood.

Specifically, "new budget (obligational) authority" is derived by—

Appropriations (as herein above described) excluding appropriations to liquidate contract authorization; plus
Reappropriations; plus
Contract authorizations; plus
Authorizations to spend from debt receipts.

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that get counted in both places. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. And under the new unified concept, certain "proprietary receipts from the public" are offset against budget authority *for budget summary presentation* purposes. This situation can complicate if a simple addition of Federal fund totals and trust fund totals is made without reckoning with this "deduct" problem. [Note.—The aggregate "deduct" figure of $88,590,878,000 for fiscal year 1981 used in several of the summary tables in this volume is the *estimated* amount relating to fiscal 1981 shown on page 551 of the Budget for 1981. Being an estimate, the "deduct" figure *is subject to revision* as actual data become available; and an updated amount for fiscal 1981 will appear in the budget for 1982.]

5. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, changed the fiscal year from the July 1—June 30 fiscal year to an October 1—September 30 fiscal year, and provided for the change to take place with the fiscal year beginning October 1, 1976 (Fiscal Year 1977). However, the preceding fiscal year (1976) ran from July 1, 1975 through June 30, 1976, thus providing a three-month interim period (July 1—September 30, 1976) for the necessary transition to the new fiscal year. This volume and the five previous volumes are based upon the October 1—September 30 fiscal year.

Title X (the "Impoundment Control Act of 1974") of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1980 and the first 3 months of fiscal year 1981.

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CARL D. PURSELL, Michigan

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[1] Majority members elected January 23, 1979. Minority members elected January 24, 1979.
[2] Majority and minority members elected January 24, 1979.
[3] Resigned January 31, 1980.
[4] Deceased March 17, 1980.
[5] Resigned December 11, 1980.
[6] Elected to Committee February 26, 1980.
[7] Elected to Committee July 2, 1980.

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FEDERAL TRADE COMMISSION, TRANSFER OF FUNDS, 1980

Public Law 96–219

96th Congress, H.J. Res. 514

March 28, 1980

JOINT RESOLUTION

Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Federal Trade Commission.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1980, namely:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

(By transfer)

For an additional amount for "Salaries and expenses", $12,100,000, which shall be derived by transfer from unobligated balances available under the heading "International Communication Agency, Salaries and Expenses": *Provided,* That authority made available by this joint resolution shall be available from March 15, 1980, and shall remain available until April 30, 1980: *Provided further,* That obligations of the Federal Trade Commission made pursuant to this joint resolution shall not exceed $9,800,000: *Provided further,* That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to initiate any new activities: *Provided further,* That no new trade regulation rules promulgated under the authority of section 18 of the Federal Trade Commission Act, as amended, after August 30, 1979, are to become effective during the period covered by this joint resolution for the Federal Trade Commission, unless authorizing legislation for the Federal Trade Commission is enacted into law during such period.

$12,100,000 (by transfer)

9,800,000 (limitation)

Approved March 28, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT No. 96–848 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Mar. 26, considered and passed House and Senate.

FEDERAL TRADE COMMISSION, ADDITIONAL TRANSFER OF FUNDS, 1980

Public Law 96-240

96th Congress, H.J. Res. 541

May 1, 1980

JOINT RESOLUTION

Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Federal Trade Commission.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1980, namely:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

(By transfer)

For an additional amount for "Salaries and expenses", $7,600,000, which shall be derived by transfer from unobligated balances available under the heading "Department of State, International Organizations and Conferences, Contributions to International Organizations": *Provided,* That authority made available by this joint resolution shall be available from April 30, 1980, and shall remain available until May 31, 1980: *Provided further,* That obligations of the Federal Trade Commission made pursuant to this joint resolution shall not exceed $5,800,000: *Provided further,* That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to initiate any new activities: *Provided further,* That no new trade regulation rules promulgated under the authority of section 18 of the Federal Trade Commission Act, as amended, after August 30, 1979, are to become effective during the period covered by this joint resolution for the Federal Trade Commission, unless authorizing legislation for the Federal Trade Commission is enacted into law during such period.

$7,600,000
(by transfer)

5,800,000
(limitation)

Approved May 1, 1980.

LEGISLATIVE HISTORY

CONGRESSIONAL RECORD, Vol. 126 (1980):
May 1, considered and passed House and Senate.

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE FOOD STAMP PROGRAM, 1980

Public Law 96-243

96th Congress, H.J. Res. 545

May 16, 1980

JOINT RESOLUTION

Making an urgent appropriation for the food stamp program for the fiscal year ending September 30, 1980, for the Department of Agriculture.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, namely:

DEPARTMENT OF AGRICULTURE

FOOD STAMP PROGRAM

For an additional amount for the "Food Stamp Program", $2,556,174,000: *Provided,* That funds provided herein shall remain available until September 30, 1980, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That the Department of Agriculture is directed to study the effects of regulations which would limit benefits to participants in the food stamp program based upon value of the participants' assets, shall recommend an appropriate level of asset value which would deny or reduce benefits to a participant and analyze the impacts of such a restriction. Appropriate exemptions to this restriction should be considered. The Department is to analyze the administrative burden which this will impose upon the States. The Department is to report to Congress its findings in this matter not later than January 15, 1981: *Provided further,* That the Secretary of Agriculture shall study the impact and advisability of counting, for the purposes of income in determining eligibility: all educational loans on which payment is deferred; grants, fellowships, scholarships, and veteran's educational benefits used for the payment of tuition and mandatory fees at any educational institution of higher learning; and all housing subsidies including, but not limited to payments made by an outside party on behalf of an individual or household. The Department is to report to Congress its findings in this matter not later than January 15, 1981: *Provided further,* That notwithstanding any other provision of law, the Secretary of Agriculture shall make the determination on benefit reductions required by section 18 of the Food Stamp Act of 1977,

$2,556,174,000

as amended, on the basis of a total appropriation for fiscal year 1980 of $9,191,000,000: ***Provided further,*** **That total appropriations shall not exceed $9,191,000,000 for fiscal year 1980.**

Approved May 16, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-927 (Comm. on Appropriations) and No. 96-973 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 13, considered and passed House.
May 14, considered and passed Senate, amended.
May 15, House agreed to conference report; receded and concurred in Senate amendments with amendments; Senate agreed to conference report and concurred in House amendments.

FEDERAL TRADE COMMISSION APPROPRIATIONS, 1980

Public Law 96-261

96th Congress, H.J. Res. 554

June 4, 1980

JOINT RESOLUTION

Making an appropriation for the Federal Trade Commission for the fiscal year ending September 30, 1980.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, namely:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,500 for official reception and representation expenses; $49,700,000. [1]$49,700,000

Approved June 4, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT No. 96-1054 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 30, considered and passed House.
June 3, considered and passed Senate.

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[1] In addition, $9,800,000 was transferred to the Federal Trade Commission in Public Law 96-219 and $5,800,000 was transferred in Public Law 96-240 for a total of $65,300,000 in new budget (obligational) authority for the Federal Trade Commission in fiscal year 1980.

SELECTIVE SERVICE SYSTEM, TRANSFER OF FUNDS, 1980

Public Law 96-282

96th Congress, H.J. Res. 521

June 27, 1980

JOINT RESOLUTION

Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Selective Service System.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1980, namely:

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

(By transfer)

$13,285,000 (by transfer)

For an additional amount for "Salaries and expenses", $13,285,000, which shall be derived by transfer from unobligated balances available under the heading "Military Personnel, Air Force": *Provided,* That none of the funds made available by this joint resolution shall be available for instituting or taking action to draft any individual for military service.

Approved June 27, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT: No. 96-885 (Comm. on Appropriations).
SENATE REPORT: No. 96-789 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Apr. 22, considered and passed House.
    June 3-6, 9-12, considered and passed Senate, amended.
    June 25, House concurred in Senate amendment.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980

Public Law 96-304

96th Congress, H.R. 7542

July 8, 1980

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 1980, rescinding certain budget authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations and Rescission Act, 1980") for the fiscal year ending September 30, 1980, that the following rescissions of budget authority are made, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

SCIENCE AND EDUCATION ADMINISTRATION

SCIENTIFIC ACTIVITIES OVERSEAS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations for fiscal year 1980, $1,200,000 are rescinded. −$1,200,000 *(rescission)*

COOPERATIVE RESEARCH

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations for special research grants for fiscal year 1980, $2,500,000 are rescinded. −2,500,000 *(rescission)*

Of the funds appropriated under this head in Public Law 96-108, making appropriations for competitive research grants for fiscal year 1980, $500,000 are rescinded. −500,000 *(rescission)*

[*Total, Cooperative Research (rescissions),* −$3,000,000.]

[*Total, Science and Education Administration (rescissions),* −$4,200,000.]

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount for "farm ownership loans", $100,000,000. *100,000,000 (loan authority)*

WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations for fiscal year 1980, $10,000,000 are rescinded. —$10,000,000 *(rescission)*

MUTUAL AND SELF-HELP HOUSING

(RESCISSION)

Of the funds appropriated under this head in Public Laws 95-448 and 96-108, making appropriations for fiscal years 1979 and 1980, $10,000,000 are rescinded. —10,000,000 *(rescission)*

RURAL DEVELOPMENT PLANNING GRANTS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations for fiscal year 1980, $1,000,000 are rescinded. —1,000,000 *(rescission)*

[*Total, Farmers Home Administration:*
[*Loan authority* .... *$100,000,000.*]
[*Rescissions* .... *—21,000,000.*]

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For an additional amount for "Conservation Operations", $3,000,000, to remain available until September 30, 1981. 3,000,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978, $20,000,000, to remain available until expended: *Provided,* That these funds shall be available to pay for up to 90 percent of the costs of the emergency measures. 20,000,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations available for fiscal year 1980, $2,000,000 are rescinded. —2,000,000 *(rescission)*

[*Total, Soil Conservation Service (net)* .... *$21,000,000.*]
[*Appropriations* .... *(23,000,000).*]
[*Rescission* .... *(—2,000,000).*]

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program", $20,000,000, to remain available until expended. 20,000,000

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $312,400,000, of which up to $243,000,000 may be transferred to and merged with the Food Stamp Program Appropriation.

$312,400,000
243,000,000
(transfer authority)

SPECIAL MILK PROGRAM

For an additional amount for the "Special Milk Program", $14,800,000: *Provided,* That none of the funds appropriated in this Act may be used for payments which exceed five cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966.

14,800,000

SPECIAL SUPPLEMENTAL FOOD PROGRAMS (WIC)

For an additional amount for the "Commodity Supplemental Food Program", $250,000.

250,000

FOOD STAMP PROGRAM

For an additional amount for the "Food Stamp Program", $203,226,000.

203,226,000

FOOD DONATIONS PROGRAMS

For an additional amount for the "Food Donations Programs", $16,044,000.

16,044,000

FOOD PROGRAM ADMINISTRATION

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-108, making appropriations available for fiscal year 1980, $500,000 are rescinded.

−500,000
(rescission)

[Total, Food and Nutrition Service (net) .... $546,220,000.]
[Appropriations .... (546,720,000).]
[Rescission .... (−500,000).]

PUBLIC LAW 480

For an additional amount for "Public Law 480", $142,860,000. The authorized program level and the amount appropriated for titles I and III shall be increased by $20,000,000, and the authorized program level and the amount appropriated for title II shall be increased by $122,860,000.

142,860,000

[Total, Chapter I:
[New budget (obligational) authority (net) .... $704,880,000.]
[Appropriations .... (732,580,000).]
[Rescissions .... (−27,700,000).]
[Loan authority .... 100,000,000.]
[Transfer authority .... 243,000,000.]

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military personnel, Army", $43,073,000, and in addition, $46,919,000, of which $849,000 shall be derived by transfer from "Aircraft procurement, Army, 1978/1980"; $357,000 shall be derived by transfer from "Missile procurement, Army, 1978/1980"; $1,161,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1978/1980"; $15,104,000 shall be derived by transfer from "Procurement of ammunition, Army, 1978/1980"; $10,048,000 shall be derived by transfer from "Other procurement, Army, 1978/1980"; $2,000,000 shall be derived by transfer from "Research, development, test, and evaluation, Army, 1979/1980"; $497,000 shall be derived by transfer from "Aircraft procurement, Army, 1979/1981"; $91,000 shall be derived by transfer from "Missile procurement, Army, 1979/1981"; $655,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1979/1981"; $1,557,000 shall be derived by transfer from "Procurement of ammunition, Army, 1979/1981"; and $14,600,000 shall be derived by transfer from "Other procurement, Army, 1980/1982".

$43,073,000
46,919,000
(by transfer)

MILITARY PERSONNEL, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military personnel, Navy", $24,500,000, and in addition, $24,572,000 which shall be derived by transfer from "Weapons procurement, Navy, 1978/1980".

24,500,000
24,572,000
(by transfer)

MILITARY PERSONNEL, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military personnel, Marine Corps", $6,200,000, and in addition, $8,121,000 which shall be derived by transfer from "Weapons procurement, Navy, 1978/1980".

6,200,000
8,121,000
(by transfer)

MILITARY PERSONNEL, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military personnel, Air Force", $32,680,000, and in addition, $26,646,000, of which $16,000,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1978/1980"; $7,500,000 shall be derived by transfer from "Missile procurement, Air Force, 1978/1980"; and $3,146,000 shall be derived by transfer from "Other procurement, Air Force, 1978/1980".

32,680,000
26,646,000
(by transfer)

RESERVE PERSONNEL, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Reserve personnel, Navy", $2,329,000, and in addition, $1,775,000 which shall be derived by transfer from "Weapons procurement, Navy, 1978/1980": *Provided*, That the funds available from this appropriation may be used to reimburse Navy Reservists travelling under permissive orders to active duty for training.

$2,329,000
1,775,000
(by transfer)

RESERVE PERSONNEL, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Reserve personnel, Marine Corps", $1,000,000, and in addition, $1,108,000 which shall be derived by transfer from "Aircraft procurement, Navy, 1978/1980".

1,000,000
1,108,000
(by transfer)

[*Total, Military Personnel:*
[*New budget (obligational) authority* .... *$109,782,000.*]
[*By transfer* .... *109,141,000.*]

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", $513,200,000.

513,200,000

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Army, $410,200,000, and in addition, $67,856,000, of which $397,000 shall be derived by transfer from "Procurement of ammunition, Army, 1979/1981"; $2,562,000 shall be derived by transfer from "Operation and maintenance, Defense Agencies, 1980"; $1,100,000 shall be derived by transfer from "Aircraft procurement, Army, 1980/1982"; $26,600,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982"; $3,000,000 shall be derived by transfer from "Missile procurement, Army, 1980/1982"; and $34,197,000 shall be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984".

410,200,000
67,856,000
(by transfer)

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Navy", $1,010,218,000, and in addition, $245,600,000, of which $58,609,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1978/1980"; $6,892,000 shall be derived by transfer from "Aircraft procurement, Navy, 1978/1980"; $532,000 shall be derived by transfer from "Weapons procurement, Navy, 1978/1980"; $5,900,000 shall be derived by transfer from "Other procurement, Navy, 1978/1980"; $6,700,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1979/1981"; $14,600,000 shall be derived by transfer from "Missile procurement, Air Force, 1979/1981"; $20,000,000 shall be

1,010,218,000
245,600,000
(by transfer)

derived by transfer from "Other procurement, Air Force, 1979/1981"; $8,167,000 shall be derived by transfer from "Research, development, test, and evaluation, Navy, 1979/1980"; $12,000,000 shall be derived by transfer from "Aircraft procurement, Navy, 1979/1981"; $19,000,000 shall be derived by transfer from "Weapons procurement, Navy, 1979/1981"; $5,200,000 shall be derived by transfer from "Other procurement, Navy, 1979/1981"; $10,400,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982"; $40,900,000 shall be derived by transfer from "Aircraft procurement, Navy, 1980/1982"; $6,000,000 shall be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984"; $7,300,000 shall be derived by transfer from "Other procurement, Navy, 1980/1982"; $8,400,000 shall be derived by transfer from "Research, development, test and evaluation, Navy, 1980/1981"; and $15,000,000 shall be derived by transfer from "Operation and maintenance, Navy Reserve, 1980".

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Marine Corps", $30,844,000, and in addition, $27,100,000 which shall be derived by transfer from "Aircraft procurement, Air Force, 1978/1980".

$30,844,000
27,100,000
(by transfer)

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Air Force", $1,255,209,000, and in addition, $62,445,000, of which $4,100,000 shall be derived by transfer from "Missile procurement, Air Force, 1978/1980"; $31,754,000 shall be derived by transfer from "Other procurement, Air Force, 1978/1980"; $6,891,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1978/1980"; and $9,500,000 shall be derived by transfer from "Missile procurement, Air Force, 1980/1982", $600,000 shall be derived by transfer from "Procurement, Defense Agencies, 1980/1982", and $9,600,000 shall be derived by transfer from "Research, development, test and evaluation, Air Force, 1980/1981".

1,255,209,000
62,445,000
(by transfer)

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $6,920,000. 6,920,000

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $44,977,000. 44,977,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and maintenance, Marine Corps Reserve", $372,000. 372,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve", $58,285,000.

$58,285,000

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $13,483,000.

13,483,000

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", $126,990,000.

126,990,000

[Total, Operation and Maintenance:
[New budget (obligational) authority .... $2,957,498,000.]
[By transfer .... 403,001,000.]

PROCUREMENT

MISSILE PROCUREMENT, ARMY

(TRANSFER OF FUNDS)

For an additional amount for "Missile procurement, Army, 1980/1982", $2,400,000, which shall be derived by transfer from "Research, development, test and evaluation, Defense Agencies, 1980/1981", to remain available for obligation until September 30, 1982.

2,400,000
(by transfer)

PROCUREMENT OF AMMUNITION, ARMY

(TRANSFER OF FUNDS)

For an additional amount for "Procurement of ammunition, Army, 1980/1982", $14,500,000, of which $2,400,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982", and $12,100,000 shall be derived by transfer from "Aircraft procurement, Navy, 1980/1982", to remain available for obligation until September 30, 1982.

14,500,000
(by transfer)

OTHER PROCUREMENT, ARMY

(TRANSFER OF FUNDS)

For an additional amount for "Other procurement, Army, 1980/1982", $4,400,000, which shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982", to remain available for obligation until September 30, 1982.

4,400,000
(by transfer)

WEAPONS PROCUREMENT, NAVY

(TRANSFER OF FUNDS)

For an additional amount for "Weapons procurement, Navy, 1980/1982", $3,700,000, which shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982", to remain available for obligation until September 30, 1982.

3,700,000
(by transfer)

SHIPBUILDING AND CONVERSION, NAVY

(TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and conversion, Navy, 1980/1984", $9,920,000, as follows: $600,000 for the Trident submarine program; $9,000,000 for the SSN-688 nuclear attack submarine program; $200,000 for the T-AGOS SURTASS ship program; and $120,000 for craft, outfitting, post delivery, cost growth, and escalation on prior year programs; to be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984", to remain available until September 30, 1984.

$9,920,000 (by transfer)

AIRCRAFT PROCUREMENT, AIR FORCE

(TRANSFER OF FUNDS)

For an additional amount for "Aircraft procurement, Air Force, 1980/1982", $17,000,000, which shall be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984", to remain available until September 30, 1982.

17,000,000 (by transfer)

OTHER PROCUREMENT, AIR FORCE

(TRANSFER OF FUNDS)

For an additional amount for "Other procurement, Air Force, 1980/1982", $68,000,000, of which $18,517,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1980/1982"; $33,383,000 shall be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984"; $10,100,000 shall be derived by transfer from "Research, development, test and evaluation, Air Force, 1979/1980", and $6,000,000 shall be derived by transfer from "Other procurement, Air Force, 1978/1980", to remain available for obligation until September 30, 1982.

68,000,000 (by transfer)

[*Total, Procurement (by transfer), $119,920,000.*]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

(TRANSFER OF FUNDS)

For an additional amount for "Research, development, test, and evaluation, Army, 1980/1981", $1,200,000, which shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1980/1982", to remain available for obligation until September 30, 1981.

1,200,000 (by transfer)

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

The limitation contained in section 749 of the Department of Defense Appropriation Act, 1980, is increased to $27,000,000.

2,000,000 (increase in limitation)

Of the amount appropriated in the appropriation, "Shipbuilding and conversion, Navy", $96,800,000 which would expire for obligation on September 30, 1980 shall remain available for obligation until September 30, 1982. Funds provided in a Department of Defense Appropriation Act for "Shipbuilding and conversion, Navy", currently available for obligation, may hereafter be transferred within the same appropriation contained in such an Act between the subdivisions thereof, subject to the notification and approval procedures specified in section 734 of the Department of Defense Appropriation Act, 1980.

The amount that may be transferred pursuant to section 734 of the Department of Defense Appropriation Act, 1980, is hereby increased to $1,000,000,000. *$250,000,000 (transfer authority)*

Appropriations or funds available to the Department of Defense may be transferred to fiscal year 1980 Department of Defense appropriations for Research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law.

[*Total, Chapter II:*

[*New budget (obligational) authority (net)*	*$3,580,480,000.*]
[*By transfer*	*633,262,000.*]
[*Transfer authority*	*250,000,000.*]
[*Increase in limitation*	*2,000,000.*]

CHAPTER III

FUNDS APPROPRIATED TO THE PRESIDENT

SPECIAL MIGRATION AND REFUGEE ASSISTANCE

For expenses necessary for the President to provide resettlement assistance pursuant to section 405(c)(2) of the International Security and Development Assistance Act of 1980, or pursuant to the Refugee Act of 1980, or pursuant to the Immigration and Nationality Act, not to exceed $100,000,000, to remain available until expended. Of the foregoing amount $50,000,000 shall become available on October 1, 1980. Funds appropriated in this paragraph shall be available solely for reimbursement to State and local governments for fiscal years 1980 and 1981 for cash and medical assistance and social services costs related to Cuban/Haitian entrants (status pending) only to the extent that such assistance shall become authorized under the Immigration and Nationality Act, the Refugee Act of 1980 or the International Security Act of 1980.

50,000,000

50,000,000 *(advance appropriation for 1981)*

[*Total, Chapter III:*

[*New budget (obligational) authority*	*$100,000,000.*]
[*Fiscal year 1980*	*(50,000,000).*]
[*Fiscal year 1981*	*(50,000,000).*]

CHAPTER IV

TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $6,500,000, to remain available until expended. 6,500,000

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the fiscal year ending September 30, 1980, $38,300,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d), of which $12,464,100 shall be solely for the District of Columbia contribution to the Police Officers and Firefighters', Teachers', and Judges' Retirement Funds as authorized by Public Law 96-122, approved November 17, 1979 (93 Stat. 866). $38,300,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds as authorized by Public Law 96-122, approved November 17, 1979 (93 Stat. 866), $52,070,000. 52,070,000

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

(RESCISSION)

Loan authority provided under this head in the District of Columbia Appropriation Act, 1980 (Public Law 96-93, approved October 30, 1979), is hereby rescinded in the amount of $21,129,700. −21,129,700 *(rescission)*

[Total, Federal funds to District of Columbia (net) . *$69,240,300.]*
[Appropriations .... *(90,370,000).]*
[Rescission .... *(−21,129,700).]*

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental direction and support", $6,610,900: *Provided,* That $6,500,000 of this appropriation, to remain available until expended, together with previous appropriations for this purpose shall be for the District of Columbia's contribution toward the expenses of the Temporary Commission on Financial Oversight of the District of Columbia, as authorized by Public Law 94-399, approved September 4, 1976, as amended, and shall be transferred to the Commission upon request of the Executive Director and the General Accounting Office. *(6,610,900)*

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $3,278,600, of which $1,400,000 shall be available solely for payment to the Federal Bureau of Prisons. *(3,278,600)*

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $2,903,300 for the District of Columbia Public Schools: *Provided,* That $6,177,400 in budget authority for the District of Columbia Public Schools appropriated under this head in the District of Columbia Appropriation Act, 1980 (Public Law 96-93, approved October 30, 1979), is hereby rescinded. *(2,903,300)* *(−6,177,400)* *(rescission)*

HUMAN SUPPORT SERVICES

For an additional amount for "Human support services", $9,500,000: *Provided,* That $2,227,700 of this appropriation shall be available solely for reimbursements to Saint Elizabeths Hospital: *Provided further,* That total reimbursements to Saint Elizabeths Hospital, including funds from title XIX of the Social Security Act, shall not exceed $20,919,500. *($9,500,000)*

ENVIRONMENTAL SERVICES AND SUPPLY

For an additional amount for "Environmental services and supply", $3,710,100. *(3,710,100)*

PERSONAL SERVICES

For an additional amount for "Personal services", $5,167,000. *(5,167,000)*

PENSION FUNDS

For payment to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds as authorized by Public Law 96–122, approved November 17, 1979 (93 Stat. 866), $16,997,900. *(16,997,900)*

CAPITAL OUTLAY

For an additional amount for "Capital outlay", to remain available until expended, $6,816,200: *Provided,* That $260,000 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account "Construction services, Department of General Services". *(6,816,200)*

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

[Total, District of Columbia funds (net)	*$48,806,600.]*
[Appropriations	*(54,984,000).]*
[Rescission	*(−6,177,400).]*
[Total, Chapter IV:	
[New budget (obligational) authority (net)	*$75,740,300.]*
[Appropriations	*(96,870,000).]*
[Rescission	*(−21,129,700).]*
[District of Columbia funds (net)	*(48,806,600).]*

CHAPTER V

DEPARTMENT OF ENERGY

OPERATING EXPENSES

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For an additional amount for "Operating Expenses, Energy Supply, Research and Development Activities", $13,000,000, to remain available until expended. 13,000,000

(RESCISSION AND DEFERRAL)

Of the funds appropriated for "Operating Expenses, Energy Supply, Research and Development Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $44,350,000 are rescinded, and $50,500,000 are deferred for obligation until October 1, 1980.

−$ 44,350,000
(rescission)
−50,500,000
(deferral)

[Total, Operating Expenses: Energy Supply, Research and Development Activities (net)	*−$31,350,000.]*
[Appropriations	*(13,000,000).]*
[Rescission	*(−44,350,000).]*
[Deferral	*−50,500,000.]*

OPERATING EXPENSES

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses, Uranium Supply and Enrichment Activities", $235,600,000, to remain available until expended, of which $50,000,000 shall be derived from funds previously appropriated for contract prefinancing accounts for uranium enrichment activities and which sum is to be restored to the contract prefinancing accounts from anticipated fiscal year 1981 revenues from enriching services.

185,600,000
50,000,000
(by transfer)

(RESCISSION)

Of the funds appropriated for "Operating Expenses, Uranium Supply and Enrichment Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $4,000,000 are rescinded.

−4,000,000
(rescission)

[Total, Operating Expenses, Uranium Supply and Enrichment Activities (net)	*$181,600,000.]*
[Appropriations	*(185,600,000).]*
[Rescission	*(−4,000,000).]*
[By transfer	*50,000,000.]*

OPERATING EXPENSES

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(RESCISSION)

Of the funds appropriated for "Operating Expenses, General Science and Research Activities", in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $2,000,000 are rescinded.

−2,000,000
(rescission)

OPERATING EXPENSES

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Operating Expenses, Atomic Energy Defense Activities", $31,400,000, to remain available until expended.

31,400,000

(RESCISSION AND DEFERRAL)

Of the funds appropriated for "Operating Expenses, Atomic Energy Defense Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $6,400,000 are rescinded, and $1,000,000 are deferred for obligation until October 1, 1980.

−$6,400,000 *(rescission)*
−*1,000,000* *(deferral)*

[Total, Operating Expenses, Atomic Energy Defense Activities (net)	*$25,000,000.]*
[Appropriations	*(31,400,000).]*
[Rescission	*(−6,400,000).]*
[Deferral	*−1,000,000.]*

OPERATING EXPENSES

DEPARTMENTAL ADMINISTRATION

Notwithstanding the provisions of Public Law 96-69 appropriating $6,165,000 for the Office of the Inspector General, those funds determined by that Office to be in excess of the amount required to pay for the salaries and expenses of that Office shall be made available for obligation for the salaries and expenses of other organizations funded by this appropriation.

(RESCISSION)

Of the funds appropriated for "Operating Expenses, Departmental Administration" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $31,725,000 are rescinded.

−31,725,000 *(rescission)*

[Total, Operating Expenses (net)	*$141,525,000.]*
[Appropriations	*(230,000,000).]*
[Rescissions	*(−88,475,000).]*
[By transfer	*50,000,000.]*
[Deferral	*−51,500,000.]*

PLANT AND CAPITAL EQUIPMENT

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION AND DEFERRAL)

Of the funds appropriated for "Plant and Capital Equipment, Energy Supply, Research and Development Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $5,150,000 are rescinded, and $8,000,000 are deferred pending submission to and approval by the cognizant committees of Congress of an appropriate plan for utilization of Project 76-2-b, Ten Megawatt Central Receiver Solar Thermal Power Plant, as a solar repowering test facility to meet repowering objectives for the solar central receiver concept.

−5,150,000 *(rescission)*
−8,000,000 *(deferral)*

Plant and Capital Equipment

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(DEFERRAL)

Of the funds appropriated and the Uranium Enrichment Revenues Applied for "Plant and Capital Equipment, Uranium Supply and Enrichment Activities" as provided in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $185,000,000 are deferred for obligation until October 1, 1980. *–$185,000,000 (deferral)*

Plant and Capital Equipment

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(DEFERRAL)

Of the funds appropriated for "Plant and Capital Equipment, General Science and Research Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $5,000,000 are deferred for obligation until October 1, 1980. *–5,000,000 (deferral)*

Plant and Capital Equipment

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Plant and Capital Equipment, Atomic Energy Defense Activities", $6,600,000, to remain available until expended. 6,600,000

(DEFERRAL)

Of the funds appropriated for "Plant and Capital Equipment, Atomic Energy Defense Activities" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $30,000,000 are deferred for obligation until October 1, 1980. *–30,000,000 (deferral)*

Plant and Capital Equipment

DEPARTMENTAL ADMINISTRATION

For an additional amount for "Plant and Capital Equipment, Departmental Administration", $1,550,000, to remain available until expended. 1,550,000

(DEFERRAL)

Of the funds appropriated for "Plant and Capital Equipment, Departmental Administration" in Public Law 96-69 and other Acts making appropriations for Energy and Water Development, $6,000,000 are deferred for obligation until October 1, 1980. *–6,000,000 (deferral)*

[Total, Plant and Capital Equipment (net)	*$3,000,000.]*
[Appropriations	*(8,150,000).]*
[Rescission	*(–5,150,000).]*
[Deferrals	*–234,000,000.]*

FEDERAL ENERGY REGULATORY COMMISSION

For an additional amount for "Federal Energy Regulatory Commission", $1,200,000. $1,200,000

[Total, Department of Energy (net)	*$145,725,000.]*
[Appropriations	*(239,350,000).]*
[Rescission	*(−93,625,000).]*
[By transfer	*50,000,000.]*
[Deferral	*285,500,000.]*

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $180,000,000, to remain available until expended: *Provided*, That funds are included in this Act for the Twenty Mile Creek, Mississippi, project which shall be used for the design and construction of grade stabilization structures along Twenty Mile Creek, in Lee, Itawamba, and Prentiss Counties, Mississippi, between mile 11.7 and mile 22.0: *Provided further*, That funds are included in this Act for the site 3 Hollywood-Ardmore Beach Area in Chicago, Illinois, which shall be used for the design and construction of a retaining wall and related backfill and grading in accordance with the Reconnaissance Report on Chicago Lakefront prepared by the Chicago District Corps of Engineers, of January 1980, and Supplemental Report, March 1980, and section 3 of the Flood Control Act of June 22, 1936. 180,000,000

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

Appropriations available to "Flood Control, Mississippi River and Tributaries", to the extent required, are to be made available for the Grenada Lake Project, Mississippi, which shall be used, upon concurrence of community officials, for construction and/or implementation of a plan selected by the Corps of Engineers for providing protection to the community of Coffeeville, Mississippi, from high stages, to a level of two hundred thirty-six feet plus three feet of freeboard, on Grenada Lake.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for flood control and coastal emergencies, $170,000,000, to remain available until expended. Any activity undertaken by virtue of funds appropriated herein for the relief of the emergency situation created by the eruptions of the volcano at Mount Saint Helens in Washington State is not prohibited by or otherwise subject to regulation under section 301, 402, or 404 of the Federal Water Pollution Control Act of 1972, as amended, or section 10 of the River and Harbor Act of 1899: *Provided*, That as expeditiously as possible, consistent with the protection of the public interests through the continuation of the emergency dredging, disposal, and related activities neccessary, the Corps of Engineers shall initiate accelerated and abbreviated procedures, including as is appropriate, public notices and opportunities for public hearings, for such activities under section 404 of the Federal Water Pollution Control Act of 1972, as amended, and section 10 of the River and Harbor Act of 1899. 170,000,000

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $70,000,000, to remain available until expended. Any activity undertaken by virtue of funds appropriated herein for the relief of the emergency situation created by the eruptions of the volcano at Mount Saint Helens in Washington State is not prohibited by or otherwise subject to regulation under section 301, 402, or 404 of the Federal Water Pollution Control Act of 1972, as amended, or section 10 of the River and Harbor Act of 1899: *Provided*, That as expeditiously as possible, consistent with the protection of the public interests through the continuation of the emergency dredging, disposal, and related activities necessary, the Corps of Engineers shall initiate accelerated and abbreviated procedures, including as is appropriate, public notices and opportunities for public hearings, for such activities under section 404 of the Federal Water Pollution Control Act of 1972, as amended and section 10 of the River and Harbor Act of 1899.

$70,000,000

ALASKA HYDROELECTRIC POWER DEVELOPMENT FUND

(RESCISSION)

Of the funds appropriated for "Alaska Hydroelectric Power Development Fund" in Public Law 95-240, making supplemental appropriations, $5,450,000 are rescinded.

−5,450,000
(rescission)

ADMINISTRATIVE PROVISIONS

The limitation under this head in Public Law 96-69, the Energy and Water Development Appropriation Act, 1980, for expenditures of the capital investment program of the revolving fund is increased to $140,000,000.

25,000,000
(increase in limitation)

[Total, Department of Defense—Civil (net) .... $414,550,000.]
[Appropriations .... (420,000,000).]
[Rescission .... (−5,450,000).]
[Increase in limitation .... 25,000,000.]

DEPARTMENT OF THE INTERIOR

WATER AND POWER RESOURCES SERVICE

CONSTRUCTION AND REHABILITATION

(TRANSFER OF FUNDS)

For an additional amount for "Construction and Rehabilitation", $32,450,000 and, in addition, $9,700,000 for continuing construction of the authorized Garrison Diversion Unit, North Dakota, to remain available until expended, of which $6,750,000 is to be derived by transfer from appropriations available for the "Upper Colorado River Basin Fund", $3,000,000 is to be derived by transfer from advances available to the "Lower Colorado River Basin Development Fund", $4,600,000 is to be derived by transfer from appropriations available to the "Colorado River Basin Salinity Control Projects", $500,000 is to be derived by transfer from appropriations available for "General Investigations", and $17,600,000 is to be derived by transfer from appropriations available to the "Loan Program". None of the funds appropriated in this Act for the Garrison Diversion Unit may be used for the acquisition of mitigation lands by condemnation nor shall such funds be used on features affecting waters flowing into Canada.

32,450,000
(by transfer)

9,700,000

LOAN PROGRAM

(RESCISSION)

Of the funds appropriated for "Loan Program" in Public Law 96-69 making appropriations for Energy and Water Development, $3,000,000 are rescinded. –$3,000,000 *(rescission)*

[Total, Department of the Interior (net)	*$6,700,000.]*
[Appropriations	*(9,700,000).]*
[Rescission	*(–3,000,000).]*
[By transfer	*32,450,000.]*

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

(DEFERRAL)

Of the funds appropriated for "Funds Appropriated to the President, Appalachian Regional Development Programs" in Public Law 96-69, $29,300,000, are hereby deferred for obligation until October 1, 1980. *–29,300,000 (deferral)*

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $31,950,000, to remain available until expended. 31,950,000

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For an additional amount for "Payment to Tennessee Valley Authority Fund", $74,353,000, to remain available until expended. 74,353,000

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

(RESCISSIONS)

Of the funds appropriated for grants to States under title III of the Act (42 U.S.C. 1962c(a)) in Public Law 96-69, making appropriations for Energy and Water and Power Development, $11,000,000 are rescinded. –11,000,000 *(rescission)*

Of the funds appropriated for administration and coordination in Public Law 95-96, making appropriations for Public Works for Water and Power Development and Energy Research, $431,000 are rescinded. –431,000 *(rescission)*

[Total, Water Resources Council (rescissions)	*–$11,431,000.]*
[Total, Independent Agencies (net)	*94,872,000.]*
[Appropriations	*(106,303,000).]*
[Rescissions	*(–11,431,000).]*
[Deferral	*–29,300,000.]*
[Total, Chapter V:	
[New budget (obligational) authority (net)	*$661,847,000.]*
[Appropriations	*(775,353,000).]*
[Rescissions	*(–113,506,000).]*
[By transfer	*82,450,000.]*
[Increase in limitation	*25,000,000.]*
[Deferrals	*–314,800,000.]*

CHAPTER VI

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount to carry out the provisions of section 491 of the Foreign Assistance Act of 1961, as amended, $43,000,000, to remain available until expended. $43,000,000

DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $1,020,000. 1,020,000

OPERATING EXPENSES

For an additional amount for "Operating Expenses of the Agency for International Development", $2,000,000, to remain available until expended. 2,000,000

ECONOMIC SUPPORT FUND

For an additional amount of $80,000,000 for necessary expenses to carry out the provisions of sections 531 through 535: *Provided,* That these funds shall not be available for obligation or expenditure until October 1, 1980. 80,000,000 *(advance appropriation for 1981)*

[Total, Chapter VI:

[New budget (obligational) authority (net)	*$126,020,000.]*
[Fiscal year 1980	*(46,020,000).]*
[Fiscal year 1981	*(80,000,000).]*

CHAPTER VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Title I of the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, under this head is amended by deleting the following: "of which not less than nor more than $50,000,000 shall be for the modernization of existing low-income housing projects".

HOUSING PAYMENTS

For an additional amount for "Housing payments", $745,037,000. *745,037,000 (liquidation of contract authority)*

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", $13,800,000. 13,800,000

LOW-RENT PUBLIC HOUSING—LOANS AND OTHER EXPENSES, PAYMENTS TO THE FEDERAL FINANCING BANK

(INCLUDING TRANSFER OF FUNDS)

Unobligated balances of authority in the amount of $1,995,325,000 to be transferred from the amounts provided in prior appropriation Acts for section 5(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437(c)) shall be available for contracts for periodic payments to the Federal Financing Bank, as authorized by section 16(b) of Federal Financing Bank Act of 1973 (12 U.S.C. 2294(b)), to offset the cost to the Bank of purchasing obligations of local public housing authorities issued for purposes of financing public housing projects as authorized under section 5(c). $1,995,325,000 shall be available until expended for liquidation of obligations incurred pursuant to these contracts.

$1,995,325,000 (by transfer)

1,995,325,000 (liquidation of contract authority)

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

The amount of purchases and commitments authorized under this head for fiscal year 1980 is further increased by $150,000,000.

150,000,000

[*Total, Housing Programs:*

[*New budget (obligational) authority* .... *$163,800,000.*]

[*By transfer* .... *1,995,325,000.*]

[*Liquidation of contract authority* .... *2,740,362,000.*]

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(RESCISSIONS)

Of the funds appropriated under this head as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1978, $213,152 appropriated pursuant to section 103(a) of the 1974 Act and available for commitment under section 107(a) of the 1974 Act are rescinded.

−213,152 *(rescission)*

Of the funds appropriated under this head as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1979, $28,480,303 are rescinded, of which $11,303,122 shall be from funds appropriated pursuant to section 103(a) of the 1974 Act and available for reallocation pursuant to section 106(e) of the 1974 Act, $14,286,848 shall be from funds appropriated pursuant to section 103(a) of the 1974 Act and available for commitment under section 107(a) of the 1974 Act and $2,890,333 shall be from funds appropriated pursuant to section 103(b) of the 1974 Act.

−28,480,303 *(rescission)*

Of the funds appropriated under this head as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $95,809,667 are rescinded, of which $10,700,000 shall be from funds appropriated pursuant to section 103(a) of the 1974 Act and available for commitment under section 107(a) of the 1974 Act and $85,109,667 shall be from funds appropriated pursuant to section 103(b) of the 1974 Act. In addition, all funds up to $28,696,878 appropriated pursuant to section 103(a) of the 1974 Act, and available for reallocation pursuant to section 106(e) of the 1974 Act prior to October 1, 1980, are rescinded.

−95,809,667 *(rescission)*

−28,696,878 *(rescission)*

[*Total, Community Development Grants (rescissions) −$153,200,000.*]

COMPREHENSIVE PLANNING GRANTS

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $5,000,000 are rescinded. −$5,000,000 *(rescission)*

REHABILITATION LOAN FUND

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $25,500,000 are rescinded. −25,500,000 *(rescission)*

[*Total, Community Planning and Development (rescissions)* .... *−$183,700,000.*]

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $5,000,000 are rescinded. −5,000,000 *(rescission)*

[*Total, Department of Housing and Urban Development (net)* .... *−$24,900,000.*]
[*Appropriations* .... *(163,800,000).*]
[*Rescissions* .... *(−188,700,000).*]
[*By transfer* .... *1,995,325,000.*]
[*Liquidation of contract authority* .... *2,740,362,000.*]

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,000,000, to remain available until September 30, 1981. 4,000,000

ABATEMENT, CONTROL AND COMPLIANCE

For an additional amount for "Abatement, control and compliance", $4,000,000, to remain available until September 30, 1981. 4,000,000

CONSTRUCTION GRANTS

Of the unobligated funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $400,000,000 shall be made available for obligation on the date of enactment of this Act, notwithstanding section 205(c) of the Clean Water Act, based on the most efficient and effective use of these funds.

UNITED STATES REGULATORY COUNCIL

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $500,000 are rescinded. −$500,000 *(rescission)*

[*Total, Environmental Protection Agency (net)* .... *$7,500,000.*]
[*Appropriations* .... *(8,000,000).*]
[*Rescission* .... *(−500,000).*]

FEDERAL EMERGENCY MANAGEMENT AGENCY

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief", $870,000,000, to remain available until expended. 870,000,000

Section 401 of the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, is amended by adding after the second semicolon in the first proviso, the following: "to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974: *Provided, however,* That the President is authorized, from funds appropriated to the President, to provide relocation for the families residing within the boundaries defined in the emergency declared by the President on May 21, 1980, at the Love Canal, in the State of New York: *Provided further,* That the Federal share shall not exceed 75 percent of the cost of such relocation. This shall not include the construction of any permanent housing.".

EMERGENCY PLANNING, PREPAREDNESS AND MOBILIZATION

For an additional amount for "Emergency planning, preparedness and mobilization", $1,900,000. 1,900,000

The limitation on travel expenses in the current fiscal year for "Emergency planning, preparedness, and mobilization" is increased by $812,000. *812,000 (increase in limitation)*

[*Total, Federal Emergency Management Agency:*
[*New budget (obligational) authority* .... *$871,900,000.*]
[*Increase in limitation* .... *812,000.*]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $285,000,000, to remain available until September 30, 1981. 285,000,000

National Consumer Cooperative Bank

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $555,000 are rescinded. −$555,000 *(rescission)*

SELF-HELP DEVELOPMENT

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $6,500,000 are rescinded. −6,500,000 *(rescission)*

[*Total, National Consumer Cooperative Bank (rescissions)* .... *−$7,055,000.*]

National Science Foundation

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $2,000,000 are rescinded. −2,000,000 *(rescission)*

SCIENCE EDUCATION ACTIVITIES

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980, $2,500,000 are rescinded. −2,500,000 *(rescission)*

[*Total, National Science Foundation (rescissions)* .... *−$4,500,000.*]

Neighborhood Reinvestment Corporation

SALARIES AND EXPENSES

The limitation on travel expenses in the current fiscal year for the Neighborhood Reinvestment Corporation is increased by $300,000. *300,000 (increase in limitation)*

Veterans Administration

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $5,638,000. 5,638,000

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects", $4,000,000, to remain available until expended, of which $1,000,000 is for the advance planning of projects funded through the Advance Planning Fund, and, notwithstanding any other provision of law, $3,000,000 is for construction of facilities in support of the new State medical school at East Tennessee State University. 4,000,000

[Total, Veterans Administration, $9,638,000.]

[Total, Independent Agencies (net)	*$1,162,483,000.]*
[Appropriations	*(1,174,538,000).]*
[Rescissions	*(−12,055,000).]*
[Increase in limitations	*1,112,000.]*
[Total Chapter VII:	
[New budget (obligational) authority (net)	*1,137,583,000.]*
[Appropriations	*(1,338,338,000).]*
[Rescissions	*(−200,755,000).]*
[By transfer	*1,995,325,000.]*
[Increase in limitations	*1,112,000.]*
[Liquidation of contract authority	*2,740,362,000.]*

CHAPTER VIII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $46,800,000: *Provided,* That not to exceed $5,000,000 available under this head for fire suppression may be transferred to the Oregon and California Grant Lands appropriation: *Provided further,* That funds so transferred shall be reimbursed to fire suppression from amounts deposited to the Oregon and California Land Grant Fund at such time as available receipts exceed amounts necessary for western Oregon timber management.

$46,800,000

PAYMENTS IN LIEU OF TAXES

(DEFERRAL)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) $5,000,000 shall not become available for obligation until October 1, 1980, and shall remain available for obligation until September 30, 1981.

−5,000,000
(deferral)

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, to remain available until expended.

2,000,000

HERITAGE CONSERVATION AND RECREATION SERVICE

URBAN PARK AND RECREATION FUND

(DEFERRAL AND RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) $45,000,000 shall not become available for obligation until October 1, 1980, and $15,000,000 are rescinded.

−45,000,000
(deferral)
−15,000,000
(rescission)

LAND AND WATER CONSERVATION FUND

(DEFERRAL)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) and previous Interior Department Appropriations Acts $165,000,000 shall not become available for obligation until October 1, 1980, of which $75,000,000 is available for payments to the States; $18,200,000 is available to the Forest Service; $13,775,000 is available to the United States Fish and Wildlife Service; $52,025,000 is available to the National Park Service; and $6,000,000 is available for land acquisition at Pinelands National Reserve: *Provided,* That $2,250,000 of the amount set aside for contingencies shall not become available for obligation until October 1, 1980. *−$165,000,000 (deferral)*

HISTORIC PRESERVATION FUND

(DEFERRAL)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126), $10,000,000 shall not become available for obligation until October 1, 1980. *−10,000,000 (deferral)*

[Total, Heritage Conservation and Recreation Service:
[Rescission .... −$15,000,000.]
[Deferrals .... −220,000,000.]

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $350,000. 350,000

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to carry out the provisions of Public Law 95-469 (16 U.S.C. 715s), $1,950,000. 1,950,000

[Total, United States Fish and Wildlife Service, $2,300,000.]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $1,373,000: *Provided,* That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore, made under this head in Public Law 96-126, shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States. 1,373,000

CONSTRUCTION

(RESCISSION)

Appropriations provided under this head are rescinded in the amount of $3,000,000. −3,000,000 *(rescission)*

[Total, National Park Service (net) .... −$1,627,000.]
[New budget (obligational) authority .... (1,373,000).]
[Rescission .... (−3,000,000).]

Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $8,600,000. $8,600,000

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $7,000,000. 7,000,000

TERRITORIAL AFFAIRS

Office of Territorial Affairs

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of Territories", $3,318,000, to remain available until expended. 3,318,000

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $6,117,000, to remain available until expended. 6,117,000

[Total, Territorial Affairs, $9,435,000.]

[Total, Department of the Interior (net)	*$59,508,000.]*
[Appropriations	*(77,508,000).]*
[Rescissions	*(−18,000,000).]*
[Deferrals	*225,000,000.]*

RELATED AGENCIES

Department of Agriculture

Forest Service

FOREST MANAGEMENT, PROTECTION AND UTILIZATION

For an additional amount for "Forest Management, Protection and Utilization", $113,000,000. 113,000,000

Department of Energy

ALTERNATIVE FUELS PRODUCTION

From the appropriation of $19,000,000,000, made to the "Energy Security Reserve" under this head in Public Law 96–126, an additional amount of $3,310,000,000 shall be immediately available to the Secretary of Energy for obligation to stimulate domestic commercial production of alternative fuels, of which (1) $3,000,000,000 shall be available until expended for (a) the purchase or production of alternative fuels by way of purchase commitments or price guarantees, and (b) a reserve to cover any defaults from loan guarantees issued to finance the construction of alternative fuels production facilities according to the provisions of the Defense Production Act of 1950, as amended (50 U.S.C. 2061 et seq.) and (2) $310,000,000 shall be available until expended to support preliminary alternative fuels commercialization activities, to be apportioned as follows:

(a) not to exceed $100,000,000 shall be available for project development feasibility studies, such individual awards not to exceed $10,000,000: *Provided,* That the Secretary may require repayment of such funds where studies determine such project proposals have economic or technical feasibility;

(b) not to exceed $200,000,000 shall be available for cooperative agreements with non-Federal entities, such individual agreements not to exceed $25,000,000, to support commercial scale development of alternative fuels facilities: *Provided,* That the Secretary may require repayment of such funds when such facilities achieve commercial scale alternative fuels production; and

(c) not to exceed $10,000,000 shall be available for program management.

For the purposes of carrying out the activities provided herein and activities provided under this head in Public Law 96-126 the provisions of 5 U.S.C. 553 and 42 U.S.C. 7191 shall not apply.

None of the funds provided under this head in this Act and in Public Law 96-126 for purchase, price guarantees, or loan guarantees shall be available for biomass energy projects as defined by section 203(2)(A) of S. 932, 96th Congress, except that of the $1,500,000,000 made available to the Department by Public Law 96-126 for purchase commitments or price guarantees, not to exceed $150,000,000 may be available only for such purposes to the extent authorized under title II, subtitle B, of the Energy Security Act (S. 932).

All provisions of Public Law 96-126 with regard to "Alternative fuels production" not expressly modified in this appropriation remain in effect and are applicable to activities provided for in this appropriation.

Upon the establishment of a "United States Synthetic Fuels Corporation" (the Corporation) projects or actions initiated by the Department of Energy with appropriations under this head shall transfer to the Corporation upon a Presidential determination that the Corporation is fully operational and upon a majority vote of the Board of Directors of the Corporation, except that funds obligated for feasibility studies, cooperative agreements, program management, and projects which do not meet the definitions of eligibility for funding as synthetic fuels projects in the Corporation shall remain with the Department of Energy: *Provided,* That (1) projects meeting the eligibility criteria for funding by the Corporation for which funding has been obligated or committed by the Department of Energy may be adopted by the Corporation as if they had been entered into by the Corporation (for the purposes of such transfers only, the Corporation shall adopt the terms of such projects, established by the Department of Energy, using the authorities of the Department of Energy regardless of whether the Corporation would otherwise have authority to do so); and (2) accepted proposals for loan guarantees, price supports, and/or purchase commitments for which financial assistance is not provided by the Department of Energy shall be considered as responses to a solicitation of the Corporation to the extent they meet the eligibility criteria for funding by the Corporation.

Unexpended balances of funds obligated for projects shall transfer to the Corporation to the extent such projects and activities are transferred to the Corporation as provided herein.

Department of the Treasury

ENERGY SECURITY RESERVE

To carry out the provisions of title I of the Energy Security Act (S. 932, 96th Congress) and for other purposes authorized by title II of S. 932, not to exceed $18,792,000,000, to remain available until expended, of which (1) $13,482,000,000 shall be derived from amounts in the Energy Security Reserve established pursuant to the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), and (2) not to exceed $5,310,000,000 shall be derived by transfer of the balance of the amounts not committed or not conditionally committed which are appropriated by this Act and by Public Law 96-126 from the Energy Security Reserve to the Department of Energy, such transfer to occur on June 30, 1981, to permit the Department to pursue an aggressive interim program of loan and price guarantees and purchase commitments. *$18,792,000,000 (release from Energy Security Reserve)*

The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be apportioned as follows:

(i) not to exceed $525,000,000 to the Secretary of Agriculture for the purposes of subtitle A;

(ii) not to exceed $525,000,000 to the Secretary of Energy for the purpose of subtitle A: *Provided,* That no funds shall be available to the Secretary of Energy for projects as defined by section 212(a)(1)(A) of S. 932; and

(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B.

Department of Energy

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil energy research and development", $4,000,000, to remain available until expended. 4,000,000

(RESCISSION)

Appropriations provided under this head in the Department of Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) are rescinded in the amount of $17,600,000. *−17,600,000 (rescission)*

ENERGY CONSERVATION

For an additional amount for "Energy Conservation", $2,600,000, to remain available until expended. 2,600,000

(RESCISSION)

Appropriations provided under this head in the Department of Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) are rescinded in the amount of $10,000,000. −10,000,000 *(rescission)*

(DEFERRAL)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $1,000,000 shall not become available for obligation until October 1, 1980. −$1,000,000 *(deferral)*

ECONOMIC REGULATORY ADMINISTRATION

(RESCISSION)

Appropriations provided under this head in the Department of Interior and Related Agencies Appropriation Act, 1980 (Public Law 96-126) are rescinded in the amount of $1,000,000. −1,000,000 *(rescission)*

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds appropriated under this head in Public Law 95-465 and other Acts making appropriations for the Department of Interior and Related Agencies, $2,000,000,000 are rescinded. −2,000,000,000 *(rescission)*

ENERGY INFORMATION ADMINISTRATION

For an additional amount for "Energy Information Administration", $3,500,000. 3,500,000

[Total, Department of Energy (net) ... −$2,018,500,000.]
[Appropriations ... (10,100,000).]
[Rescissions ... (−2,028,600,000).]
[Deferral ... −1,000,000.]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

For an additional amount for "Public Development", $500,000, to remain available until expended. 500,000

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $2,700,000 are rescinded. −2,700,000 *(rescission)*

[Total, Related Agencies (net) ... −$1,907,700,000.]
[Appropriations ... (123,600,000).]
[Rescissions ... (−2,031,300,000).]
[Deferral ... 1,000,000.]
[Release from Energy Security Reserve ... 18,792,000,000.]
[Total, Chapter VIII:
[New budget (obligational) authority (net) ... −1,848,192,000.]
[Appropriations ... (201,108,000).]
[Rescissions ... (−2,049,300,000).]
[Deferrals ... −226,000,000.]
[Release from Energy Security Reserve ... 18,792,000,000.]

CHAPTER IX

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $1,841,000,000, to remain available until September 30, 1981 and for "Federal unemployment benefits and allowances", such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to August 1 of the current year: *Provided*, That of this amount, $400,000,000 shall become available on October 1, 1980.

$1,441,000,000

400,000,000
(advance appropriation for 1981)

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Grants to States for unemployment insurance and employment services", from the Employment Security Administration Account in the Unemployment Trust Fund, $147,610,000 to remain available until September 30, 1981, which shall be available for necessary administrative expenses for carrying out section 43 of the Airline Deregulation Act of 1978, and to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments.

147,610,000
(trust fund transfer)

[Total, Employment and Training Administration.	*$1,841,000,000.]*
[Appropriations for FY 1980	*(1,441,000,000).]*
[Advance appropriations for FY 1981	*(400,000,000).]*
[Trust fund transfer	*147,610,000.]*

EMPLOYMENT STANDARDS ADMINISTRATION

BLACK LUNG DISABILITY TRUST FUND

For an additional amount for payments from the "Black Lung Disability Trust Fund", $392,347,000, to remain available until September 30, 1981.

392,347,000
(trust funds)

[Total, Department of Labor	*$1,841,000,000.]*
[Appropriations for FY 1980	*(1,441,000,000).]*
[Advance appropriations for 1981	*(400,000,000).]*
[Trust fund transfer	*(147,610,000).]*
[Trust funds	*(392,347,000).]*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for the National Health Service Corps, $2,400,000.

2,400,000

For an additional amount for "Health services", $36,000,000, for the medical examination and care of aliens who have recently arrived in south Florida, to remain available through September 30, 1981. The amounts appropriated may be used to reimburse other Department of Health and Human Services accounts for related expenses, including administrative and support costs. $36,000,000

(RESCISSION)

Of the funds provided for "Health services" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for the fiscal year 1980, $18,500,000 are rescinded. −18,500,000 *(rescission)*

[*Total, Health Services Administration (net)*	*$19,900,000.*]
[*Appropriations*	*(38,400,000).*]
[*Rescissions*	*(−18,500,000).*]

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

For an additional amount for Epidemic Services, $600,000. 600,000

(RESCISSION)

Of the funds appropriated under this head in Public Law 94-266, making supplemental appropriations for fiscal year 1976, $18,318,000 are rescinded. −18,318,000 *(rescission)*

[*Total, Center for Disease Control (net)*	*−$17,718,000.*]
[*Appropriations*	*(600,000).*]
[*Rescissions*	*(−18,318,000).*]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

(RESCISSION)

Of the funds provided for "Alcohol, drug abuse, and mental health" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for the fiscal year 1980, $4,000,000 are rescinded. −4,000,000 *(rescission)*

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

(RESCISSION)

Of the funds provided for "Health resources" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for the fiscal year 1980, $19,300,000 are rescinded. −19,300,000 *(rescission)*

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and expenses" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for the fiscal year 1980, $18,500,000 are rescinded. −18,500,000 *(rescission)*

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For an additional amount for "Grants to States for Medicaid", $2,159,000,000, to remain available until expended. Notwithstanding any other provision of law, no payment shall be made from this appropriation to reimburse State or local expenditures made prior to October 1, 1977 unless a request for reimbursement had been officially transmitted to the Federal government by the State within two years after the fiscal year in which the expenditure occurred. The provisions of Section 109 of Public Law 96-123 shall continue to apply to appropriations previously made for fiscal year 1980 under this heading and to appropriations contained in this paragraph.

$2,159,000,000

(RESCISSION)

Of the funds provided for "Grants to States for Medicaid" for fiscal year 1980 in Public Law 96-123, Making Further Continuing Appropriations for fiscal year 1980, $30,000,000 are rescinded.

−30,000,000
(rescission)

[*Total, Health Care Financing Administration (net).*	*$2,129,000,000.*]
[*Appropriations*	*(2,159,000,000).*]
[*Rescission*	*(−30,000,000).*]

SOCIAL SECURITY ADMINISTRATION

ASSISTANCE PAYMENTS PROGRAM

For an additional amount for "Assistance payments program", $74,000,000.

74,000,000

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

GRANTS TO STATES FOR SOCIAL AND CHILD WELFARE SERVICES

For an additional amount for "Grants to States for social and child welfare services", $242,000,000.

242,000,000

For a further additional amount for "Grants to States for Social and Child Welfare Services", $225,750,000: *Provided*, That of this amount, $9,650,000 for activities authorized under title IV-B of the Social Security Act shall remain available until September 30, 1981:

225,750,000

Provided further, That notwithstanding any other provision of law, not to exceed $75,000,000 shall be used for training activities under this heading for fiscal year 1980.

[*Total, Assistant Secretary for Human Development Services, $467,750,000.*]

DEPARTMENTAL MANAGEMENT

REFUGEE ASSISTANCE

For expenses necessary to carry out the provisions of the Refugee Act of 1980, $516,900,000, including $23,168,000 for educational assistance for children which shall remain available through March 31, 1981.

516,900,000
[1] −416,900,000

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[1] Current rate as provided under continuing appropriations, 1980, P.L. 96-123. See table VIII on page 1959.

[Total, Department of Health and Human Services (net)	*$2,731,132,000.]*
[Appropriations	*(2,839,750,000).]*
[Rescissions	*(−108,618,000).]*

DEPARTMENT OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

(RESCISSION)

Of the funds appropriated under this head in Public Law 96–123 for fiscal year 1980, $15,000,000 appropriated for the purpose of title I, part A, section 116; $100,000,000 of the amount appropriated for title I, part A, section 117, and $14,750,000 of the amount appropriated for the purposes of part B of the Headstart-Follow Through Act are rescinded. −$129,750,000 *(rescission)*

Of the funds appropriated under this head in Public Law 95–482 for fiscal year 1979, $1,000,000 appropriated for the purposes of the Communications Act of 1934, as amended, are rescinded. −1,000,000 *(rescission)*

[Total, Elementary and Secondary Education (rescissions), −$130,750,000.]

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

(SUPPLEMENTAL)

For an additional amount for "School Assistance in Federally Affected Areas," to carry out section 7 of the Act of September 30, 1950, $20,000,000, to remain available until September 30, 1981. In addition, in accordance with section 7(c) of that Act, any funds appropriated under that Act and remaining available after payments in accordance with Public Law 96–123 under the heading "School Assistance in Federally Affected Areas" for fiscal year 1980 under sections 2 and 3 of that Act shall be available for payments under section 7. 20,000,000

EMERGENCY SCHOOL AID

(RESCISSION)

Of the funds appropriated under this head in Public Law 96–123, making appropriations for Emergency School Aid for fiscal year 1980, $21,052,000 are rescinded. −21,052,000 *(rescission)*

LIBRARY RESOURCES

(RESCISSION)

Of the funds provided for "Library resources" for fiscal year 1980 in Public Law 96–123, $18,000,000 appropriated for the purpose of title IV, part D of the Elementary and Secondary Education Act are rescinded. −18,000,000 *(rescission)*

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

(SUPPLEMENTAL)

For an additional amount for section 318 of the Adult Education Act, $17,600,000 to remain available until September 30, 1981. 17,600,000

STUDENT ASSISTANCE

(RESCISSION)

Of the funds provided for "Student assistance" for fiscal year 1980 in Public Law 96-123, $140,000,000 appropriated for Basic Opportunity Grants under subpart 1 of Part A of title IV of the Higher Education Act are rescinded: *Provided*, That each Basic Grant award for the 1980-81 award year shall be reduced by $50 below the entitlement amounts, notwithstanding section 411(b)(3)(B)(i) of title IV of the Higher Education Act. −$140,000,000 *(rescission)*

STUDENT LOAN INSURANCE FUND

For an additional amount for the "Student Loan Insurance Fund", $649,723,000, to remain available until expended. 649,723,000

HIGHER AND CONTINUING EDUCATION

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-123 for fiscal year 1980, under the Higher Education Act, $1,000,000 appropriated for Title I, part A, and $15,000,000 appropriated for title VII, part E are rescinded: *Provided*, That the funds made available for fiscal year 1980 for architectural barrier removal shall remain available until September 30, 1981. −16,000,000 *(rescission)*

SPECIAL PROJECTS AND TRAINING

(RESCISSION)

Of the funds provided for "Special projects and training" for fiscal year 1980 in Public Law 96-123, $5,000,000 appropriated for the purpose of the Career Education Incentive Act (Public Law 95-207) are rescinded. −5,000,000 *(rescission)*

SCHOOL IMPROVEMENT

(SUPPLEMENTAL)

For an additional amount for title III, part A, section 303 of the Elementary and Secondary Education Act, $7,700,000 to remain available until September 30, 1981. 7,700,000

NATIONAL INSTITUTE OF EDUCATION

(RESCISSION)

Of the funds provided for "National Institute of Education", section 405 of the General Education Provisions Act, $3,000,000 are rescinded. −3,000,000 *(rescission)*

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $605,000. 605,000

REHABILITATION SERVICES

For an additional amount under section 311 of the Rehabilitation Act of 1973, $1,500,855. $1,500,855

[*Total, Department of Education (net)* .... *$363,326,855.*]
[*Appropriations* .... *(697,128,855).*]
[*Rescissions* .... *(−333,802,000).*]

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For an additional amount for "Operating expenses, domestic programs", $4,000,000. 4,000,000

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the amount provided for "Federal Mine Safety and Health Review Commission, Salaries and Expenses" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for fiscal year 1980, $188,000 are rescinded. −188,000 *(rescission)*

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the amount provided for "Occupational Safety and Health Review Commission, Salaries and Expenses" for fiscal year 1980 in Public Law 96-123, making further continuing appropriations for fiscal year 1980, $100,000 are rescinded. −100,000 *(rescission)*

RAILROAD RETIREMENT BOARD

MILWAUKEE RAILROAD RESTRUCTURING ADMINISTRATION

For administrative expenses authorized by Section 14(c) of the Milwaukee Railroad Restructuring Act, $300,000, to remain available until expended. 300,000

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", $300,000. 300,000

[*Total, Related Agencies (net)* .... *$4,312,000.*]
[*Appropriations* .... *(4,600,000).*]
[*Rescissions* .... *(−288,000).*]

[*Total Chapter IX:*

[*New budget (obligational) authority (net)*	*$4,939,770,855.*]
[*Appropriations FY 1980*	*(4,982,478,855).*]
[*Appropriations FY 1981*	*(400,000,000).*]
[*Rescissions*	*(−442,708,000).*]
[*Trust fund transfer*	*147,610,000.*]
[*Trust funds*	*392,347,000.*]

CHAPTER X

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

Of the funds appropriated under this head in Public Law 96-86, $1,000,000 are rescinded. −$1,000,000 *(rescission)*

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective October 1, 1979, section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), is amended by redesignating subsections (i) through (k) as (j) through (l), respectively, and by inserting after subsection (h) the following new subsection:

"(i) Whenever a Senator or an employee in his office has incurred an expense for which reimbursement may be made under this section, the Secretary of the Senate is authorized to make payment to that Senator or employee for the expense incurred, subject to the same terms and conditions as apply to reimbursement of the expense under this section."

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended by striking out "in effect under section 5702 of title 5, United States Code, for employees of agencies" in the next to last sentence and inserting in lieu thereof "prescribed by the Committee on Rules and Administration".

(b) The seventh paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b) is amended by striking out "in effect under section 5702 of title 5, United States Code, for employees of agencies" each place it appears and inserting in lieu thereof "prescribed by the Committee on Rules and Administration".

SEC. 103. Effective February 1, 1980, section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)), is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) reimbursement to each Senator for costs incurred in the mailing or delivery of matters relating to official business;"

SEC. 104. Effective January 1, 1980, section 506(h)(1) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(h)(1)) is amended by striking out "under subsection (a)(9) when such expenses are incurred by or on behalf of a Senator" and inserting in lieu thereof "to an employee in the office of a Senator when traveling on business of a committee of which that Senator is a member".

SEC. 105. Effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Louisiana is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants.

SEC. 106. Any funds appropriated or made available under the heading "SENATE" in any appropriation Act for the fiscal year ending September 30, 1980, and any funds appropriated by section 101(c) of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1980, and for other purposes", approved October 12, 1979 (Public Law 96-86), for disbursement by the Secretary of the Senate which for the fiscal year ending September 30, 1979, were appropriated under the heading "SENATE", shall remain available until expended for the same purpose for which appropriated or made available.

SEC. 107. (a) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(a)(1)) is amended to read as follows:

"(a)(1) Whenever the rate of compensation of any employee whose compensation is disbursed by the Secretary of the Senate is fixed or adjusted on or after October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar."

(b) Section 106(b)(1) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j(b)(1)) is amended by striking out "two times the multiple contained in section 1(a) of the applicable Order of the President Pro Tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970" and inserting in lieu thereof "$404".

(c) Section 109(d)(1) of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60j-3(d)(1)) is amended by striking out "next highest multiple contained in section 1(a) of the applicable Order of the President Pro Tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970" and inserting in lieu thereof "next higher dollar".

(d) The amendments made by this section shall take effect on October 1, 1980.

SEC. 108. (a) The Senate Recording Studio hereafter shall be known as the Senate Recording and Photographic Studios. Subject to subsection (b), all references to the Senate Recording Studio (including the revolving fund) in any law, resolution, or regulation shall be considered as referring to the Senate Recording and Photographic Studios, and any provision of any law, resolution, or regulation which is applicable to the Senate Recording Studio shall be deemed to apply to the Senate Recording and Photographic Studios.

(b)(1) The Sergeant at Arms and Doorkeeper of the Senate shall, subject to the approval of the majority and minority leaders, promulgate rules and regulations, and establish fees, for the provision of photographs and photographic services to be furnished by the Photographic Studio.

(2) Subject to the approval of the majority and minority leaders, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint not more than fifteen employees with such titles, and at such annual rates of compensation, as he deems appropriate, to carry out the functions of the Photographic Studio. Payments of compensation (including agency contributions and longevity compensation as authorized) for personnel employed pursuant to the preceding sentence shall be made by the Secretary of the Senate from funds appropriated for "Salaries, Officers and Employees" under the heading "SENATE".

SEC. 109. Effective January 1, 1980, section 3 under the heading "ADMINISTRATIVE PROVISIONS" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59), is amended—

(1) by striking out "not in excess of one year." in subsection (a)(2) and inserting in lieu thereof "not extending beyond the term of office which he is serving on the first day of such lease,

except that, in the case of a Senator whose term of office is expiring and who has been elected for another term, such lease may extend until the end of the term for which he has been so elected. Each such lease shall contain a provision permitting its cancellation upon sixty days written notice by the Sergeant at Arms and Doorkeeper of the Senate, in the event of the death or resignation of the Senator."; and

(2) by striking out "shall not at any time exceed the applicable rate per square foot charged Federal agencies" in subsection (c)(1) and inserting in lieu thereof "shall not exceed the highest rate per square foot charged Federal agencies on the first day of the lease of such office".

SEC. 110. Effective on the first day of the first month following the date of enactment of this Act, the Sergeant at Arms and Doorkeeper of the Senate may appoint and fix the compensation of a Shift Supervisor at not to exceed $14,140 per annum and two Shift Supervisors at not to exceed $12,928 per annum each in lieu of three Mail Carriers at not to exceed $10,302 per annum each; a Deputy Director, Service Department, at not to exceed $35,956 per annum; a Supervisor, Typewriter Repair Section, at not to exceed $26,260 per annum in lieu of not to exceed $24,038 per annum; a Receiving Clerk at not to exceed $12,928 per annum in lieu of a Supervisor, Supply Section, at not to exceed $18,382 per annum; a Power Cutter Operator at not to exceed $13,534 per annum; a Senior Folding Machine Operator at not to exceed $15,554 per annum in lieu of a Laborer at not to exceed $11,716 per annum; an Automatic Typewriter Repairman at not to exceed $19,796 per annum in lieu of a Repairman at not to exceed $18,584 per annum; two Laborers at not to exceed $6,060 per annum each in lieu of a Laborer at not to exceed $11,716 per annum; a Manager, Member and Committee Support, at not to exceed $38,784 per annum in lieu of a Senior Applications Analyst at not to exceed $36,360 per annum; a Manager, Text Processing Applications Development, at not to exceed $38,784 per annum in lieu of a Senior Applications Analyst at not to exceed $36,360 per annum; a Junior Operations Clerk at not to exceed $13,332 per annum; a Manager, Office Administration, at not to exceed $31,512 per annum in lieu of an Office Manager at not to exceed $22,624 per annum; a Special Assistant to the Sergeant at Arms and Doorkeeper at not to exceed $38,784 per annum in lieu of a Manager, User Training and Liaison, at not to exceed $38,784 per annum; a Manager, Educational Services, at not to exceed $38,784 per annum in lieu of an Office Systems Supervisor at not to exceed $32,522 per annum; a Manager, Micrographics Systems, at not to exceed $36,360 per annum in lieu of a Micrographics Supervisor at not to exceed $27,270 per annum; a Computer Output Microfilm Operator at not to exceed $14,948 per annum; a Camera Operator at not to exceed $14,544 per annum; a Senior Network Technician at not to exceed $29,896 per annum; a Network Technician at not to exceed $26,260 per annum; a Quality Control Specialist at not to exceed $15,352 per annum; a Communications Software Specialist at not to exceed $35,148 per annum; and an Office Manager at not to exceed $17,776 per annum: *Provided*, That, effective on the first day of the first month following the date of enactment of this Act, the position of Mail Supervisor at not to exceed $15,756 per annum, the position of Audio Engineer at not to exceed $16,968 per annum, and two positions of Teletype Operator at not to exceed $14,140 per annum each, are hereby abolished: *Provided* *further,* That the Sergeant at Arms and Doorkeeper is authorized to undertake minor reorganizations and make associated position, title, and compensation changes with respect to not more than ten positions, if and to the extent that such reorganizations do not result in any additional number of positions funded from amounts appropriated for the "Office of Sergeant at Arms and Doorkeeper,": *Provided further,* That not to exceed $45,000 of the amount appropriated for the Office of Sergeant at Arms and Doorkeeper may be used to employ special deputies.

SEC. 111. There shall be available for construction of platform and seating stands, for refurbishing the Capitol Building, and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1981, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, $463,000, to be paid from the contingent fund of the Senate from funds appropriated or otherwise made available under the heading "Miscellaneous Items", and to remain available through September 30, 1981. Such moneys as may be received by donation or otherwise for use in the preparations for such inaugural ceremonies shall be deposited in the Treasury, shall be credited to the appropriation for "Miscellaneous Items", and shall be available for expenditure in like manner and for the same purposes as funds which are appropriated under the preceding sentence.

SEC. 112. (a) The unexpended balance on February 28, 1981, of the funds appropriated under the heading "Committee Employees" in the appropriations for the Senate in any appropriation Act for any fiscal year shall be transferred to and merged with the funds appropriated under the heading "Inquiries and Investigations" in the contingent fund of the Senate.

(b) Effective as of the close of February 28, 1981—

(1) paragraphs (1) and (2) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(e)), are repealed, and paragraph (2) of section 105(d) of such Act is amended by striking out "subsection (e)(1)" in the second sentence and inserting in lieu thereof "that portion of subsection (e)(3) preceding subparagraph (A)";

(2) the first proviso under the heading "Committee Employees" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1974 (87 Stat. 529), is repealed; and

(3) clause (2) of the last paragraph under the heading "Contingent Expenses of the Senate" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a-1), is amended by striking out "committees and officers of the Senate" and inserting in lieu thereof "officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate".

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Frances Reid Slack, widow of John M. Slack, late a Representative from the State of West Virginia, $60,663. $60,663

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-86, $1,000,000 are rescinded.

–$1,000,000
(rescission)

[Total, House of Representatives, –$939,337.]

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL GROUNDS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-86, made available until expended, $1,792,000 are rescinded.

–1,792,000
(rescission)

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For an additional amount for "Congressional printing and binding," $4,578,000, fiscal year 1980: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the Annual Report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

4,578,000

PRINTING AND BINDING

For an additional amount for "Printing and binding," $5,295,000, fiscal year 1980: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the Annual Report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

5,295,000

[Total, Government Printing Office, $9,873,000.]

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-86, $500,000 are rescinded.

– 500,000
(rescission)

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Of the amounts appropriated in Public Law 96-86 for the United States House of Representatives for "Committee employees", such amounts as are deemed necessary for the payment of salaries under this head may be transferred among "Special and select committees" and "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

Of the amounts appropriated in Public Law 96-86 for the United States House of Representatives for "Allowances and expenses", such amounts as are deemed necessary for the payment of salaries and expenses under this head may be transferred among "Special and select committees" and "Committee employees", upon the approval of the Committee on Appropriations of the House of Representatives.

Of the amounts appropriated in Public Law 96-86 for the United States House of Representatives for "Special and select committees", such amounts as are deemed necessary for the payment of salaries and expenses under this head may be transferred among "Committee employees" and "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

Not to exceed $750,000 of the unobligated balance of that part of the appropriation "Salaries and expenses, Library of Congress" for the fiscal year 1980, for moving costs to the James Madison Memorial Building, is hereby continued available until September 30, 1981.

[*Total, Chapter X:*

[*New budget (obligational) authority (net)*	*$5,641,663.*]
[*Appropriations*	*(9,933,663).*]
[*Rescissions*	*(−4,292,000).*]

CHAPTER XI

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(TRANSFER OF FUNDS)

For an additional amount for "Military construction, Army, 1980/1984", $1,000,000, which shall be derived by transfer from funds provided for NATO infrastructure, "Military construction, Defense Agencies, 1980/1984", to remain available until September 30, 1984: *Provided*, That the limitation on the amount available for study, planning, design, architect and engineer services is increased by $1,000,000.

$1,000,000
(by transfer)

1,000,000
(increase in limitation)

MILITARY CONSTRUCTION, NAVY

(TRANSFER OF FUNDS)

For an additional amount for "Military construction, Navy, 1980/1984", $21,500,000, of which $12,000,000 shall be derived by transfer from funds appropriated for the Culebra Weapons Range by Public Law 93-194 (87 Stat. 766), to remain available until September 30, 1984: *Provided*, That the limitation on the amount available for study, planning, design, architect and engineer services is increased by $14,000,000.

9,500,000
12,000,000
(by transfer)

14,000,000
(increase in limitation)

MILITARY CONSTRUCTION, AIR FORCE

(TRANSFER OF FUNDS)

For an additional amount for "Military construction, Air Force, 1980/1984", $7,000,000, of which $4,000,000 shall be derived by transfer from funds provided for NATO infrastructure, "Military construction, Defense Agencies, 1980/1984"; and $3,000,000 from funds appropriated for the high energy laser research facility at White Sands, New Mexico, to remain available until September 30, 1984: *Provided*, That the limitation on the amount available for study, planning, design, architect and engineer services is increased by $7,000,000.

$7,000,000 (by transfer)

7,000,000 (increase in limitation)

[Total, Military Construction:

[New budget (obligational) authority	*$9,500,000.]*
[By transfer	*20,000,000.]*
[Increase in limitations	*22,000,000.]*

FAMILY HOUSING, DEFENSE

(TRANSFER OF FUNDS)

For an additional amount for "Family housing, Defense", $14,000,000, which shall be derived by transfer from "Aircraft procurement, Air Force, 1978/1980". The limitation for Department of Defense, operation, maintenance, is increased by $14,000,000.

14,000,000 (by transfer)

14,000,000 (increase in limitation)

ADMINISTRATIVE PROVISIONS

None of the funds available to the Department of Defense for military construction during the current fiscal year may be obligated for projects under the authority of section 402 of the Military Construction Authorization Act, 1980 or similar provisions in prior-year military construction authorization acts until twenty-one days have passed after the Secretary of Defense has notified the Committees on Appropriations of the Senate and the House of Representatives of the purpose, the estimated cost of construction for which these funds are to be used under such authorities, and the justification for invoking the section 402 or similar authority.

Funds appropriated for "Military construction, Defense Agencies", in the Military Construction Appropriation Act, 1980, shall remain available until September 30, 1984.

[Total, Chapter XI:

[New budget (obligational) authority (net)	*9,500,000.]*
[By transfer	*34,000,000.]*
[Increase in limitations	*36,000,000.]*

CHAPTER XII

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,534,000.

11,534,000

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $4,300,000, of which not to exceed $1,800,000 may be used to liquidate obligations incurred in prior years: *Provided*, That all obligations incurred in anticipation of this appropriation are hereby ratified and confirmed if otherwise in accordance with provisions of law. $4,300,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", $4,177,000. 4,177,000

[*Total, Administration of Foreign Affairs, $20,011,000.*]

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", $7,600,000. 7,600,000

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Missions to international organizations", $418,000. 418,000

[*Total, International Organizations and Conferences, $8,018,000.*]
[*Total, Department of State, $28,029 000.*]

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, general legal activities", $825,000, of which $745,000 shall be derived by transfer from Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance". 80,000
745,000
(by transfer)

SALARIES AND EXPENSES, ANTITRUST DIVISION

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, Antitrust Division", $4,233,000 of which $233,000 shall be derived by transfer from Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance". 4,000,000
233,000
(by transfer)

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States Attorneys and Marshals", $16,680,000 of which $2,008,000 shall be derived by transfer from Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance". 14,672,000
2,008,000
(by transfer)

FEES AND EXPENSES OF WITNESSES

(TRANSFER OF FUNDS)

For an additional amount for "Fees and expenses of witnesses", $846,000 to be derived by transfer from Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance".

$846,000
(by transfer)

[*Total, Legal Activities:*
[*New budget (obligational) authority* .... *$18,752,000.*]
[*By transfer* .... *3,832,000.*]

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $8,336,000, of which $7,648,000 shall be derived by transfer from the appropriation under the heading Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance".

688,000
7,648,000
(by transfer)

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $15,000,000, of which $3,000,000 shall be derived by transfer from the appropriation under the heading Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance". The number of vehicles which may be purchased for police-type use is increased to four hundred sixty-one, of which three hundred fifty-eight shall be for replacement only.

12,000,000
3,000,000
(by transfer)

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $2,362,000, to be derived by transfer from the appropriation under the heading Office of Justice Assistance, Research, and Statistics, "Law enforcement assistance".

2,362,000
(by transfer)

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

LAW ENFORCEMENT ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Law enforcement assistance", $7,000,000, to be derived by transfer from Federal Prison System, "Salaries and expenses": *Provided*, That such sum shall be available only for the Technical Assistance Program in order to fund additional security necessary for the National Political Conventions.

7,000,000
(by transfer)

(RESCISSION)

**Of the funds appropriated under this head in Public Law 96-68,
making appropriations for the Department of Justice for fiscal year
1980, and other appropriations Acts in previous years, $4,439,446 are** —$4,439,446
rescinded. *(rescission)*

General Provision—Department of Justice

Sec. 203. Sums appropriated by this Act for the Department of Justice may be used for expenses for travel and transportation of persons, and for transportation of things, as may be necessary for the investigation and prosecution of cases, the apprehension and retention of prisoners, and deportation activities, without regard to any restriction or limitation on the availability of sums for such expenses, unless legislation containing such a restriction or limitation is enacted after the date of enactment of this Act which specifically refers to this section.

[Total, Department of Justice (net)	*$27,000,554.]*
[Appropriations	*(31,440,000).]*
[Rescission	*(—4,439,446).]*
[By transfer	*23,842,000.]*

DEPARTMENT OF COMMERCE

General Administration

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Reorganiza-
tion Plan No. 3 of 1979, $200,000. For expenses necessary to carry out 200,000
the provisions of Public Law 95-606 and Public Law 95-482,
$4,000,000, to be available immediately for grants to the United 4,000,000
States Olympic Committee and $6,000,000 to become available upon a 6,000,000
determination by the Secretary of Commerce that the United States Olympic Committee has collected $8,000,000 from non-Federal sources after May 15, 1980, and to remain available until expended: *Provided*, That any grant from the $6,000,000 provided above which is made to the Committee after the Secretary's determination shall not exceed one-half of additional funds collected from non-Federal sources. For the purpose of determining the amount of funds collected from non-Federal sources with respect to any grant pursuant to this appropriation, the Secretary may consider pledges of funds to be collected if pledged in accordance with procedures established by the Secretary. No portion of the funds appropriated hereunder shall be used (except as determined by the Secretary to be in the national interest) for the financing of programs conducted by, and none of the national governing body authority specified in section 203 of Public Law 95-606 as hereby amended shall be exercised by, a national governing body member of the Committee for a particular sport, when another amateur sports organization has been declared (pursuant to binding arbitration proceedings prescribed by the organic documents of the Committee) entitled to replace such national governing body as the member of the Committee for that sport.

[Total, Salaries and Expenses, $10,200,000.]

PARTICIPATION IN UNITED STATES EXPOSITIONS

For necessary expenses for designing, constructing, and operating a Federal Pavilion in the Knoxville International Energy Exposition, $20,800,000, to remain available through September 30, 1984, including not to exceed $12,000 for entertainment of officials of other countries when specifically authorized by the Commissioner General during the period ending November 15, 1982: *Provided,* That no additional Federal funds shall be made available for this purpose. $20,800,000

[*Total, General Administration, $31,000,000.*]

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $40,000,000: *Provided,* That not to exceed $300,000 may be advanced to the Small Business Administration for processing of loan applications: *Provided further,* That these funds may also be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976. 40,000,000

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $5,000,000, to remain available until September 30, 1981, notwithstanding the provisions of section 105 of Public Law 96-86 and section 105 of Public Law 96-123. 5,000,000

[*Total, Economic Development Administration, $45,000,000.*]

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,200,000, to remain available until expended. 1,200,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $1,500,000, to remain available until expended. 1,500,000

COASTAL ZONE MANAGEMENT

For an additional amount for "Coastal zone management", $5,250,000, to remain available until expended. 5,250,000

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $930,000, to be derived from the receipts collected pursuant to that Act, to remain available until expended. 930,000

COASTAL ENERGY IMPACT FUND

(RESCISSION)

Of the funds appropriated under this head in Public Law 95-86, making appropriations for the Department of Commerce for fiscal year 1978, $35,400,000 are rescinded. −$35,400,000 *(rescission)*

[*Total, National Oceanic and Atmospheric Administration (net)* .... *−$27,720,000.*]
[*Appropriations* .... *(7,680,000).*]
[*Rescission* .... *(−35,400,000).*]

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000. 1,000,000

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Operating-differential subsidies", $44,307,000, to remain available until expended. *44,307,000 (liquidation of contract authority)*

OPERATIONS AND TRAINING

For an additional amount for "Operations and training", $1,174,000, to remain available until expended. 1,174,000

[*Total, Department of Commerce (net)* .... *$51,654,000.*]
[*Appropriations* .... *(87,054,000).*]
[*Rescission* .... *(−35,400,000).*]
[*Liquidation of contract authority* .... *44,307,000.*]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

PRETRIAL SERVICES AGENCIES

For an additional amount for salaries and expenses of Pretrial Services Agencies established pursuant to title II of the Speedy Trial Act of 1974, including support of services to defendants released pending trial, $900,000, to be derived by a transfer from the appropriation "Space and facilities, the Judiciary". *900,000 (by transfer)*

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-68, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for fiscal year 1980, $720,000 are rescinded. −720,000 *(rescission)*

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Board for International Broadcasting", including grants to RFE/RL, Inc., $5,000,000, to remain available until expended, all of which shall be available for fluctuations in foreign currency exchange rates in accordance with the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended. $5,000,000

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

There are appropriated such sums as may be necessary for payment of principal and interest on loans guaranteed pursuant to the Chrysler Corporation Loan Guarantee Act of 1979 and in default, to be available immediately and to remain available until December 31, 1991. 1,500,000,000

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The limitation on land and structures under this heading in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980 is increased to $1,125,000; *800,000 (increase in limitation)* and the limitation on improvement and care of grounds and repair to buildings under this heading in said Act is increased to $100,000. *35,000 (increase in limitation)*

[*Total, Federal Communications Commission (increase in limitations), $835,000.*]

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000. 1,000,000

INTERNATIONAL COMMUNICATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000. 6,000,000

SMALL BUSINESS ADMINISTRATION

DISASTER LOAN FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Loan Fund", $1,177,000,000: *Provided,* That $1,163,000,000 of such amount shall be available without fiscal year limitation and $14,000,000 of such amount shall be available without fiscal year limitation and may be transferred to "Salaries and expenses". 1,177,000,000

[Total, Related Agencies (net)	*$2,688,280,000.]*
[Appropriations	*(2,689,000,000).]*
[Rescission	*(−720,000).]*
[Increase in limitation	*835,000.]*
[Total, Chapter XII:	
[New budget (obligational) authority (net)	*$2,794,963,554.]*
[Appropriations	*(2,835,523,000).]*
[Rescissions	*(−40,559,446).]*
[By transfer	*24,742,000.]*
[Increase in limitations	*835,000.]*
[Liquidation of contract authority	*44,307,000.]*

CHAPTER XIII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

For an additional amount for "Transportation Planning, Research and Development," to remain available until expended, $350,000. $350,000

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $45,100,000. 45,100,000

RETIRED PAY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Retired Pay", $7,500,000, and, in addition, the Secretary of Transportation, subject to the prior approval of the House and Senate Committees on Appropriations, is authorized to transfer an amount not to exceed $1,500,000 to the U.S. Coast Guard appropriation Retired Pay from any available appropriation to meet additional Retired Pay costs which may be increased in fiscal year 1980. 7,500,000 *1,500,000 (by transfer)*

POLLUTION FUND

For an additional amount for the "Pollution Fund", $20,500,000, to remain available until expended. 20,500,000

[Total, Coast Guard:	
[New budget (obligational) authority	*$73,100,000.]*
[By transfer	*1,500,000.]*

FEDERAL AVIATION ADMINISTRATION

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For an additional amount for "Operation and Maintenance, Metropolitan Washington Airports," $1,162,000: *Provided,* That there may be credited to this appropriation, funds received from air carriers, concessionaires and non-Federal tenants to cover utility and fuel costs in excess of $5,673,000. 1,162,000

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY BEAUTIFICATION

The appropriation "Surface Transportation, energy and safety" contained in the Department of Transportation and Related Appropriation Act, 1980, is amended by deleting "section 131(j) of title 23, U.S.C., $8,500,000" and inserting in lieu thereof "section 131 of title 23 U.S.C. and section 104(a)(11) of the Surface Transportation Assistance Act of 1978, to remain available until expended, $8,500,000, of which not to exceed $6,500,000 shall be available for section 131(j)".

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

$1,400,000,000 (liquidation of contract authority)

7,800,000,000 (limitation on obligations)

For an additional amount for Federal-aid highways, $1,400,000,000, or so much as may be available in and derived from the Highway Trust Fund, to remain available until expended: *Provided,* That (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1980 shall not exceed $7,800,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code.

(b) For fiscal year 1980, immediately upon enactment of this Act, the Secretary of Transportation shall control the obligation of such limitation by distribution of amounts of such limitation not obligated on the date of enactment of this Act in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State in fiscal year 1980 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States in such fiscal year; except that no State shall receive a distribution such that the total of amounts so distributed to such State and amounts obligated by such State on or before the date of enactment of this Act would exceed a distribution of such limitation made in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to such State in fiscal year 1980 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States in such fiscal year and the Secretary of Transportation shall not be required to cancel any obligations incurred on or before the date of enactment of this Act.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State has indicated prior to April 2, 1980, its intention to lapse sums apportioned under subsection 104(b)(5)(A), title 23, United States Code;

(2) after August 15, 1980, revise a distribution made under subsection (b) in the event a State will not obligate the amount distributed during fiscal year 1980 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1980; and

(3) not distribute funds for administrative expenses and forest highways under such limitation.

(d) Notwithstanding any other provision of law, obligations authorized for carrying out the provisions of 23 U.S.C. 125 for the fiscal year ending September 30, 1980, are increased to $350,000,000. Such obligational authority is to remain available until September 30, 1982. [1]$250,000,000

(e) The Congress disapproves the proposed deferral D80-61, relating to the Federal Highway Administration, Federal-aid highways, as set forth in the message of April 16, 1980, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

CARPOOL/VANPOOL SUPPORT PROGRAM

For an additional amount for carrying out section 126(e) of Public Law 95-599, $3,000,000, to be derived from the Highway Trust Fund, and to remain available until expended. 3,000,000

[*Total, Federal Highway Administration:*
[*New budget (obligational) authority* .... *$253,000,000.*]
[*Liquidation of contract authorization* .... *(1,400,000,000).*]
[*Limitation on obligations* .... *(7,800,000,000).*]

FEDERAL RAILROAD ADMINISTRATION

RAIL LABOR ASSISTANCE

For payment to provide supplemental unemployment insurance, $5,000,000 under section 10; and for new career training assistance, $1,500,000, under section 12, of the Milwaukee Railroad Restructuring Act; together with $61,600,000 to become available for obligation on October 1, 1980, for payment of benefits under section 509 of the Regional Rail Reorganization Act of 1973 as amended: *Provided*, That notwithstanding any other provision of law none of the funds appropriated in this or any previous Act may be made available to Conrail or any of it subsidiaries for any employee protection payments, other than those specified in title VI of H.R. 7235 as reported by the Subcommittee on Transportation and Commerce of the Interstate and Foreign Commerce Committee, which are identical or similar to those previously authorized by title V of the Regional Rail Reorganization Act of 1973 to be paid by Conrail to current Conrail employees and Conrail shall not be liable to make any such employee protection payments other than those specified in title VI of H.R. 7235 as reported by the Subcommittee on Transportation and Commerce of the Interstate and Foreign Commerce Committee: *Provided further*, That this limitation shall not apply to those payments made to employees in accordance with the terms of title VI of H.R. 7235 as reported by the Subcommittee on Transportation and Commerce of the Interstate and Foreign Commerce Committee: *Provided further*, That the effective date of this limitation is the first day of the month following enactment of this bill.

5,000,000
1,500,000
61,600,000
(advance appropriations for FY 1981)

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Provided, That notwithstanding any other provision of law the funds appropriated to the National Railroad Passenger Corporation for Capital Improvements shall become available only as they are required to make payments to vendors for capital equipment deliveries and services delivered during the balance of fiscal year 1980.

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[1] For emergency relief program.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

(RESCISSION)

Of the funds authorized to be expended under this head by the Department of Transportation and Related Agencies Appropriation Act, 1980, $60,000,000 are rescinded: *Provided,* That of the funds appropriated under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, an additional $15,000,000 may be used for transaction assistance in accordance with section 505(h)(1)(A) and (B), as amended by the Rock Island Railroad Transition and Employee Assistance Act, except that the dollar limitations contained in those subsections shall not apply to the $15,000,000: *Provided further,* That the $15,000,000 shall be available only upon the enactment of authorizing legislation and shall not be expended prior to October 1, 1980.

−$ 60,000,000
(rescission)

[*Total, Federal Railroad Administration, $8,100,000.*]

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN DISCRETIONARY GRANTS

For an additional amount for "Urban discretionary grants", $330,000,000, to remain available until September 30, 1983.

330,000,000

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D80-64 relating to the Urban Mass Transportation Administration, Research, Development, and Demonstrations and University Research and Training, as set forth in the message of April 16, 1980, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

INTERSTATE TRANSFER GRANTS

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D80-72 relating to Urban Mass Transportation Administration, Interstate Transfer Grants, as set forth in the message of June 18, 1980, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

TRANSPORTATION RESEARCH AND DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act or any previous Appropriation Act shall be available for the execution of research and development programs the obligations in fiscal year 1980 for which are in excess of 95 per centum of the amounts estimated to be obligated for research and development in fiscal year 1980 as reflected in the January, 1980 budget document for "Coast Guard, research, development, test, and evaluation; Federal Aviation Administration, facilities, engineering and development and research, engineering and development; Federal Highway Administration, Limitation on general operating expenses, highway safety research and development and motor carrier safety; National Highway Traffic

Safety Administration, operations and research; Federal Railroad Administration, railroad research and development; Urban Mass Transportation Administration, research, development, and demonstrations and university research and training (including service and methods demonstrations); Research and Special Programs Administration, research and special programs."

[Total, Department of Transportation (net)	*$665,712,000.]*
[Appropriations, FY 1980	*(664,112,000).]*
[Appropriations, FY 1981	*(61,600,000).]*
[Rescissions	*(−60,000,000).]*
[By transfer	*1,500,000.]*
[Liquidation of contract authority	*1,400,000,000.]*
[Limitation on obligations	*7,800,000,000.]*

RELATED AGENCIES

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

For an additional amount for payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 and section 419 of the Federal Aviation Act of 1958, as amended, and the Airline Deregulation Act of 1978, as is payable by the Board, $19,669,000, to remain available until expended. $19,669,000

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

(RESCISSION)

Of the funds appropriated under this head in the Department of Transportation and Related Agencies Appropriation Act, 1980, $60,000,000 are rescinded. [1] −60,000,000 *(rescission)*

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative expenses," $4,100,000, to remain available through September 30, 1981. 4,100,000

[Total, Related Agencies (net)	*$23,769,000.]*
[Total, Chapter XIII:	
[New budget (obligational) authority (net)	*$689,481,000.]*
[Appropriations, FY 1980	*(687,881,000).]*
[Appropriations, FY 1981	*(61,600,000).]*
[Rescission	*(−60,000,000).]*
[By transfer	*1,500,000.]*
[Limitation on obligations	*7,800,000,000.]*
[Liquidation of contract authority	*1,400,000,000.]*

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[1] Not reflected in totals

CHAPTER XIV

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-74, making appropriations for the Treasury Department for fiscal year 1980, $250,000 are rescinded. −$250,000 *(rescission)*

INTERNATIONAL AFFAIRS

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-74, making appropriations for the Treasury Department for fiscal year 1980, $250,000 are rescinded. −250,000 *(rescission)*

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-74, making appropriations for the Treasury Department for fiscal year 1980, $322,000 are rescinded. −322,000 *(rescission)*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $650,000 to be used for processing Cuban refugees: *Provided further,* That funds expended for overtime pay to Customs officers resulting from the situation involving aliens attempting to reach the United States from Cuba shall not be counted against the overtime pay limitation included in Public Law 96-74. Notwithstanding any other provision of law, the proceeds of customs duties collected in the Virgin Islands less the cost of collecting all said duties shall, effective for fiscal years beginning after September 30, 1979, be covered into the Treasury of the Virgin Islands, and shall be available for expenditure as the Legislator of the Virgin Islands may provide. 650,000

BUREAU OF THE MINT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-74, making appropriations for the Treasury Department for fiscal year 1980, $800,000 are rescinded. −800,000 *(rescission)*

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", $22,000,000. $22,000,000

INTERNAL REVENUE SERVICE

PAYMENT WHERE ENERGY CREDIT EXCEEDS LIABILITY FOR TAX

For an additional amount for "Payment where energy credit exceeds liability for tax", $1,000,000. 1,000,000

GENERAL PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1. Any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation only to the extent necessary for increased pay costs authorized by or pursuant to law: *Provided, however,* That no funds may be transferred into or out of the account entitled "Payment where energy credit exceeds liability for tax": *Provided further,* That none of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect prior to August 22, 1978.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For additional amount for "Salaries and expenses", $9,725,000. 9,725,000

[*Total, Department of the Treasury (net)* .... *$31,753,000).*]
[*Appropriations* .... *(33,375,000).*]
[*Rescissions* .... *(−1,622,000).*]

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000. 500,000

INDEPENDENT AGENCIES

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642-645), $160,000, to remain available until expended. This appropriation shall be made available only upon enactment into law of authorizing legislation. 160,000

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1980, $109,660,000 shall be available for such purposes in the aggregate amount of $1,521,928,000, of which (1) not to exceed $100,589,000 shall remain available until expended for construction as follows:

$109,660,000 (increase in limitation)

New construction:

Illinois: Chicago, Social Security Administration Program Center (claim), $600,000;

Louisiana: New Orleans, Customhouse, $914,000;

New York: Queens-Jamaica Federal Office Building, $92,765,000;

Florida: Miami, Courthouse Annex, $6,310,000;

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in such other projects, but by not more than 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1981, except funds for projects as to which funds have been obligated in whole or in part prior to such date; (2) not to exceed $9,071,000, which shall remain available until expended, for alterations and major repairs as follows:

Arizona: Phoenix, Federal building and court house, $630,000;

Illinois: Chicago, Federal office building, $3,220,000;

West Virginia: Huntington, Federal Building and courthouse, $2,305,000;

California: Laguna Niguel, Federal office building, $2,916,000: *Provided,* That funds in the Federal Buildings Fund for Alterations and Major Repairs shall, for prospectus projects, be limited to the amount by project shown in the budget justification therefor, except each project may be increased by an amount not to exceed 10 per centum: *Provided further,* That all funds for Alterations and Major Repair prospectus projects shall expire on September 30, 1981, except funds for projects as to which funds have been obligated in whole or in part prior to such date: *Provided,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1980, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6), in excess of $1,521,928,000 shall remain in the Fund and shall not be available for expenditure except as authorized in Appropriation Acts.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for "Operating expenses", $750,000. 750,000

REFUNDS UNDER RENEGOTIATION ACT

For necessary expenses to carry out section 201(f) of the Renegotiation Act of 1951, 50 U.S.C. App. 1231(f), for fiscal year 1980, $2,500,000 to remain available until expended. 2,500,000

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 1. Notwithstanding section 322 of the Act of June 30, 1932, as amended (U.S.C. 40 278a), funds made available by this or any other Act to the General Services Administration for the payment of rent shall be available for the purpose of leasing space at fair rental value after August 1, 1978, at 555 West 57th Street, New York City, New York, upon a determination by the Administrator of General Services that execution of a lease is advantageous to the Government in terms of economy and efficiency; and that the total cost to the Government for the expected life of the lease is less than the cost of alternative space.

SEC. 2. Appropriations made available for fiscal year 1980 for General Services Administration activities (excluding the new obligational authority limitation for the Federal Buildings Fund) may be transferred between such appropriations only to the extent necessary for increased pay costs authorized by or pursuant to law, notwithstanding the provision in the appropriation language for Indian Trust Accounting "That none of these funds shall be available for transfer to any other account".

SEC. 3. Funds in the Federal Buildings Fund made available for fiscal year 1980 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for increased pay costs authorized by or pursuant to law and to the extent necessary for mandatory program requirements.

[*Total, General Services Administration, $3,250,000.*]

OFFICE OF PERSONNEL MANAGEMENT

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $376,754,000. $376,754,000

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000. 500,000

OFFICE OF THE SPECIAL COUNSEL

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head in Public Law 96-74, the Treasury, Postal Service, and General Government Appropriations Act, 1980, $2,000,000 are rescinded. −2,000,000 *(rescission)*

[*Total, Federal personnel activities, $375,254,000.*]

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

The limitation on obligations for travel and transportation of persons under the salaries and expenses fund is increased to $750,000. *500,000 (increase in limitation)*

UNITED STATES TAX COURT

SALARIES AND EXPENSES

In addition to the amount made available in the appropriation under this head in the Independent Agencies Appropriations Act, 1980, for expenses of travel, $46,000 shall be available in that appropriation for such expenses. *$46,000 (increase in limitation)*

[Total, Independent Agencies (net)	*($378,664,000).]*
[Appropriations	*(380,664,000).]*
[Rescission	*(−2,000,000).]*
[Increase in limitations	*(110,206,000).]*
[Total, Chapter XIV:	
[New budget (obligational) authority (net)	*$410,917,000.]*
[Appropriations	*(414,539,000.]*
[Rescission	*(−3,622,000).]*
[Increase in limitations	*(110,206,000).]*
[Total, all chapters, title I:	
[New budget (obligational authority)	*$13,388,632,372.]*
[Appropriations, FY 1980	*15,760,604,518.]*
[Appropriations, FY 1981	*591,600,000.]*
[Rescission of unobligated balance	*−2,963,572,146.]*
[Deferrals	*−540,800,000.]*
[By transfer	*2,771,279,000.]*
[Increase in limitations	*175,153,000.]*
[Appropriations to liquidate contract authorization	*4,184,669,000.]*
[Transfer authority	*493,000,000.]*
[Loan authority	*100,000,000.]*
[Trust fund transfer	*147,610,000]*
[Trust funds	*392,347,000.]*
[Limitation on obligations	*7,800,000,000.]*
[Release from Energy Reserve	*18,792,000,000.]*
[District of Columbia funds (net)	*48,806,600.]*

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1980

For additional amounts for appropriation for the fiscal year 1980 for increased pay costs authorized or pursuant to law as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employess", $6,700,000; 6,700,000
"Office of the Legislative Counsel of the Senate", $36,000; 36,000
"Senate policy committees", $100,000; 100,000
"Inquiries and investigations", $1,000,000; 1,000,000
"Folding documents", $8,000; 8,000

[Total, Senate, $7,844,000.]

House of Representatives

"Compensation of Members", $1,523,000;	$1,523,000
"House leadership offices", $142,800;	142,800
"Salaries officers and employees", $1,949,600;	1,949,600
"Committee employees", $1,700,000;	1,700,000
"Committee on Appropriations (studies and investigations)", $136,000;	136,000
"Office of the Law Revision Counsel", $28,000;	28,000
"Office of the Legislative Counsel", $99,000;	99,000
"Members' clerk hire", $8,500,000;	8,500,000
"Allowances and expenses", $1,029,000;	1,029,000
"Special and select committees", $2,055,000;	2,055,000

[*Total, House of Representatives, $17,162,400.*]

Joint Items

"Joint Committee on Taxation", $64,000;	64,000
"Capitol Guide Service", $42,000;	42,000

[*Total, Joint Items, $106,000.*]

Office of Technology Assessment

"Salaries and expenses", $199,000;	199,000

Congressional Budget Office

"Salaries and expenses", $269,000: *Provided,* That none of the funds provided or made available herein shall be available for salaries and expenses of any employee of the Congressional Budget Office in excess of two hundred and eighteen staff employees;	269,000

Architect of the Capitol

(TRANSFER OF FUNDS)

Office of the Architect of the Capitol: "Salaries", $172,000, to be derived by transfer from the appropriation "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;	*172,000 (by transfer)*
"Capitol buildings", $308,000, to be derived by transfer from the appropriation "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;	*308,000 (by transfer)*
"Capitol grounds", $107,000, to be derived by transfer from the appropriation "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;	*107,000 (by transfer)*
"Senate office buildings", $450,000;	450,000
"Senate garage", $10,000;	10,000
"House office buildings", $632,000, to be derived by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;	*632,000 (release of Sec. 311 funds)*

[*Total, Architect of the Capitol:*

[*New budget (obligational) authority*	*$460,000.*]
[*By transfer*	*587,000.*]
[*Release of Sec. 311 funds*	*632,000.*]

BOTANIC GARDEN

(TRANSFER OF FUNDS)

Botanic Garden: "Salaries and expenses", $70,000, to be derived by transfer from the appropriation "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391; *$70,000 (by transfer)*

LIBRARY OF CONGRESS

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $1,182,000, and in addition, $447,000 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391; and $800,000 to be derived by transfer from the appropriation "Furniture and furnishings" by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391; 1,182,000 *447,000 (release of Sec. 311 funds)* *800,000 (by transfer)*

Copyright Office: "Salaries and expenses", $381,000, provided that an additional amount of $400,000, to be derived from the funds credited to this appropriation during fiscal year 1980 under section 708(c) of title 17, United States Code, shall be available for obligation during such fiscal year; 381,000

Congressional Research Service: "Salaries and expenses", $800,000; 800,000

Books for the blind and physically handicapped: "Salaries and expenses", $163,000; 163,000

[*Total, Library of Congress, $2,526,000.*]

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $4,000,000; 4,000,000

GOVERNMENT PRINTING OFFICE

Office of the Superintendent of Documents, "Salaries and expenses", $219,000; 219,000

[*Total, Legislative Branch:*

[*New budget (obligational) authority .... $32,785,400.*]

[*By transfer, Sec. 311 funds .... 1,457,000.*]

[*Release of Sec. 311 funds .... 1,079,000.*]

THE JUDICIARY

(TRANSFERS OF FUNDS)

SUPREME COURT OF THE UNITED STATES

"Salaries and expenses", $113,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Space and facilities"; *113,000 (by transfer)*

"Care of building and grounds", $25,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Space and facilities"; *25,000 (by transfer)*

[*Total, Supreme Court of the United States (by transfer), $138,000.*]

COURT OF CUSTOMS AND PATENT APPEALS

"Salaries and expenses", $91,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Bankruptcy Courts, Salaries and Expenses"; *91,000 (by transfer)*

Customs Court

"Salaries and expenses", $91,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Bankruptcy Courts, Salaries and Expenses";	*$91,000 (by transfer)*

Court of Claims

"Salaries and expenses", $239,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Bankruptcy Courts, Salaries and Expenses";	*239,000 (by transfer)*

Courts of Appeals, District Courts, and Other Judicial Services

"Salaries of Judges", $3,600,000, to be derived by transfer from "Space and facilities";	*3,600,000 (by transfer)*
"Salaries of supporting personnel", $8,000,000, to be derived by transfer from "Space and facilities";	*8,000,000 (by transfer)*
"Salaries and expenses of Magistrates", $800,000, to be derived by transfer from "Bankruptcy Courts, Salaries and Expenses";	*800,000 (by transfer)*

[*Courts of Appeals, District Courts, and Other Judicial Services (by transfer), $12,400,000.*]

Administrative Office of the United States Courts

"Salaries and expenses", $650,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Bankruptcy Courts, Salaries and Expenses";	*650,000 (by transfer)*

Federal Judicial Center

"Salaries and expenses", $117,000, to be derived by transfer from Courts of Appeals, District Courts, and Other Judicial Services, "Bankruptcy Courts, Salaries and Expenses";	*117,000 (by transfer)*

[*Total, The Judiciary (by transfer), $13,726,000.*]

EXECUTIVE OFFICE OF THE PRESIDENT

White House Office

"Salaries and expenses", $731,000;	731,000

Executive Residence at the White House

"Operating expenses", $126,000;	126,000

Special Assistance to the President

"Salaries and expenses", $58,000;	58,000

Council of Economic Advisers

"Salaries and expenses", $27,000;	27,000

Council on Wage and Price Stability

"Salaries and expenses", $464,000;	464,000

Domestic Policy Staff

"Salaries and expenses", $111,000;	111,000

NATIONAL SECURITY COUNCIL

"Salaries and expenses", $88,000;	$88,000

OFFICE OF ADMINISTRATION

"Salaries and expenses", $142,000;	142,000

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $1,073,000;	1,073,000

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $226,000;	226,000

[Total, Executive Office of the President, $3,046,000.]

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DEVELOPMENT ASSISTANCE

"Operating expenses of the International Development Cooperation Agency," $8,587,000; of which not to exceed $4,594,000 shall be for operating expenses, Agency for International Development-Washington, and $106,000 shall be for operating, administrative expenses, International Development Cooperation Agency;	8,587,000

PEACE CORPS

"Operating expenses", $745,000;	745,000

[Total, Funds Appropriated to the President, $9,332,000.]

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFERS OF FUNDS)

"Office of the Secretary", $200,000;	200,000
"Departmental Administration", $800,000;	800,000
"Working Capital Fund", for an additional amount for obligations chargeable against the working capital fund, $983,000;	*983,000* *(increase in limitations)*
"Office of the Inspector General", $1,000,000 and in addition $477,000 shall be derived by transfer from the appropriation "Food stamp program" and merged with this appropriation;	1,000,000 *477,000* *(by transfer)*
"Office of the General Counsel", $500,000;	500,000

SCIENCE AND EDUCATION ADMINISTRATION

"Agricultural research", $2,750,000;	2,750,000
"Technical information systems", $150,000;	150,000
"Economics, Statistics, and Cooperatives Service", $1,875,000;	1,875,000

[Total, Science and Education Administration, $4,775,000.]

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $5,000,000: In addition, not to exceed an additional $3,534,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund;	$5,000,000 *3,534,000* *(by transfer)*

FEDERAL CROP INSURANCE CORPORATION

"Federal Crop Insurance Corporation", $1,012,000 for administrative and operating expenses which may be paid from premium income;	*1,012,000* *(increase in limitation)*

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $600,000;	600,000

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $5,500,000;	5,500,000

SOIL CONSERVATION SERVICE

"Conservation operations", $7,200,000;	7,200,000
"Watershed planning", $500,000;	500,000
"Animal and Plant Health Inspection Service", $4,000,000;	4,000,000
"Federal Grain Inspection Service", $900,000;	900,000

[*Total, Soil Conservation Service, $12,600,000.*]

AGRICULTURAL MARKETING SERVICE

"Marketing services", $1,700,000;	1,700,000

FOOD SAFETY AND QUALITY SERVICE

"Food Safety and Quality Service", $12,950,000;	12,950,000
"Funds for strengthening markets, income and supply (section 32)", (increase of $259,000 in the limitation, "marketing agreements and orders");	*259,000* *(increase in limitation)*

FOREST SERVICE

"Forest Management, protection and utilization", $23,487,000 of which $325,000 for forest insect and disease activities, $38,000 for cooperative law enforcement, $1,742,000 for maintenance of forest development roads and trails, and $1,731,000 for reforestation and timber stand improvement shall remain available for obligations until September 30, 1981;	23,487,000
"Construction and land acquisition", $5,382,000, to remain available until expended;	5,382,000
"Youth Conservation Corps", $797,000;	797,000

[*Total, Forest Service, $29,666,000.*]

[*Total, Department of Agriculture:*

[*New budget (obligational) authority .... $75,291,000.*]

[*By transfer .... 4,011,000.*]

[*Increase in limitations .... 2,254,000.*]

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", $900,000; $900,000

BUREAU OF THE CENSUS

"Salaries and expenses", $1,600,000; 1,600,000

"Periodic censuses and programs", $34,400,000, to remain available until expended; 34,400,000

[*Total, Bureau of the Census, $36,000,000.*]

ECONOMIC AND STATISTICAL ANALYSIS

"Salaries and expenses", $550,000; 550,000

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $900,000; 900,000

REGIONAL ACTION PLANNING COMMISSIONS

"Regional development programs", $25,000, to remain available until expended; 25,000

INTERNATIONAL TRADE ADMINISTRATION

"Operations and administration", $2,600,000, to remain available until expended; 2,600,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $18,500,000, to remain available until expended; 18,500,000

"Coastal zone management", $200,000, to remain available until expended; 200,000

[*Total, National Oceanic and Atmospheric Administration, $18,700,000.*]

PATENT AND TRADEMARK OFFICE

"Salaries and expenses", $4,331,000; 4,331,000

SCIENCE AND TECHNICAL RESEARCH

"Scientific and technical research and services", $2,700,000, to remain available until expended, of which not to exceed $20,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital; 2,700,000

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

"Salaries and expenses", $361,000, to remain available until expended; 361,000

MARITIME ADMINISTRATION

"Operations and training", $1,133,000, to remain available until expended; 1,133,000

[*Total, Department of Commerce, $68,200,000.*]

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", $597,100,000;	$597,100,000
"Military personnel, Navy", $413,837,000;	413,837,000
"Military personnel, Marine Corps", $128,824,000;	128,824,000
"Military personnel, Air Force", $489,398,000;	489,398,000
"Reserve personnel, Army", $35,941,000;	35,941,000
"Reserve personnel, Navy", $17,377,000;	17,377,000
"Reserve personnel, Marine Corps", $4,949,000;	4,949,000
"Reserve personnel, Air Force", $11,853,000;	11,853,000
"National Guard personnel, Army", $52,800,000;	52,800,000
"National Guard personnel, Air Force", $19,760,000;	19,760,000

[*Total, Military Personnel, $1,771,839,000.*]

OPERATION AND MAINTENANCE

"Operation and maintenance, Army", $276,900,000;	276,900,000
"Operation and maintenance, Navy", $302,000,000;	302,000,000
"Operation and maintenance, Marine Corps", $15,700,000;	15,700,000
"Operation and maintenance, Air Force", $210,300,000;	210,300,000
"Operation and maintenance, Defense Agencies", $144,700,000;	144,700,000
"Operation and maintenance, Army Reserve", $12,800,000;	12,800,000
"Operation and maintenance, Navy Reserve", $3,100,000;	3,100,000
"Operation and maintenance, Marine Corps Reserve", $117,000;	117,000
"Operation and maintenance, Air Force Reserve", $9,200,000;	9,200,000
"Operation and maintenance, Army National Guard", $25,300,000;	25,300,000
"Operation and maintenance, Air National Guard", $23,700,000;	23,700,000
"National Board for the Promotion of Rifle Practice, Army", $14,000;	14,000
"Court of Military Appeals, Defense", $69,000;	69,000

[*Total, Operation and Maintenance, $1,023,900,000.*]
[*Total, Department of Defense—Military, $2,795,739,000.*]

DEPARTMENT OF DEFENSE—CIVIL

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $745,000;	745,000

CORPS OF ENGINEERS—CIVIL

"Construction, general", $13,400,000, to remain available until expended;	13,400,000
"Operation and maintenance, general", $23,600,000, to remain available until expended;	23,600,000
"General expenses", $3,600,000;	3,600,000

[*Total, Corps of Engineers—Civil, $40,600,000.*]
[*Total, Department of Defense—Civil, $41,345,000.*]

DEPARTMENT OF EDUCATION

OFFICE OF CIVIL RIGHTS

"Salaries and expenses", $625,000;	625,000

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $5,200,000;	$5,200,000
[*Total, Department of Education, $5,825,000.*]	

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $8,500,000;	8,500,000

HEALTH SERVICES ADMINISTRATION

"Health services", $7,824,000;	7,824,000
"Indian health services", $8,335,000;	8,335,000
[*Total, Health Services Administration, $16,159,000.*]	

CENTER FOR DISEASE CONTROL

(TRANSFER OF FUNDS)

"Preventive health services", $4,333,000, to be derived from unobligated swine flu funds provided under Public Law 94-266;	*4,333,000* *(by transfer)*

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

(TRANSFER OF FUNDS)

"Saint Elizabeth's Hospital", $4,000,000, to be derived by transfer from "Alcohol, Drug Abuse and Mental Health";	*4,000,000* *(by transfer)*

ASSISTANT SECRETARY FOR HEALTH

"Salaries and expenses", $1,161,000;	1,161,000

HEALTH CARE FINANCING ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Program management", $2,000,000, together with $3,000,000 to be derived by transfer from the "Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds";	2,000,000 *3,000,000* *(trust fund transfer)*

SOCIAL SECURITY ADMINISTRATION

"Limitation on administrative expenses" (increase of $93,000,000 in the limitation on salaries and expenses paid from the trust funds);	*93,000,000* *(increase in limitation)*

OFFICE OF HUMAN DEVELOPMENT SERVICES

"Human development services", $1,877,000;	1,877,000

DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"General departmental management", $3,785,000, of which $200,000 is to be derived by transfer from "Office for Civil Rights";	3,585,000 *200,000* *(by transfer)*
"Office of the Inspector General", $1,254,000;	1,254,000
"Office of Consumer Affairs", $43,000;	43,000

[Total, Departmental Management:
[New budget (obligational) authority .... $4,882,000.]
[By transfer .... 200,000.]
[Total, Department of Health and Human Services:
[New budget (obligational) authority .... $34,579,000.]
[By transfer .... 8,533,000.]
[Increase in limitation .... 93,000,000.]
[Trust fund transfer .... 3,000,000.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $14,853,000, of which $11,845,000 shall be derived by transfer from various funds of the Federal Housing Administration; $3,008,000 *11,845,000 (by transfer)*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $5,700,000; 5,700,000

WATER AND POWER RESOURCES SERVICE

"Operation and maintenance", $700,000: *Provided*, That funds in Public Law 96–69 for "Operation and maintenance" derived from the Colorado River Dam fund shall be reduced by $500,000 and funds derived from the Reclamation fund shall be increased by $500,000; 700,000

"General administrative expenses", $1,200,000; 1,200,000

[Total, Water and Power Resources Service, $1,900,000.]

HERITAGE CONSERVATION AND RECREATION SERVICE

"Salaries and expenses", $350,000; 350,000

"Land and water conservation fund", of the amount heretofore appropriated under this heading, an additional amount of $297,000 shall be available for administrative expenses of the Heritage Conservation and Recreation Service; *297,000 (increase in limitations)*

U.S. FISH AND WILDLIFE SERVICE

"Resource management", $5,000,000; 5,000,000

NATIONAL PARK SERVICE

"Operation of the National Park System", $7,000,000; 7,000,000

"John F. Kennedy Center for the Performing Arts", $100,000; 100,000

[Total, National Park Service, $7,100,000.]

Geological Survey

"Surveys, investigations, and research", $10,500,000: *Provided*, That the amount which may be made available for cooperation with States and municipalities for water resources investigations is increased to $40,084,000;	$10,500,000

Bureau of Mines

"Mines and minerals", $1,750,000;	1,750,000

Bureau of Indian Affairs

"Operation of Indian programs", $10,500,000;	10,500,000

Office of Territorial Affairs

"Administration of territories", $100,000;	100,000
"Trust Territory of the Pacific Islands", $100,000;	100,000

[Total, Office of Territorial Affairs, $200,000.]

Office of the Solicitor

"Salaries and expenses", $500,000;	500,000

Office of the Secretary

"Departmental management", $1,500,000;	1,500,000

[Total, Department of the Interior:

[New budget (obligational) authority	*$45,000,000.]*
[Increase in limitations	*297,000.]*

DEPARTMENT OF JUSTICE

(INCLUDING TRANSFERS OF FUNDS)

General Administration

"Salaries and expenses", $950,000, to be derived by transfer from Federal Prison System, "Buildings and facilities";	*950,000* *(by transfer)*

United States Parole Commission

"Salaries and expenses", $260,000, to be derived by transfer from Federal Prison System, "Buildings and facilities";	*260,000* *(by transfer)*

Legal Activities

"Salaries and expenses, general legal activities", $5,528,000, to be derived by transfer from Federal Prison System, "Buildings and facilities";	*5,528,000* *(by transfer)*
"Salaries and expenses, Antitrust Division", $1,704,000, to be derived by transfer from Federal Prison System, "Buildings and facilities";	*1,704,000* *(by transfer)*
"Salaries and expenses, United States Attorneys and Marshals", $11,003,000, of which $4,899,000 shall be derived by transfer from Federal Prison System, "Buildings and facilities";	6,104,000 *4,899,000* *(by transfer)*

"Salaries and expenses, Community Relations Service", $220,000, to be derived by transfer from Federal Prison System, "Buildings and facilities";	*$220,000* *(by transfer)*

[*Total, Legal Activities:*
[*New budget (obligational) authority* .... *$6,104,000.*]
[*By transfer* .... *12,351,000.*]

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $29,498,000;	29,498,000

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $16,416,000, of which $5,389,000 shall be derived by transfer from Federal Prison System, "Buildings and facilities";	11,027,000 *5,389,000* *(by transfer)*

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $7,881,000, of which $1,077,000 shall be derived by transfer from Federal Prison System, "Buildings and facilities";	6,804,000 *1,077,000* *(by transfer)*

FEDERAL PRISON SYSTEM

"Salaries and expenses", $3,300,000, to be derived by transfer from "Buildings and facilities";	*3,300,000* *(by transfer)*

[*Total, Department of Justice:*
[*New budget (obligational) authority* .... *$53,433,000.*]
[*By transfer* .... *23,327,000.*]

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

"Program administration", $3,787,000, together with not to exceed $1,465,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $330,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001–2003;	3,787,000 *1,465,000* *(trust fund transfer)*

LABOR-MANAGEMENT SERVICES ADMINISTRATION

"Salaries and expenses", $2,223,000;	2,223,000

EMPLOYMENT STANDARDS ADMINISTRATION

"Salaries and expenses", $4,882,000, together with not to exceed $11,000 to be derived from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act;	4,882,000 *11,000* *(by transfer)*
"Black lung disability trust fund", $599,000 shall be available for transfer to Employment Standards Administration, Salaries and expenses, of which $290,000 shall be derived from amounts made available for transfer to Departmental Management, Salaries and expenses provided under this head in Public Law 96–123;	*309,000* *(trust fund transfer)*

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $3,230,000;	3,230,000

MINE SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $2,890,000;	2,890,000

BUREAU OF LABOR STATISTICS

"Salaries and expenses", $862,000;	$862,000

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $1,689,000, together with not to exceed $60,000 to be derived by transfer from the Employment Security Administration account, Unemployment Trust Fund;	1,689,000 *60,000* *(trust fund transfer)*

[Total, Department of Labor:

[New budget (obligational) authority	*$19,563,000.]*
[By transfer	*11,000.]*
[Trust fund transfer	*1,834,000.]*

DEPARTMENT OF STATE

(INCLUDING TRANSFERS OF FUNDS)

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $14,547,000, of which $11,349,000 shall be derived by transfer from "Contributions for international peacekeeping activities",	3,198,000 *11,349,000* *(by transfer)*

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations", $356,000, to be derived by transfer from "Contributions for international peacekeeping activities";	*356,000* *(by transfer)*

INTERNATIONAL COMMISSIONS

"International Boundary and Water Commission, United States and Mexico: Salaries and expenses", $224,000, to be derived by transfer from "Contributions for international peacekeeping activities";	*224,000* *(by transfer)*
"American sections, international commissions", $71,000, to be derived by transfer from "Contributions for international peacekeeping activities";	*71,000* *(by transfer)*

[Total, International Commissions (by transfer), $295,000.]

[Total, Department of State:

[New budget (obligational) authority	*$3,198,000.]*
[By transfer	*12,000,000.]*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

"Salaries and expenses", $1,320,000;	1,320,000
"Limitation on Working Capital Fund" (increase of $650,000 in the limitation on Working Capital Fund);	*650.000* *(increase in limitation)*

COAST GUARD

"Operating expenses", $29,900,000;	29,900,000
"Reserve training", $1,600,000;	1,600,000

[Total, Coast Guard, $31,500,000.]

FEDERAL AVIATION ADMINISTRATION

"Operations", $88,000,000;	$88,000,000
"Operation and maintenance, Metropolitan Washington Airports", $700,000;	700,000

[Total, Federal Aviation Administration, $88,700,000.]

FEDERAL HIGHWAY ADMINISTRATION

"Motor carrier safety", $400,000;	400,000
"Limitation on general operating expenses" (increase of $4,700,000 in the limitation on general operating expenses);	*4,700,000 (increase in limitation)*

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Operations and research", $500,000 of which $200,000 shall be derived from the Highway Trust Fund;	500,000

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator", $450,000;	450,000

URBAN MASS TRANSPORTATION ADMINISTRATION

"Administrative expenses", $740,000;	740,000

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $30,000 in the limitation on administrative expenses);	*30,000 (increase in limitation)*

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

"Research and special programs", $200,000;	200,000

OFFICE OF INSPECTOR GENERAL

"Salaries and expenses", $600,000 together with $300,000 derived from funds available under 23 U.S.C. 104(a) for payment of obligations;	600,000 *300,000 (by transfer)*

[Total, Department of Transportation:

[New budget (obligational) authority	*$124,410,000.]*
[By transfer	*300,000.]*
[Increase in limitations	*5,380,000.]*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $1,000,000;	1,000,000

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $264,000;	264,000

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $4,409,000;	4,409,000

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $16,000,000;	$16,000,000

BUREAU OF THE PUBLIC DEBT

"Administering the public debt", $2,616,000;	2,616,000

INTERNAL REVENUE SERVICE

"Salaries and expenses", $6,500,000;	6,500,000
"Taxpayer service and returns processing", $28,000,000;	28,000,000
"Examinations and appeals", $37,000,000;	37,000,000
"Investigation and collection", $24,710,000;	24,710,000

[*Total, Internal Revenue Service, $96,210,000.*]

UNITED STATES SECRET SERVICE

"Salaries and expenses", $7,100,000;	7,100,000

[*Total, Department of the Treasury, $127,599,000.*]

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", $2,800,000;	2,800,000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $36,286,000;	36,286,000

VETERANS ADMINISTRATION

"Medical care", $151,270,000;	151,270,000
"Medical and prosthetic research", $3,000,000, to remain available until September 30, 1981;	3,000,000
"Medical administration and miscellaneous operating expenses", $599,000;	599,000
"General operating expenses", $23,579,000;	23,579,000
"Construction, minor projects", $600,000, to remain available until expended (and an increase of $1,110,000 in the limitation on the Office of Construction);	600,000 *1,110,000 (increase in limitation)*

[*Total, Veterans Administration:*
[*New budget (obligational) authority .... $179,048,000.*]
[*Increase in limitation .... 1,110,000.*]

OTHER INDEPENDENT AGENCIES

ACTION

"Operating expenses, domestic programs", $1,092,000;	1,092,000

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $40,000;	40,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

"Salaries and expenses", $25,000;	25,000

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", $597,000;	597,000

CIVIL AERONAUTICS BOARD	
"Salaries and expenses", $1,267,000;	$1,267,000
COMMISSION ON CIVIL RIGHTS	
"Salaries and expenses", $489,000;	489,000
COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED	
"Salaries and expenses", $9,000;	9,000
COMMODITY FUTURES TRADING COMMISSION	
"Salaries and expenses", $251,000;	251,000
COMMUNITY SERVICES ADMINISTRATION	
"Community services program", $1,500,000;	1,500,000
CONSUMER PRODUCT SAFETY COMMISSION	
"Salaries and expenses", $760,000;	760,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
"Salaries and expenses", $5,562,000;	5,562,000
EXPORT-IMPORT BANK OF THE UNITED STATES	
"Limitation on administrative expenses", (increase of $400,000 in the limitation on administrative expenses);	*400,000 (increase in limitation)*
FARM CREDIT ADMINISTRATION	
"Limitation on administrative expenses", (increase of $531,000 in the limitation on administrative expenses);	*531,000 (increase in limitation)*
FEDERAL COMMUNICATIONS COMMISSION	
"Salaries and expenses", $3,512,000;	3,512,000
FEDERAL ELECTION COMMISSION	
"Salaries and expenses", $300,000;	300,000
FEDERAL LABOR RELATIONS AUTHORITY	
"Salaries and expenses", $500,000;	500,000
FEDERAL MARITIME COMMISSION	
"Salaries and expenses", $125,000;	125,000
FEDERAL MEDIATION AND CONCILIATION SERVICE	
"Salaries and expenses", $745,000;	745,000

GENERAL SERVICES ADMINISTRATION

FEDERAL SUPPLY SERVICE

"Operating expenses", $5,854,000; $5,854,000

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

"Operating expenses", $429,000; 429,000

NATIONAL ARCHIVES AND RECORDS SERVICE

"Operating expenses", $1,300,000; 1,300,000

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

"Operating expenses", $371,000; 371,000

ADMINISTRATIVE AND STAFF SUPPORT SERVICES

"Salaries and expenses", $4,200,000; 4,200,000

[*Total, General Services Administration, $12,154,000.*]

INTELLIGENCE COMMUNITY STAFF

"Intelligence Community Staff", $396,000; 396,000

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $50,000; 50,000

APPALACHIAN REGIONAL COMMISSION

"Salaries and expenses", $115,000; 115,000

DELAWARE RIVER BASIN COMMISSION

"Salaries and expenses", $4,000; 4,000

SUSQUEHANNA RIVER BASIN COMMISSION

"Salaries and expenses", $3,000; 3,000

[*Total, Intergovernmental Agencies, $172,000.*]

INTERNATIONAL COMMUNICATION AGENCY

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $6,993,000 and, in addition, $113,673 shall be derived by transfer of the unobligated balance in the appropriation "Special International Exhibitions, (Special Foreign Currency Program)"; 6,993,000 *113,673 (by transfer)*

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $400,000; 400,000

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", $2,700,000; 2,700,000

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $175,000; 175,000

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE	
"Salaries and expenses", $18,000;	$18,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	
NATIONAL ENDOWMENT FOR THE ARTS	
"Salaries and expenses", $210,000;	210,000
NATIONAL LABOR RELATIONS BOARD	
"Salaries and expenses", $4,567,000;	4,567,000
NATIONAL MEDIATION BOARD	
"Salaries and expenses", $51,000;	51,000
NATIONAL TRANSPORTATION SAFETY BOARD	
"Salaries and expenses", $540,000;	540,000
NUCLEAR REGULATORY COMMISSION	
"Salaries and expenses", $4,810,000;	4,810,000
OFFICE OF PERSONNEL MANAGEMENT	
(INCLUDING TRANSFER OF FUNDS)	
"Salaries and expenses", $4,000,000 together with an additional amount of $1,495,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;	4,000,000 *1,495,000* *(by transfer)*
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION	
"Salaries and expenses", $50,000;	50,000
SECURITIES AND EXCHANGE COMMISSION	
"Salaries and expenses", $3,879,000;	3,879,000
SELECTIVE SERVICE SYSTEM	
"Salaries and expenses", $350,000;	350,000
SMALL BUSINESS ADMINISTRATION	
"Salaries and expenses", $8,300,000;	8,300,000
SMITHSONIAN INSTITUTION	
"Salaries and expenses", $4,000,000;	4,000,000
"Salaries and expenses, Woodrow Wilson International Center for Scholars", $10,000;	10,000
UNITED STATES TAX COURT	
"Salaries and expenses", $360,000;	360,000
OTHER TEMPORARY COMMISSIONS	
Navajo and Hopi Indian Relocation Commission, "Salaries and expenses", $35,000;	35,000

UNITED STATES METRIC BOARD

"Salaries and expenses", $73,000. $73,000

[*Total, Other Independent Agencies:*	
[*New budget (obligational) authority*	*$71,017,000.*]
[*By transfer*	*1,608,673.*]
[*Increase in limitations*	*931,000.*]
[*Total, title II, increased pay costs:*	
[*New budget (obligational) authority*	*3,731,504,400.*]
[*By transfer*	*75,361,673.*]
[*Increase in limitations*	*102,972,000.*]
[*Trust fund transfer*	*4,834,000.*]
[*Release of Sec. 311 funds*	*1,079,000.*]
[*By transfer, Sec. 311 funds*	*1,457,000.*]

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1980, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 303. Notwithstanding any other provision of law, the number of career appointees in any agency paid performance awards during fiscal year 1980 under 5 U.S.C. 5384, or any comparable personnel system established on or after October 13, 1978, may not exceed 25 percent of the number of Senior Executive Service or comparable personnel system positions in any such agency.

SEC. 304. (a) Out of the total moneys appropriated for the operation of the departments and agencies of the Federal Government for fiscal year 1980, $220,000,000 of this total appropriated for the purchase of furniture is hereby rescinded. Excluded from this rescission are furniture items produced by Federal Prison Industries, Inc., or by sheltered workshops for the blind and other severely handicapped under the auspices of Public Law 92-28: *Provided*, That such items are fully justified by agency needs. The Director of the Office of Management and Budget is directed to allocate this rescission total among the departments and agencies of the Federal Government and report back to the House and Senate Committees on Appropriations within 30 days following the date of the enactment of this Act as to the allocation made: *Provided further*, That no allocation shall exceed 25 percent of said amount.

−220,000,000 *(rescission)*

(b) With respect to the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1980, under the heading General Services Administration, Federal Buildings Fund, Limitations on Availability of Revenue, the aggregate amount made available from the revenues and collections deposited into the Federal Buildings Fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 4901(f)), for the purposes set forth in the provisions contained under such heading is reduced by $15,000,000, which reduction shall

−15,000,000 (decrease in limitation)

apply specifically to the limitation on rental of space under clause (4) of such provisions.

SEC. 305. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned costs, arising after the enactment of this Act shall be resolved within 6 months.

SEC. 306. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 307. (a) Effective October 1, 1981, for application in fiscal year 1982, a department, agency, or establishment, as defined by section 2, subchapter I, chapter 1, title 31, United States Code, shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which these funds are located; and a brief description of the need for these services, including a list of those major programs that require consulting services.

(b) Effective October 1, 1981, for application in fiscal year 1982, the Inspector General of such department, agency, or establishment, or comparable official, or if the agency has no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the agency's budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

[Total, title III:	
[Purchase of furniture (rescission)	*–$220,000,000.]*
[Decrease in limitation	*–15,000,000.]*

Approved July 8, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1086 (Comm. on Appropriations), No. 96-1149 (Comm. of Conference) and No. 96-934 accompanying H.R. 7325 (Comm. on Appropriations).

SENATE REPORT No. 96-829 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980):
- June 17-19, considered and passed House in lieu of H R. 7325.
- June 26-28, considered and passed Senate, amended.
- July 1, House disagreed to Senate amendments, and agreed to a conference.
- July 2, House and Senate agreed to conference report and resolved amendments in disagreement.

Grand total, titles I, II, and III, Supplemental Appropriations and Rescission Act, 1980:		
New budget (obligational) authority (net)		$16,900,136,772
Appropriations, FY 1980	$19,492,108,918	
Appropriations, FY 1981	591,600,000	
Rescission of unobligated balances	–3,183,572,146	
Deferrals	*(–540,800,000)*	
By transfer	*(2,846,640,673)*	
Increase in limitations	*(278,125,000)*	
Decrease in limitations	*(–15,000,000)*	
Appropriations to liquidate contract authorizations	*(4,184,669,000)*	
Transfer authority	*(493,000,000)*	
Loan authority	*(100,000,000)*	
Trust fund transfer	*(152,444,000)*	

Grand total, titles I, II, and III—continued:

Trust funds	*($392,347,000)*
Limitations on obligations	*(7,800,000,000)*
Release from Energy Reserve	*(18,792,000,000)*
Release of Sec. 311 funds	*(1,079,000)*
By transfer, Sec. 311 funds	*(1,457,000)*
District of Columbia funds (net)	*(48,806,600)*

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made or rescinded in the foregoing act.

Chapter	Department or Establishment	Fiscal Year		Total
		1980	1981	
	Title I—General Supplementals			
I	Department of Agriculture:			
	New budget (obligational) authority (net)	$704,880,000		$704,880,000
	Appropriations	(732,580,000)		(732,580,000)
	Rescissions	(–27,700,000)		(–27,700,000)
	Loan authority	*100,000,000*		*100,000,000*
	Transfer authority	*243,000,000*		*243,000,000*
II	Department of Defense—Military:			
	New budget (obligational) authority	3,580,480,000		3,580,480,000
	By transfer	*633,262,000*		*633,262,000*
	Transfer authority	*250,000,000*		*250,000,000*
	Increase in limitations	*2,000,000*		*2,000,000*
III	Funds Appropriated to the President:			
	New budget (obligational) authority	50,000,000	$50,000,000	100,000,000
IV	District of Columbia:			
	New Budget (obligational) authority (net)	75,740,300		75,740,300
	Appropriations	*(96,870,000)*		*(96,870,000)*
	Rescissions	*(–21,129,700)*		*(–21,129,700)*
	District of Columbia funds (net)	*48,806,600*		*48,806,600*
V	Energy and Water Development:			
	New budget (obligational) authority (net)	661,847,000		661,847,000
	Appropriations	(775,353,000)		(775,353,000)
	Rescissions	(–113,506,000)		(–113,506,000)
	By transfer	*82,450,000*		*82,450,000*
	Increase in limitations	*25,000,000*		*25,000,000*
	Deferrals	*–314,800,000*		*–314,800,000*
VI	Foreign Operations:			
	New budget (obligational) authority	46,020,000	80,000,000	126,020,000
VII	Department of Housing and Urban Development:			
	New budget (obligational) authority (net)	1,137,583,000		1,137,583,000
	Appropriations	(1,138,338,000)		(1,138,338,000)
	Rescissions	(–200,755,000)		(–200,755,000)
	By transfer	*1,995,325,000*		*1,995,325,000*
	Increase in limitations	*1,112,000*		*1,112,000*
	Liquidation of contract authority	*2,740,362,000*		*2,740,362,000*
VIII	Department of the Interior:			
	New budget (obligational) authority (net)	–1,848,192,000		–1,848,192,000
	Appropriations	(201,108,000)		(201,108,000)
	Rescissions	(–2,049,300,000)		(–2,049,300,000)
	Deferrals	*–226,000,000*		*–226,000,000*
	Release from Energy Security Reserve	*18,792,000,000*		*18,792,000,000*
IX	Department of Labor:			
	New budget (obligational) authority (net)	4,539,770,855	400,000,000	4,939,770,855
	Appropriations	(4,982,478,855)	(400,000,000)	(5,382,478,855)
	Rescissions	(–442,708,000)		(–442,708,000)
	Trust fund transfer	*147,610,000*		*147,610,000*
	Trust funds	*392,347,000*		*392,347,000*
X	Legislative Branch:			
	New budget (obligational) authority (net)	5,641,663		5,641,663
	Appropriations	(9,933,663)		(9,933,663)
	Rescissions	(–4,292,000)		(–4,292,000)
XI	Military Construction:			
	New budget (obligational) authority	9,500,000		9,500,000
	Increase in limitations	*36,000,000*		*36,000,000*
	By transfer	*34,000,000*		*34,000,000*
XII	Department of State:			
	New budget (obligational) authority (net)	2,794,963,554		2,794,963,554
	Appropriations	(2,835,523,000)		(2,835,523,000)
	Rescissions	(–40,559,446)		(–40,559,446)
	By transfer	*24,742,000*		*24,742,000*
	Increase in limitations	*835,000*		*835,000*
	Liquidation of contract authority	*44,307,000*		*44,307,000*
XIII	Department of Transportation:			
	New budget (obligational) authority (net)	627,881,000	61,600,000	689,481,000
	Appropriations	(687,881,000)	(61,600,000)	(749,481,000)
	Rescissions	[1](–60,000,000)		[1](–60,000,000)
	By transfer	*1,500,000*		*1,500,000*
	Liquidation of contract authority	*1,400,000,000*		*1,400,000,000*
	Limitation on obligations	*7,800,000,000*		*7,800,000,000*
XIV	Department of the Treasury:			
	New budget (obligational) authority (net)	410,917,000		410,917,000
	Appropriations	(414,539,000)		(414,539,000)
	Rescissions	(–3,622,000)		(–3,622,000)
	Increase in limitations	*110,206,000*		*110,206,000*

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[1] Not reflected in totals

Chapter	Department or Establishment	Fiscal Year		Total
		1980	1981	
	Title I—General Supplementals—Continued			
	Total, title I—General supplementals:			
	New budget (obligational) authority (net)	$12,797,032,372	$591,600,000	$13,388,632,372
	Appropriations	(15,760,604,518)	(591,600,000)	(16,352,204,518)
	Rescissions	(−2,963,572,146)		(−2,963,572,146)
	Deferrals	*−540,800,000*		*−540,800,000*
	By transfer	*2,771,279,000*		*2,771,279,000*
	Increase in limitations	*175,153,000*		*175,153,000*
	Appropriations to liquidate contract authority	*4,184,669,000*		*4,184,669,000*
	Transfer authority	*493,000,000*		*493,000,000*
	Loan authority	*100,000,000*		*100,000,000*
	Trust fund transfer	*147,610,000*		*147,610,000*
	Trust funds	*392,347,000*		*392,347,000*
	Limitation on obligations	*7,800,000,000*		*7,800,000,000*
	Release from Energy Reserve	*18,792,000,000*		*18,792,000,000*
	District of Columbia funds (net)	*48,806,600*		*48,806,600*
	Title II—Increased Pay Costs			
	Legislative Branch	32,785,400		32,785,400
	By transfer, Sec. 311 funds	*1,457,000*		*1,457,000*
	Release of Sec. 311 funds	*1,079,000*		*1,079,000*
	The Judiciary			
	By transfer	*13,726,000*		*13,726,000*
	Executive Office of the President	3,046,000		3,046,000
	Funds Appropriated to President	9,332,000		9,332,000
	Department of Agriculture	75,291,000		75,291,000
	By transfer	*4,011,000*		*4,011,000*
	Increase in limitations	*2,254,000*		*2,254,000*
	Department of Commerce	68,200,000		68,200,000
	Department of Defense—Military	2,795,739,000		2,795,739,000
	Department of Defense—Civil	41,345,000		41,345,000
	Department of Education	5,825,000		5,825,000
	Department of Health and Human Services	34,579,000		34,579,[illegible]
	By transfer	*8,533,000*		*8,533,[illegible]*
	Increase in limitations	*93,000,000*		*93,000,[illegible]*
	Trust fund transfer	*3,000,000*		*3,000,[illegible]*
	Department of Housing and Urban Development	3,008,000		3,008,000
	By transfer	*11,845,000*		*11,845,000*
	Department of the Interior	45,000,000		45,000,000
	Increase in limitations	*297,000*		*297,000*
	Department of Justice	53,433,000		53,433,000
	By transfer	*23,327,000*		*23,327,000*
	Department of Labor	19,563,000		19,563,000
	By transfer	*11,000*		*11,000*
	Trust fund transfer	*1,834,000*		*1,834,000*
	Department of State	3,198,000		3,198,000
	By transfer	*12,000,000*		*12,000,000*
	Department of Transportation	124,410,000		124,410,000
	By transfer	*300,000*		*300,000*
	Increase in limitations	*5,380,000*		*5,380,000*
	Department of the Treasury	127,599,000		127,599,000
	Environmental Protection Agency	2,800,000		2,800,000
	National Aeronautics and Space Administration	36,286,000		36,286,000
	Veterans Administration	179,048,000		179,048,000
	Increase in limitations	*1,110,000*		*1,110,000*
	Other Independent Agencies	71,017,000		71,017,000
	By transfer	*1,608,673*		*1,608,673*
	Increase in limitations	*931,000*		*931,000*
	Total, title II—Increased Pay Costs:			
	New budget (obligational) authority	3,731,504,400		3,731,504,400
	By transfer	*75,361,673*		*75,361,673*
	Increase in limitations	*102,972,000*		*102,972,000*
	Trust fund transfer	*4,834,000*		*4,834,000*
	Release of Sec. 311 funds	*1,079,000*		*1,079,000*
	By transfer, Sec. 311 funds	*1,457,000*		*1,457,000*
	Title III—General Provisions			
	Purchase of furniture (rescission)	*−220,000,000*		*−220,000,000*
	Decrease in limitations	*−15,000,000*		*−15,000,000*
	Recapitulation			
	Grand total, titles I, II, and III:			
	New budget (obligational) authority (net)	16,308,536,772	591,600,000	16,900,136,772
	Appropriations	(19,492,108,918)	(591,600,000)	(20,083,708,918)
	Rescission of unobligated balances	[1](−3,183,572,146)		[1](−3,183,572,146)
	Deferrals	*(−540,800,000)*		*(−540,800,000)*
	By transfer	*(2,846,640,673)*		*(2,846,640,673)*
	Increase in limitations	*(278,125,000)*		*(278,125,000)*
	Decrease in limitations	*(−15,000,000)*		*(−15,000,000)*
	Appropriations to liquidate contract authorization	*(4,184,669,000)*		*(4,184,669,000)*
	Transfer authority	*(493,000,000)*		*(493,000,000)*
	Loan authority	*(100,000,000)*		*(100,000,000)*
	Trust fund transfer	*(152,444,000)*		*(152,444,000)*
	Trust funds	*(392,347,000)*		*(392,347,000)*
	Limitations on obligations	*(7,800,000,000)*		*(7,800,000,000)*
	Release from Energy Reserve	*(18,792,000,000)*		*(18,792,000,000)*
	Release of Sec. 311 funds	*(1,079,000)*		*(1,079,000)*
	By transfer, Sec. 311 funds	*(1,457,000)*		*(1,457,000)*
	District of Columbia funds (net)	*(48,806,600)*		*(48,806,600)*

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[1] Does not reflect rescission of $60,000,000 from title I, chapter XIII.

EXPORT-IMPORT BANK, INCREASE IN PROGRAM LIMITATION, 1980

Public Law 96-334

96th Congress, H.J. Res. 589

August 29, 1980

JOINT RESOLUTION

Providing additional program authority for the Export-Import Bank.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation on program activity of the Export-Import Bank is increased as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON PROGRAM ACTIVITY

$525,750,000 (limitation)

In addition to amounts otherwise authorized for such purposes for the fiscal year 1980, not to exceed $525,750,000 (of which not to exceed $251,000,000 shall be for direct loans) is authorized for the fiscal year 1980 for other than administrative expenses.

Approved August 29, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT No. 96-1191 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 30, considered and passed House.
July 31, considered and passed Senate, amended, in lieu of S.J. Res. 191.
Aug. 18, House disagreed to Senate amendment; Senate receded from its amendment.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE VETERANS ADMINISTRATION, 1980

Public Law 96-352

96th Congress, H.J. Res. 607

September 17, 1980

JOINT RESOLUTION

Making an urgent supplemental appropriation for the Veterans Administration for the fiscal year ending September 30, 1980.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, namely:

VETERANS ADMINISTRATION

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $40,000,000, to remain available until expended. $40,000,000

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic censuses and programs", $27,000,000, to remain available until expended. 27,000,000

Approved September 17, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT No. 96-1311 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 15, considered and passed House.
  Sept. 16, considered and passed Senate, amended; House concurred in Senate amendment.

Grand total, new budget (obligational) authority, Further Continuing Appropriations, 1980 67,000,000

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing joint resolution:

Department or establishment	Amount
Veterans Administration	$40,000,000
Department of Commerce	27,000,000
Total, new budget (obligational) authority	67,000,000

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981

Public Law 96-528

96th Congress, H.R. 7591

December 15, 1980

AN ACT

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

$4,810,000 For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $75,000 for employment under 5 U.S.C. 3109, $4,810,000: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

DEPARTMENTAL ADMINISTRATION

12,950,000 For Budget, Planning and Evaluation, and Public Participation, $3,493,800; for Operations and Finance, Personnel, Equal Opportunity, Safety and Health Management, Management Analysis and Small and Disadvantaged Business Utilization, $9,256,200; for Capper-Volstead Monitoring, $200,000, to be transferred to the Economics and Statistics Service; making a total of $12,950,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, of which not to exceed $10,000 is for employment under 5 U.S.C. 3109.

GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving governmental and public affairs and emergency preparedness; acting as liaison within the executive branch and with the Congress on legislative matters; and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the

Department, $8,861,000; of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and, not to exceed $2,748,000 may be used for farmers' bulletins and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

$8,861,000

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), $28,052,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and in addition, $10,000,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

28,052,000

10,000,000
(by transfer)

OFFICE OF THE GENERAL COUNSEL

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $11,609,000.

11,609,000

FEDERAL GRAIN INSPECTION SERVICE

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109, $24,457,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require non-export, non-terminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

24,457,000

SCIENCE AND EDUCATION ADMINISTRATION

AGRICULTURAL RESEARCH

For necessary expenses to enable Agricultural Research to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $414,367,000: *Provided,* That appropriations hereunder

414,367,000

shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That of the appropriations hereunder, not less than $10,526,600 shall be available to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $88,000, except for headhouses connecting greenhouses which shall each be limited to $500,000, and except for ten buildings to be constructed or improved at a cost not to exceed $165,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $88,000 whichever is greater: *Provided further,* That the limitations on construction contained in this Act shall not apply to the establishment of a fruit and nut germ plasm repository at Davis, California, the establishment of a photo-period house at Canal Point, Florida, and construction of facilities at Plum Island, New York; Beckley, West Virginia; and Stillwater, Oklahoma: *Provided further,* That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That $12,100,000 of the appropriation provided herein for construction of facilities shall remain available until expended.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,000,000. $2,000,000 *(reappropriation, indefinite)*

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), $5,000,000: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed, and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109. 5,000,000

COOPERATIVE RESEARCH

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $128,615,000 to carry into effect the provisions of the Hatch

Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), and further amended by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; $10,774,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses; $19,270,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $17,076,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $16,000,000 for competitive research grants, including administrative expenses; $6,500,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $500,000 for grants in accordance with section 1419 of Public Law 95-113; $650,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; and $1,512,000 for necessary expenses of Cooperative Research activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $200,897,000. $200,897,000

EXTENSION ACTIVITIES

Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), section 506 of the Act of June 23, 1972, and the Act of September 29, 1977 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $205,448,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $55,017,000; payments for the urban gardening programs under section 3(d) of the Act, $3,000,000; payments for the pest management program under section 3(d) of the Act, $7,435,000; payments for the farm safety program under section 3(d) of the Act, $1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $1,805,000; payments for the energy demonstration program under section 3(d) of the Act, $300,000; payments for extension work under section 209(c) of Public Law 93-471, $910,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 1444 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (Public Law 95-113), $11,250,000; and for carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $11,500,000; in all, $297,685,000, of which not less than $78,600,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to 297,685,000 section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), and to coordinate and provide program leadership for the extension and higher education work of the Department and the several States and insular possessions, $5,948,000, of which not less than $2,100,000 is for Home Economics.

$5,948,000

[*Total, Extension Activities, $303,633,000.*]

TECHNICAL INFORMATION SYSTEMS

For necessary expenses of the Technical Information Systems, $8,541,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

8,541,000

[*Total, Science and Education Administration, $934,438,000.*]

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c) necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $259,255,000, of which $2,500,000 shall be available for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided,* That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency pur-

259,255,000

poses in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, extension, alteration, purchase and improvement of fixed equipment or facilities, $6,986,000, to remain available until expended: *Provided,* That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements: *Provided further,* That unless otherwise provided, the cost of constructing any one building shall not exceed $88,000, except for one building to be constructed for biological control activities at a cost of $1,400,000; a facility in Hawaii at a Federal cost of $3,800,000; four buildings to be constructed or improved at a cost not to exceed $175,000 each; and $100,000 for planning a rearing facility: *Provided further,* That the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100. $6,986,000

[*Total, Animal and Plant Health Inspection Service, $266,241,000.*]

FOOD SAFETY AND QUALITY SERVICE

For necessary expenses to carry on services related to consumer protection and agricultural marketing and distribution, $293,318,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $90,000, except for two buildings to be constructed or improved at a cost not to exceed $150,000, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100. 293,318,000

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $5,210,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

ECONOMICS AND STATISTICS SERVICE

For necessary expenses of the Economics and Statistics Service to carry out the Act of July 2, 1926 (7 U.S.C. 451–457), and as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and other laws, in conducting: Statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys; economic research and service relating to agricultural production, marketing, and distribution, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, cost and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $90,203,000, of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the Courts: *Provided,* That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further,* That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further,* That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $140,000 shall be available for employment under 5 U.S.C. 3109. $90,203,000

AGRICULTURAL COOPERATIVES SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,500,000: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109. 4,500,000

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

For necessary expenses of the World Food and Agricultural Outlook and Situation Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,731,000, of which $500,000 shall be available only for the establishment of a secure lock-up facility: *Provided,* That this appropriation 1,731,000 shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109.

Agricultural Marketing Service

MARKETING SERVICES

For necessary expenses to carry on services related to agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 for employment under 5 U.S.C. 3109, $49,109,000; of which not less than $1,365,000 shall be available for the Wholesale Market Development Program and $819,000 for the Information Offices: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building. $49,109,000

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,000,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building. 2,000,000

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,600,000. 1,600,000

[*Total, Agricultural Marketing Service, $52,709,000.*]

[*Total, Production, Processing and Marketing, $1,733,879,000.*]

Farm Income Stabilization

Agricultural Stabilization and Conservation Service

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g, 590o, 590p(a) and 590q); sections 1001 to 1008 and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1508 and 1510); the Water Bank Act (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978

(16 U.S.C. 2101); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); and laws pertaining to the Commodity Credit Corporation, $195,671,000: *Provided*, That, in addition, not to exceed $159,789,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $44,994,000 under the limitation on Commodity Credit Corporation administrative expenses for a total of $355,460,000): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

$195,671,000
159,789,000
(by transfer)

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, $1,700,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

1,700,000

[*Total, Agricultural Stabilization and Conservation Service:*
[*New budget (obligational) authority* ....*$197,371,000.*]
[*By transfer* .... *(159,789,000).*]

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

Federal Crop Insurance Corporation

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $29,558,000. $29,558,000

Commodity Credit Corporation

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $3,299,887,000. 3,299,887,000

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $52,750,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided,* That this authorization shall be available to support the General Sales Manager who shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation) pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501 and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further,* That none of the funds in this Act may be used to carry out an Export Credit Sales program in excess of $2,200,000,000 in fiscal year 1981: *Provided further,* That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further,* That none of the funds in this Act may be used to carry out a program of loan guarantees by the Corporation for the production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest products in excess of $500,000,000.

52,750,000 (limitation on obligations)

[Total, Farm Income Stabilization:	
[New budget (obligational) authority	*$3,526,816,000.]*
[Limitation on expenses	*52,750,000.]*
[By transfer	*159,789,000.]*
[Total, title I, Agricultural Programs:	
[Definite appropriations	*5,258,695,000.]*
[Indefinite reappropriations	*2,000,000.]*
[By transfer	*169,789,000.]*
[Limitation on obligations	*52,750,000.]*
[Total, new budget (obligational) authority.	*5,260,695,000.]*

TITLE II—RURAL DEVELOPMENT PROGRAMS

Rural Development Assistance

Farmers Home Administration

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $24,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $4,075,600,000, of which not less than $3,195,600,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary; and not to exceed $5,000,000 for advances as authorized by section 501(e) of such Act and not to exceed $2,000,000 for compensation of construction defects as authorized by section 509(c) of such Act: *Provided,* That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts.

$24,000,000 (loan authorization)
4,075,600,000 (loan authorization)
(5,000,000) (payment authorization)
2,000,000 (payment authorization)
25,000,000 (loan authorization)

During fiscal year 1981, no more than 17,655 units may be assisted under rental assistance agreements entered into during the year pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, and the total obligation incurred over the life of these agreements shall not exceed $403,000,000 to be added to and merged with the authority provided for this purpose in prior fiscal years.

403,000,000 (limitation on obligations)

For an additional amount to reimburse the rural housing insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including $8,712,000, as authorized by section 521(c) of the Act, $504,318,000, and for an additional amount as authorized by section 521(c) of the Act as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

−99,000,000 *(miscellaneous offsetting adjustments)*
504,318,000
110,000,000

[Total, Rural Housing Insurance Fund:	
[Definite appropriations	*$515,318,000.]*
[Loan authorizations	*4,124,600,000.]*
[Payment authorizations	*7,000,000.]*
[Limitation on obligations	*403,000,000.]*

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount to reimburse the agricultural credit insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $297,032,000.

$297,032,000

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, or guaranteed, as follows: Real estate loans, $999,600,000, including not less than $920,000,000 for farm ownership loans of which $50,000,000 shall be guaranteed loans; and not less than $60,500,000 for water development, use, and conservation loans of which $6,000,000 shall be guaranteed loans; operating loans, $875,000,000 of which $25,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters.

999,600,000 (loan authorization)

875,000,000 (loan authorization)

2,000,000,000 (loan authorization, indefinite)

[*Total, loan authorizations, $3,874,600,000.*]

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount to reimburse the rural development insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $143,282,000.

143,282,000

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661–664, as follows: Insured water and sewer facility loans, $750,000,000; guaranteed industrial development loans, $741,000,000; and insured community facility loans, $260,000,000.

750,000,000 (loan authorization)

741,000,000 (loan authorization)

260,000,000 (loan authorization)

[*Total, loan authorizations, $1,751,000,000.*]

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $200,000,000, to remain available until expended, pursuant to section 306(d) of the above Act.

200,000,000

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the elderly pursuant to section 504 of the Housing Act of 1949, as amended, $25,000,000.

25,000,000

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $25,000,000.

25,000,000

SELF-HELP HOUSING LAND DEVELOPMENT FUND

During 1981 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $2,000,000.

2,000,000 (limitation on obligations)

For an additional amount to provide capitalization to the self-help housing land development fund under section 523(f) and (g), $1,000,000.

1,000,000

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments. $3,500,000

RURAL DEVELOPMENT PLANNING GRANTS

For rural development planning grants pursuant to section 306(a)(11) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $5,000,000. 5,000,000

RURAL HOUSING SUPERVISORY ASSISTANCE GRANTS

For grants pursuant to section 525(a) of the Housing Act of 1949, as amended (42 U.S.C. 1490(e)), $1,500,000. 1,500,000

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $5,000,000. 5,000,000

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490h); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $244,984,000, including $1,730,000 for the coordination of rural development activities as authorized by section 603 of the Rural Development Act of 1972, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109.

244,984,000

3,000,000 (by transfer, indefinite)

500,000 (by transfer, indefinite)

[*Total, Farmers Home Administration, $1,466,616,000.*]

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: Rural electrification loans, not less than $850,000,000, nor more than $1,100,000,000, and rural telephone loans, not less than $250,000,000, nor more than $325,000,000, to remain available until expended: *Provided,* That loans made pursuant to section 306 of that Act are in addition to these amounts.

[1]$ 850,000,000 (loan authorization)

[1]250,000,000 (loan authorization)

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $22,500,000, to remain available until expended (7 U.S.C. 901–950(b)).

[1]22,500,000

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $160,000,000 nor more than $220,000,000.

220,000,000 (limitation on obligations)

RURAL COMMUNICATION DEVELOPMENT FUND

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1928 and 86 Stat. 661–664 as follows: Community Antenna Television loans under section 306 of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1926, $10,000,000. Community Antenna Television loans under section 310B of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1932, $24,000,000.

10,000,000 (loan authorization)

24,000,000 (loan authorization)

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to carry out a loan and loan guarantee program for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $27,719,000.

27,719,000

[*Total, Rural Development Assistance:*

[*New budget (obligational) authority*	*$1,494,335,000.*]
[*By transfer*	*3,500,000.*]
[*Loan authorizations*	*9,784,200,000.*]

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[1] Excluded from budget totals by Public Law 93-32.

Conservation

Soil Conservation Service

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C 590a–590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, $293,001,000, of which not less than $3,396,000 is for snow survey and water forecasting and not less than $2,933,000 is for operation of the plant materials centers: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and eight buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service. $293,001,000

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $17,442,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109. 17,442,000

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $10,000,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109. 10,000,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisons of laws relating to the activities of the Department, $192,524,000 (of which $23,500,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205) and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $26,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

$192,524,000

26,000,000
(loan
authorization)

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), $34,046,000, of which $300,000 shall be for the authorization of 4 new areas: *Provided*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

34,046,000
4,000,000
(loan
authorization)

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $20,000,000, to remain available until expended.

20,000,000

[***Total, Soil Conservation Service, $567,013,000.***]

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), and 590q), and sections 1001-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $190,000,000 to remain available until expended for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels. $190,000,000

RURAL CLEAN WATER PROGRAM

For necessary expenses for carrying out an experimental Rural Clean Water Program, $20,000,000, to remain available until expended and to be targeted at areas with identified and significant agricultural nonpoint source water pollution problems to be selected by the Secretary: *Provided*, That practices under the above program shall be recommended by the County Committees, approved by the State Committees and the Secretary, with the concurrence of the 20,000,000

Administrator of the Environmental Protection Agency, or recommended by the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, and approved by the State Committees and the County Committees: *Provided further*, That such program shall be in addition to the regular Agricultural Conservation Program, and coordinated therewith, with the Soil Conservation Service and others providing technical assistance and the Agricultural Stabilization and Conservation Service providing administrative services for the program, including, but not limited to, the negotiation and administration of contracts and the disbursement of payments: *Provided further*, That such funds as may be required shall be transferred to the Soil Conservation Service, or others, for necessary technical assistance.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,500,000, to remain available until expended, as authorized by that Act. $12,500,000

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $10,000,000, to remain available until expended. 10,000,000

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204. 10,000,000

[*Total, Agricultural Stabilization and Conservation Service, $242,500,000.*]

[*Total, Conservation:*	
[*New budget (obligational) authority*	*$809,513,000.*]
[*Loan authorizations*	*30,000,000.*]
[*Total, title II, Rural Development Programs:*	
[*New budget (obligational) authority*	*$2,303,848,000.*]
[*By transfer*	*3,500,000.*]
[*Loan authorizations*	*9,814,200,000.*]
[*Limitations on obligations*	*625,000,000.*]
[*Payment authorizations*	*7,000,000.*]

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1787); $3,638,776,000, of which $1,759,123,000 is hereby appropriated, and $1,879,653,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), including $80,000,000 for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act: *Provided*, That of the foregoing total

1,759,123,000
1,879,653,000
(by transfer)

amount there shall be available $15,000,000 for the food service equipment assistance program: *Provided further,* That funds provided herein shall remain available until September 30, 1982: *Provided further,* That only claims for reimbursement for meals served after September 1, 1980 submitted to State agencies prior to January 1982, shall be eligible for reimbursement: *Provided further,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966 when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That no part of the funds appropriated in this Act for the summer food service program shall be available for payments to service institutions other than to: (1) public service institutions, (2) private nonprofit service institutions including residential camps which use self-preparation facilities to prepare meals or obtain meals from a public facility, such as a school district, public hospital, or State university, (3) private nonprofit schools including colleges and universities, (4) private nonprofit migrant farmworker organizations including those that purchase meals from a food service management company, (5) private nonprofit service institutions which serve not more than 500 children daily at not more than three sites and which purchase meals from a food service management company, and (6) in areas where no service institutions delineated in items (1) through (5) are available to operate the program, private nonprofit service institutions which purchase meals from a food service management company, determined by the Secretary of Agriculture to have a record of reliable and honest community service in feeding programs: *Provided further,* That none of the funds appropriated in this Act shall be used to provide meal services at or for Job Corps Centers: *Provided further,* That $285,000,000 of the amount appropriated herein shall be held in reserve until the Omnibus Reconciliation Act of 1980 is enacted or the 96th Congress adjourns sine die: *Provided further,* That upon enactment of the Omnibus Reconciliation Act of 1980, which requires reductions in Child Nutrition Program levels, $285,000,000 of the amount herein appropriated shall be hereby rescinded, and the program level shall be reduced by a similar amount: *Provided further,* That, of the funds provided herein for the school lunch program, there shall be available $1,975,000 with which the Secretary shall conduct a 3-year pilot project study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts.

−$285,000,000
(rescission)

[*Total, Child Nutrition Programs, $1,474,123,000.*]

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $118,800,000, to remain available until September 30, 1982: *Provided,* That only claims for reimbursement for milk served during

118,800,000

fiscal year 1981 submitted to State agencies prior to January 1, 1982, shall be eligible for reimbursement: *Provided further,* That none of the funds appropriated in this Act may be used for payments which exceed 5 cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966.

SPECIAL SUPPLEMENTAL FOOD PROGRAMS (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), $927,040,000: *Provided,* That funds provided herein shall remain available until September 30, 1982. $927,040,000

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027), $9,451,276,000: *Provided,* That funds provided herein shall remain available until September 30, 1981, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3697 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act. 9,451,276,000

For an additional amount to carry out the Food Stamp Act (7 U.S.C. 2011-2027), $288,000,000, should it become necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste and abuse in the program: *Provided,* That funds provided herein shall remain available until September 30, 1981. 288,000,000

[*Total, Food Stamp Program, $9,739,276,000.*]

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965 (42 U.S.C. 303a), $128,660,000. 128,660,000

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, $84,000,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That no funds appropriated in this or any other Act shall be used by the Secretary to administer directly in any State any program authorized under the National School Lunch Act or the Child Nutrition Act of 1966 that the Secretary did not directly administer in fiscal year 1980. 84,000,000

[*Total, title III, Domestic Food Programs:*
[*New budget (obligational) authority (net)* ....*$12,471,899,000.*]
[*Appropriations* ....*12,756,899,000.*]
[*Rescissions* ....*−285,000,000.*]
[*By transfer* ....*1,879,653,000.*]

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $75,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $60,535,000: *Provided,* That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

$60,535,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan and direct activities involving international development, technical assistance and training, international scientific and technical cooperation in the Department of Agriculture, $3,500,000, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

3,500,000

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, not more than $892,400,000, of which $406,330,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales and carryover balances; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $822,600,000, of which $822,600,000 is hereby appropriated and the balance to be derived from Commodity Credit Corporation funds and from carryover balances: *Provided,* That not to exceed 10 percent of the funds made available to carry out any title of this paragraph may be used to carry out any other title of this paragraph.

406,330,000

822,600,000

[*Total, Public Law 480, $1,228,930,000.*]

[*Total, title IV, International Programs, New budget (obligational) authority, $1,292,965,000.*]

TITLE V—RELATED AGENCIES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000; $321,035,000.

$321,035,000

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $28,253,000.

28,253,000

[*Total, Food and Drug Administration, $349,288,000.*]

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.) including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $17,966,000 to be available as authorized by law: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses.

17,966,000

Farm Credit Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $13,444,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses including the hire of one passenger motor vehicle.

13,444,000 (limitation of obligations)

[*Total, title V, Related Agencies:*
[*New budget (obligational) authority .... $367,254,000.*]
[*Limitation on obligations .... 13,444,000.*]

TITLE VI—GENERAL PROVISIONS

Sec. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1981 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed six hundred eighty-nine (689) passenger motor vehicles of which six hundred fourteen (614) shall be for replacement only, and for the hire of such vehicles.

Sec. 603. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Sec. 604. Not less than $1,500,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

Sec. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

Sec. 606. Advances of money from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,000,000: *Provided,* That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

Sec. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Special Foreign Currency Program); Public Law 480; Rural Housing for Domestic Farm Labor; Watershed and Flood Prevention Operations; Resource Conservation and Development; Agricultural Stabilization and Conservation Service Salaries and Expenses funds made available to county committees; and Buildings and Facilities, Food and Drug Administration.

Sec. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 610. Not to exceed $50,000 of the appropriations available to the Department of Agriculture shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Sec. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agriculture Stabilization and Conservation County Committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized.

Sec. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

Sec. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

Sec. 614. Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

Sec. 615. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 616. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

SEC. 617. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 per centum of the value of the loans closed during the fiscal year.

SEC. 618. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the value of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 619. Within 60 days of enactment of this Act, the Department of Energy shall transfer $10,800,000 to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing inter-agency agreements. This sum represents the total fiscal year 1981 funding for the Department of Energy's on-farm and herbaceous programs, the near-term silviculture program and on-farm alcohol stills.

SEC. 620. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281): *Provided,* That any increases in acreage in 1981 shall not be used in determining normal crop acreage in future years.

SEC. 621. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980.

SEC. 622. Notwithstanding any other provision of law, watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

Approved December 15, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1095 (Comm. on Appropriations) and No. 96-1519 (Comm. of Conference).

SENATE REPORT No. 96-1030 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980):

July 29, 30, considered and passed House.

Nov. 25, considered and passed Senate, amended.

Dec. 4, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report and concurred in House amendments.

Grand total:		
Appropriations: Definite	$21,979,661,000	
Reappropriations: Indefinite	2,000,000	
Rescissions	−285,000,000	
Authorizations to spend from public debt receipts	[1]*(1,100,000,000)*	
By transfer	*(2,052,942,000)*	
Limitation on obligations	*(691,194,000)*	
Loan authorizations	*(9,814,200,000)*	
Payment authorizations	*(7,000,000)*	
Total, new budget (obligational) authority, Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (net)		$21,696,661,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Agriculture for such fiscal year:

Permanent appropriations:		
Federal funds (pp. 1903–1905)	$2,863,298,000	
Trust funds (pp. 1916–1917)	160,988,000	
Interior Department Appropriations Act, 1981:		
Forest Service (pp. 226–228)	1,461,360,000	
Continuing Appropriations, 1981:		
Public Law 96-369 (p. 374)	15,000,000	
Subtotal, additions		4,500,646,000

Deduct amounts transferred to Department of Health and Human Services, and General Government totals:

Department of Health and Human Services:		
Food and Drug Administration (p. 114)	$349,288,000	
General Government:		
Commodity Futures Trading Commission (p. 114)	17,966,000	
Subtotal, deductions		−367,254,000
Grand total, Department of Agriculture (net)		25,830,053,000

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1981

Public Law 96-527

96th Congress, H.R. 8105

December 15, 1980

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets and aviation cadets; $11,060,468,000. $11,060,468,000

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; $7,857,423,000. 7,857,423,000

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); $2,350,086,000. 2,350,086,000

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $8,976,309,000. $8,976,309,000

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $789,150,000. 789,150,000

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $302,003,000. 302,003,000

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $102,767,000. 102,767,000

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $258,974,000. 258,974,000

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section

672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $1,035,997,000. $1,035,997,000

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $341,172,000. 341,172,000

[*Total, title I, Military Personnel, new budget (obligational) authority (all definite appropriations), $33,074,349,000.*]

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $13,887,800,000. 13,887,800,000

[*Total, title II, Retired Military Personnel, new budget (obligational) authority (all definite appropriations), $13,887,800,000.*]

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $3,965,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $12,302,784,000, and in addition, $5,000,000, which shall be derived by transfer from "Army Stock Fund", of which not less than $641,500,000 shall be available only for the maintenance of real property facilities. 12,302,784,000 *5,000,000 (by transfer)*

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $1,555,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $16,735,394,000, and in addition, $135,500,000, of which $13,700,000 shall be derived by transfer from "Aircraft procurement, Navy, 1980/1982"; $86,400,000 shall be derived by transfer from the subdivision "FFG–7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984"; $21,500,000 shall be derived by transfer from "Other procurement, Navy, 1980/1982"; $6,900,000 shall be derived by transfer from "Research, development, test, and evaluation, Navy, 1980/1981"; and $7,000,000 shall be derived by transfer from "Navy Stock Fund", of which not less than $547,300,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $2,600,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further*, That not less than $3,745,700,000 of this appropriation shall be available only for regularly scheduled ship overhauls, restricted availabilities and expenses associated with the installation of equipment, improvements, and modifications scheduled to be accomplished concurrently during an overhaul or restricted availability of which not less than $24,000,000 shall be available for such work at the Ship Repair Facilities, Guam: *Provided further*, That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources.

$16,735,394,000
135,500,000
(by transfer)

NAVY STOCK FUND

For the Navy stock fund, $309,000. 309,000

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $994,200,000, and in addition, $9,700,000 of which $8,700,000, which shall be derived by transfer from "Procurement, Marine Corps, 1980/1982"; and $1,000,000 shall be derived by transfer from "Marine Corps Stock Fund", of which not less than $149,800,000 shall be available only for the maintenance of real property facilities.

994,200,000
9,700,000
(by transfer)

MARINE CORPS STOCK FUND

For the Marine Corps stock fund, $4,108,000. 4,108,000

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $3,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $13,555,046,000, and in addition, $56,000,000, of which $39,600,000 shall be derived by transfer from "Research, development, test, and evaluation, Air Force, 1980/1981"; $9,400,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1980/1982"; and $7,000,000 shall be derived by transfer from "Air Force Stock Fund", of which not less than $832,300,000 shall be available only for the maintenance of real property facilities.

$13,555,046,000
56,000,000
(by transfer)

AIR FORCE STOCK FUND

For the Air Force stock fund, $28,300,000.

28,300,000

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $4,056,793,000, and in addition, $20,000,000, which shall be derived by transfer from "Defense Stock Fund": *Provided,* That not to exceed $4,854,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further,* That not less than $68,100,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

4,056,793,000
20,000,000
(by transfer)

DEFENSE STOCK FUND

For the Defense stock fund, $35,000,000.

35,000,000

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $488,393,000, of which not less than $27,400,000 shall be available only for the maintenance of real property facilities.

488,393,000

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $531,435,000, of which not less than $19,200,000 shall be available only for the maintenance of real property facilities.

531,435,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $28,854,000, of which not less

28,854,000

than $1,800,000 shall be available only for the maintenance of real property facilities.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $558,680,000, of which not less than $13,500,000 shall be available only for the maintenance of real property facilities. $558,680,000

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $890,820,000, of which not less than $21,300,000 shall be available only for the maintenance of real property facilities. 890,820,000

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $1,419,607,000, of which not less than $28,400,000 shall be available only for the maintenance of real property facilities. 1,419,607,000

National Board for the Promotion of Rifle Practice, Army

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $825,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $340,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313. $825,000

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; $135,850,000. 135,850,000

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $2,197,000, and not to exceed $1,500 can be used for official representation purposes and, in addition, $68,000 for "Court of Military Appeals, Defense, 1976" for the liquidation of obligations incurred for fiscal year 1976.
2,197,000
68,000
(liquidation)

[Total, title III, Operation and maintenance:
[New budget (obligational) authority .... $51,768,663,000.]
[By transfer .... 226,200,000.]

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,076,400,000, to remain available for obligation until September 30, 1983. 1,076,400,000

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,519,800,000, to remain available for obligation until September 30, 1983. $1,519,800,000

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,582,200,000, to remain available for obligation until September 30, 1983. 2,582,200,000

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,531,000,000, to remain available for obligation until September 30, 1983. 1,531,000,000

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed one thousand and eighty-four passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,223,658,000, to remain available for obligation until September 30, 1983. $2,223,658,000

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,110,707,000, to remain available for obligation until September 30, 1983. 6,110,707,000

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,766,029,000, to remain available for obligation until September 30, 1983. 2,766,029,000

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, $1,088,200,000; for the T-AK FBM resupply ship conversion program, $45,300,000; for the SSN-688 nuclear attack submarine program, $991,700,000; for the aircraft carrier service life extension program, $501,400,000; for the CG-47 AEGIS cruiser program, $1,759,500,000; for the LSD-41 landing ship dock program, $387,700,000; for the FFG-7 guided missile frigate program, $1,510,000,000; for the T-AGOS SURTASS ship program, $180,800,000; for the ARS salvage ship program, $93,000,000; for the maritime prepositioning ship programs, $318,000,000, of which not to exceed $33,000,000 shall be for the T-AKX ship program, and for the roll-on/roll-off prepositioning ship program and the SL-7 cargo ship program, $285,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $580,100,000; and in addition, $27,900,000 which shall be derived by transfer from the "CGN-42 class nuclear-powered cruiser program" of "Shipbuilding and Conversion, Navy, 1978/1982"; in all: $7,455,700,000, and in addition, $27,900,000 to be derived by transfer, to remain available for obligation until September 30, 1985: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

$7,455,700,000
27,900,000
(by transfer)

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed one hundred and seventy-seven passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,037,657,000, to remain available for obligation until September 30, 1983.

3,037,657,000

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed eighty-nine passenger motor vehicles for replacement only; $486,813,000, to remain available for obligation until September 30, 1983.

486,813,000

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,674,143,000, of which $382,044,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in

9,674,143,000

addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme, to remain available for obligation until September 30, 1983.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,140,917,000, to remain available for obligation until September 30, 1983. $3,140,917,000

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed four hundred and one passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $2,999,372,000, to remain available for obligation until September 30, 1983. 2,999,372,000

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two hundred and seventy-six passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $305,028,000, to remain available for obligation until September 30, 1983. 305,028,000

[*Total, title IV, Procurement:*

[*New budget (obligational) authority ....$44,909,424,000.*]

[*By transfer ....27,900,000.*]

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,086,757,000, to remain available for obligation until September 30, 1982. $3,086,757,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,861,160,000, and in addition, $6,052,000 of which $4,086,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1979/1980", and $1,966,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1980/1981", to remain available for obligation until September 30, 1982.

4,861,160,000
4,086,000
(reappropriation)
1,966,000
(by transfer)

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $6,774,011,000, to remain available for obligation until September 30, 1982. 6,774,011,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,254,602,000, to remain available for obligation until September 30, 1982: *Provided,* That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred. 1,254,602,000

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $42,100,000, to remain available for obligation until September 30, 1982. $42,100,000

[Total, title V, Research, development, test, and evaluation:
[New budget (obligational) authority ....$16,022,716,000.]
[Appropriations (definite) ....(16,018,630,000).]
[Reappropriations (definite).......................................(4,086,000).]
[By transfer ....1,966,000.]

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $2,760,000, to remain available for obligation until September 30, 1982: *Provided,* That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies. 2,760,000

[Total, title VI, Special Foreign Currency Program, new budget (obligational) authority (all definite appropriations), $2,760,000.]

TITLE VII

GENERAL PROVISIONS

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided,* That such contracts may be renewed annually.

SEC. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

SEC. 706. Any appropriation available to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; and (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; and (l) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; and (k) expenses of arrangements with foreign countries for cryptologic support.

SEC. 710. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 711. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than $2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

SEC. 712. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 713. During the current fiscal year no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap bailing or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

SEC. 714. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 715. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 716. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 717. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

SEC. 718. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligations during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 720. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided,* That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further,* That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 721. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

SEC. 722. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E-5 or higher with less than 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

SEC. 723. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 724. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 814 of the Department of Defense Appropriation Authorization Act, 1976: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $3,400,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further*, That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 per centum: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 725. None of the funds appropriated by this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 726. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period of appropriate duty.

SEC. 727. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

SEC. 728. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

SEC. 729. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $7,500,000 for the current fiscal year: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

SEC. 730. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

SEC. 731. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

SEC. 732. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

SEC. 733. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $100,000: *Provided,* That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

SEC. 734. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

$750,000,000
(transfer
authority)

SEC. 735. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 736. Not more than $192,800,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

SEC. 737. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 738. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

SEC. 739. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

SEC. 740. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

SEC. 741. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 742. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence.

SEC. 743. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) reconstructive surgery (other than post-mastectomy reconstructive surgery to overcome the effects of trauma or disease), justified solely on psychiatric needs including, but not limited to, mammary augmentation, face lifts and sex gender changes; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, or, for the purpose of conducting a test during fiscal year 1981, by a certified psychiatric nurse, other certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code.

SEC. 744. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

SEC. 745. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

SEC. 746. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

SEC. 747. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

SEC. 748. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $28,000,000.

SEC. 749. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

SEC. 750. During the current fiscal year, for the purpose of conducting a test to evaluate a capitation approach to providing medical care and to that end for the purpose of providing adequate funds in Department of Defense Medical Regions 1 and 7 for medical care, including the expenses of the Civilian Health and Medical Program of the Uniformed Services, funds available to the Department of Defense in the appropriation "Operation and Maintenance, Defense Agencies" for expenses of the Civilian Health and Medical Program of the Uniformed Services may be transferred to appropriations available to the military departments for operation and maintenance, and funds available to the military departments for operation and maintenance may be transferred between such appropriations: *Provided*, That funds transferred pursuant to this authority shall be merged with and made available for the same purpose as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That transfer authority provided herein shall be in addition to that provided in section 734 of this Act.

SEC. 751. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1980, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That if enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units are revised, then the revised standards may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 751A. None of the funds appropriated by this Act shall be obligated under the Competitive Rate Program of the Department of Defense for the transportation of household goods to or from Alaska or Hawaii.

SEC. 752. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

SEC. 753. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further*, That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

SEC. 754. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year.

SEC. 755. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 756. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated July 17, 1974.

SEC. 757. During the current fiscal year, the Department of Defense may guarantee loans pursuant to title III of the Defense Production Act of 1950 as amended (50 U.S.C. App. 2091, 64 Stat. 800) in an amount not to exceed $30,000,000.

SEC. 758. None of the funds appropriated by this Act may be used for the consolidation or realignment of advanced or undergraduate pilot training squadrons of the Navy.

SEC. 759. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 760. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 761. During the current fiscal year, funds appropriated by this Act shall be available to provide for the lease of a facility, regardless of location, designated by the Secretary of Defense for cryptologic purposes; and for alterations, improvement, and repair of that facility notwithstanding any other provisions of law. Funding for lease, alterations, improvement, and repair shall not exceed one million dollars. Further, funds appropriated by this Act shall be available to provide support in accordance with sections 4 and 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403e and 403j), to certain Department of Defense cryptologic personnel stationed overseas as designated by the Secretary of Defense.

SEC. 762. Effective the first day of the second month following enactment of this Act, none of the funds appropriated by this Act shall be available to pay the retired pay or retainer pay of a person for any month who, on or after December 1, 1980, is retired under section 8337 of title 5, United States Code, in an amount that is more than—

(a) the monthly amount of retired pay or retainer pay that the person is otherwise entitled to receive, minus

(b) the amount equal to the difference between:

(1) the amount the person is entitled to receive for that month as a civil service annuity computed based on the provisions of section 8339(g) of title 5, United States Code, and

(2) the amount the person would be entitled to receive for that month if the person's civil service annuity was computed under the provisions of section 8339 (a), (b), or (c), as appropriate, excluding credit for military service:

Provided, That the foregoing limitation shall not serve to reduce the retired or retainer pay below that necessary to make deductions from the retired pay of a person for deductions for Survivor Benefit Plan payments: *Provided further*, That the foregoing limitation shall not apply to a person who has applied for retirement under section 8337 of title 5, United States Code, prior to December 1, 1980: *Provided further*, That the foregoing limitation shall not apply to a person who is covered by the provisions of section 8332(c) (1) or (2) of title 5, United States Code.

SEC. 763. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

SEC. 764. None of the funds appropriated by this Act shall be available for the purchase of insignia for resale unless the sales price of such insignia is adjusted to the extent necessary to recover the cost of purchase of such insignia and the estimated cost of all related expenses, including but not limited to management, storage, handling, transportation, loss, disposal of obsolete material, and management fees paid to the military exchange systems: *Provided*, That amounts derived by the adjustment covered by the foregoing limitations may be credited to the appropriations against which the charges have been made to recover the cost of purchase and related expense.

SEC. 764A. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

SEC. 764B. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

SEC. 765. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 766. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 767. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care.

SEC. 767A. The appropriation "Foreign Currency Fluctuations, Defense" shall not be available hereafter to transfer funds between that account and appropriations available to the Department of Defense for military personnel expenses with regard to obligations incurred after September 30, 1980.

SEC. 768. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

SEC. 769. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of small firearms.

SEC. 770. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

SEC. 771. (a) The Act entitled "An Act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes", approved March 3, 1905 (33 Stat. 1270), is amended by inserting "or for other public purposes" after "in conformity with the terms of this Act".

(b) The Secretary of the Army shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the State of Maine under the authority of the Act referred to in subsection (a) into conformity with the amendment made by such subsection.

SEC. 772. Subsection (c) of section 1124 of title 10, United States Code, is amended to read as follows:

(c) An award under this section may be paid notwithstanding the member's death, separation, or retirement from the armed force concerned. However, the suggestion, invention, or scientific achievement forming the basis for the award must have been made while the member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.".

TITLE VIII

RELATED AGENCIES

Intelligence Community Staff

For necessary expenses of the Intelligence Community Staff; $17,824,000. $17,824,000

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $55,300,000. 55,300,000

[Total, title VIII, Related Agencies, new budget (obligational) authority (all definite appropriations), $73,124,000.)]

This Act may be cited as the "Department of Defense Appropriation Act, 1981".

Approved December 15, 1980.

Legislative History

House Reports: No. 96-1317 (Comm. on Appropriations) and No. 96-1528 (Comm. of Conference).
Senate Report No. 96-1020 (Comm. on Appropriations).
Congressional Record, Vol. 126 (1980):
  Sept. 15, 16, considered and passed House.
  Nov. 21, considered and passed Senate, amended.
  Dec. 5, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report and concurred in House amendments.

Grand Total:		
Appropriations—definite	$159,734,750,000	
Reappropriations—definite	4,086,000	
By transfer	*(256,066,000)*	
Transfer authority	*(750,000,000)*	
Total, new budget (obligational) authority, Department of Defense Appropriation Act, 1981		159,738,836,000

Note.—In addition to the new budget (obligational) authority for fiscal year 1981 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Defense for such fiscal year.

Permanent appropriations:		
Trust funds (pp. 1918-1919)	$10,800,000	
Military Construction Appropriations Act 1981:		
Department of the Army (pp. 291-293)	947,045.000	
Department of the Navy (pp. 291-293)	808,273,000	
Department of the Air Force (pp. 292-293)	965,925,000	
Department of Defense (pp. 291-297)	2,377,437,000	
Subtotal additions		5,109,480,000
Grand total, Department of Defense		164,848,316,000

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1981

Public Law 96-530

96th Congress, H.R. 8061

December 15, 1980

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1981, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending
September 30, 1981, $295,400,000, as authorized by the District of $295,400,000
Columbia Self-Government and Governmental Reorganization Act,
Public Law 93-198, as amended (D.C. Code 47-2501d); and $8,100,000 8,100,000
in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611).

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), $52,070,000. 52,070,000

For reimbursement for necessary expenses incurred in connection with inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $1,330,100. 1,330,100

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $3,315,000. 3,315,000

[Total, Federal payment, $360,215,100.]

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the District
of Columbia Self-Government and Governmental Reorganization
Act, Public Law 93-198, as amended, $130,567,600, which together 130,567,600
with balances of previous appropriations for this purpose, shall *(loan*
remain available until expended and be advanced upon request of the *appropri-*
Mayor: *Provided,* That during fiscal year 1981 and within the *ation)*
resources and authority available, gross obligations for the principal
amount of direct loans shall not exceed $200,000,000. *(200,000,000)*

[Total, Federal funds to the District of Columbia (all definite appropriations), $490,782,700.] *(limitation)*

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GOVERNMENTAL DIRECTION AND SUPPORT

($84,728,900)

Governmental direction and support, $84,728,900: *Provided*, That not to exceed $2,500 for the Mayor and $2,500 for the Chairman of the Council of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That not to exceed $500,000 of this appropriation shall be available for settlement of property damage claims not in excess of $1,500 each and personal injury claims not in excess of $5,000 each: *Provided further*, That $5,344,500 of the funds appropriated for the Department of General Services shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

ECONOMIC DEVELOPMENT AND REGULATION

(29,111,800)

Economic development and regulation, $29,111,800: *Provided*, That the Convention Center Board, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602) shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit: *Provided further*, That $2,561,600 of the funds appropriated for the Washington Convention Center shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

PUBLIC SAFETY AND JUSTICE

(352,705,600)

Public safety and justice, including purchase of one hundred and thirty-five passenger motor vehicles for replacement only (including one hundred and thirty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year); $352,705,600, of which $5,850,000 shall be payable from the revenue sharing trust fund: *Provided*, That the Police Department is authorized to replace not to exceed twenty-five passenger carrying vehicles, and the Fire Department not to exceed five such vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, Public Law 93-412, approved September 3, 1974 (D.C. Code, section 11-2601 et seq.) for fiscal year 1981 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That not to exceed $200,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That $1,790,500 of the funds appropriated for the Metropolitan Police Department; $789,500 of the funds appropriated for the Fire Department; $4,157,400 of the funds appropriated for the Department of Corrections; and $3,322,400 of the funds appropriated for the Courts shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

PUBLIC EDUCATION SYSTEM

($393,956,500)

Public education system, including the development of national defense education programs, $393,956,500, of which $8,750,000 shall be payable from the revenue sharing trust fund, to be allocated as follows: $275,599,700 for the District of Columbia Public Schools; $38,717,200 for the Teachers' Retirement and Annuity Fund; $60,266,600 for the University of the District of Columbia; $14,046,400 for the Public Library; $551,100 for the Commission on the Arts and Humanities; $90,500 for the Educational Institution Licensure Commission; and $4,685,000 for the School Transit Subsidy: *Provided,* That the District of Columbia Public Schools are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $1,000 for the Superintendent of Schools and $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further,* That the $38,717,200 of this appropriation allocated for the Teachers' Retirement and Annuity Fund shall be transferred to the Teachers' Retirement and Annuity Fund, in accordance with the provisions of section 7 of An Act for the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 879; D.C. Code section 31-727): *Provided further,* That not less than $7,257,800 of this appropriation shall be used exclusively for maintenance of the public schools: *Provided further,* That $29,810,400 of the funds appropriated for the District of Columbia Public Schools, $7,673,800 of the funds appropriated for the University of the District of Columbia, and $2,803,200 of the funds appropriated for the Public Library shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

HUMAN SUPPORT SERVICES

(381,742,000)

Human support services, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Resources, $381,742,000, of which $8,200,000 shall be payable from the revenue sharing trust fund: *Provided,* That the inpatient rate under such contracts shall not exceed $76 per diem and the outpatient rate shall not exceed $12 per visit except for services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.) and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to section 2 of An Act to authorize certain expenditures from the appropriation of Saint Elizabeths Hospital, and for other purposes, approved August 4. 1947 (61 Stat. 751; 24 U.S.C. 168a): *Provided further,* That total reimbursements to

Saint Elizabeths Hospital, including funds from title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.) shall not exceed $21,348,700: *Provided further,* That $5,807,100 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That none of the funds appropriated for the summer youth jobs program shall be obligated until the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate have approved a plan submitted by the Mayor and the City Council detailing proposed expenditures: *Provided further,* That $2,107,200 of the funds appropriated for the Department of Recreation, $3,121,300 of the funds appropriated for the Department of Human Services, $1,302,000 of the funds appropriated for the District of Columbia General Hospital, and $1,947,600 of the funds appropriated for District of Columbia Obligations shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

TRANSPORTATION SERVICES AND ASSISTANCE

Transportation services and assistance, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of sixteen passenger-carrying vehicles, for replacement only, $147,919,000, of which $2,500,000 shall be payable from the revenue sharing trust fund: *Provided,* That this appropriation shall not be available for the purchase of driver-training vehicles: *Provided further,* That $13,743,200 of the funds appropriated for the Department of Transportation and $26,471,400 of the funds appropriated for the Washington Metropolitan Area Transit Authority shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects. *($147,919,000)*

ENVIRONMENTAL SERVICES AND SUPPLY

Environmental services and supply, $43,126,000, of which $1,000,000 shall be payable from the revenue sharing trust fund: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia: *Provided further,* That $10,848,300 of the funds appropriated for the Department of Environmental Services shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects. *(43,126,000)*

INAUGURAL EXPENSES

For reimbursement for necessary expenses incurred in connection with inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $1,330,100. *(1,330,100)*

Demonstration Expenses

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $3,315,000. *($3,315,000)*

Water and Sewer Enterprise Fund

For establishment of the Water and Sewer Enterprise Fund, $82,190,200: *Provided,* That $14,937,500 of the funds appropriated to the Water and Sewer Enterprise Fund shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects. *(82,190,200)*

[*Total, operating expenses, District of Columbia funds, $1,520,125,100.*]

Capital Outlay

For construction projects as authorized by An Act Authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code section 43-1510 et seq.); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101); An Act To authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code, section 9-220); An Act To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, as amended, approved August 20, 1958 (72 Stat. 686); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 321; D.C. Code, sections 1-1443 and 9-220(b)(3)); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $220,908,400: *Provided,* That $2,813,300 shall be available for project management and $2,516,600 for design by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor, and that the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all such funds shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, Public Law 90-495, approved August 23, 1968 (82 Stat. 827, D.C. Code, section 7-135 note), for which funds are provided by this paragraph, shall expire on September 30, 1982, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse. *(220,908,400)*

[*Grand total, District of Columbia funds, $1,741,033,500.*]

GENERAL PROVISIONS

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5

U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditures, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 104. Appropriations in this Act shall be available, when authorized or approved by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed from time to time in the Federal Travel Regulations.

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia may expend such funds without authorization by the Mayor.

Sec. 106. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

Indefinite

Sec. 107. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 355; D.C. Code, section 47-1586j), as amended.

Sec. 108. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 5(b) of the District of Columbia Public Assistance Act of 1962, approved October 15, 1962 (76 Stat. 915; D.C. Code, section 3-204) and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, Public Law 90-445, approved July 31, 1968 (82 Stat. 462; 42 U.S.C. 3801).

Sec. 109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 111. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $225,000.

SEC. 112. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1981, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 35,313: *Provided*, That—

(A) positions within this city employment limitation shall be set aside as the maximum number of permanent, authorized employees as follows: Appropriated positions, 31,005 of which 8,869 shall be for Public Schools; intra-District positions, 1,952; District of Columbia General Hospital, 2,356; and

(B) the District of Columbia Public Schools and the District of Columbia General Hospital shall not exceed their respective employment limitations and are hereby required to report monthly to the Mayor, for the purpose of maintaining controls on city-wide employment, regarding the total number of current employees and the total number of separations and filling of positions within their respective employment limitations; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 113. No funds appropriated in this Act for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 114. The annual budget for the District of Columbia government for fiscal year 1982 shall be transmitted to the Congress by not later than February 1, 1981. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 115. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, section 47-331 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

[Total, new budget (obligational) authority:

[Federal funds	*$490,782,700.]*
[District of Columbia funds	*1,741,033,500.]*
[Limitation	*200,000,000.]*

This Act may be cited as the "District of Columbia Appropriation Act."

Approved December 15, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1271 (Comm. on Appropriations) and No. 96-1477 (Comm. of Conference).

SENATE REPORT No. 96-969 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980):

- Sept. 3, considered and passed House.
- Nov. 17, considered and passed Senate, amended.
- Dec. 2, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
- Dec. 4, Senate agreed to conference report and concurred in House amendments.

Grand total, new budget (obligational) authority, District of Columbia Appropriation Act, 1981:

Federal funds	$490,782,700
District funds	*(1,741,033,500)*
Limitation	*(200,000,000)*

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1981

Public Law 96-367

96th Congress, H.R. 7590

October 1, 1980

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF ENERGY

OPERATING EXPENSES

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For operating expenses of the Department of Energy necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $2,268,754,000, to remain available until expended: *Provided,* That during fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans for the Hydropower Feasibility Studies Loan Program shall not exceed $10,000,000.

$2,268,754,000

10,000,000 (limitation on gross obligations)

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For operating expenses of the Department of Energy necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $1,009,040,000, to remain available until expended, of which $979,585,000 shall be derived from revenues received from the enrichment of uranium as authorized by section 111(h) of Public Law 93-438, as amended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided,* That within the limits of this appropriation, obligations may be incurred in advance of uranium enrichment revenue collections and shall be liquidated from such collections: *Provided further,* That this appropriation as well as all prior year balances are merged with the Uranium Supply and Enrichment Activities Plant and Capital Equipment Appropriation.

1,009,040,000
−979,585,000
(*revenues*)

[*Total, Uranium Supply and Enrichment Activities, $29,455,000.*]

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For operating expenses of the Department of Energy necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $378,015,000, to remain available until expended.

378,015,000

ATOMIC ENERGY DEFENSE ACTIVITIES

For operating expenses of the Department of Energy necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $2,890,623,000, to remain available until expended. $2,890,623,000

DEPARTMENTAL ADMINISTRATION

OFFICE OF THE SECRETARY

For salaries and expenses for the Office of the Secretary of Energy necessary for administering the Department in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), and for official reception and representation expenses (not to exceed $35,000), $4,892,000. 4,892,000

GENERAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for general management, program administration, field office and program support functions and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles; $390,324,000, to remain available until expended, of which $184,267,000 shall be derived from moneys received as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided*, That of the funds provided, $7,075,000 shall be for the Office of the Inspector General.

390,324,000
−184,267,000
(revenues)

[*Total, General Administration, $206,057,000.*]

PLANT AND CAPITAL EQUIPMENT

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 135 of which 131 are for replacement only) including 6 police-type vehicles; $373,287,000, and in addition, $10,000,000 for the construction or acquisition by the Secretary of Energy of capacity for the away from reactor storage of spent nuclear fuel from electric powerplants licensed under the Atomic Energy Act of 1954, all to remain available until expended. 383,287,000

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 20 for replace-

ment only); $276,760,000, to remain available until expended, of which $274,460,000 shall be derived from revenues received from the enrichment of uranium as authorized by section 111(h) of Public Law 93-438, as amended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided,* That within the limits of this appropriation, obligations may be incurrred in advance of uranium enrichment revenue collections and shall be liquidated from such collections: *Provided further,* That this appropriation as well as all prior balances are merged with the Uranium Supply and Enrichment Activities Operating Expenses Appropriation.

$276,760,000
−274,460,000
(revenues)

[*Total, Uranium Supply and Enrichment Activities, $2,300,000.*]

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 15 for replacement only); $126,400,000, to remain available until expended. 126,400,000

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 237 of which 212 are for replacement only) including 7 police-type vehicles; purchase of one aircraft for replacement only and acquisition of one additional aircraft at no cost through transfer from the Environmental Protection Agency; $600,005,000, to remain available until expended. 600,005,000

DEPARTMENTAL ADMINISTRATION

For expenses of the Department of Energy necessary for departmental administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, or for the purchase, construction or acquisition of capital equipment and other expenses incidental thereto, $38,065,000, to remain available until expended. 38,065,000

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,069,000, to remain available until expended. 3,069,000

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of Southwest Oregon Service—Buckley-Summer Lake 500 KV transmission line and related facilities; and for official reception and representation expenses in an amount not to exceed $1,000.

During fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $2,400,000. *$2,400,000 (limitation on gross obligations)*

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,552,000, to remain available until expended. 1,552,000

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,208,000, to remain available until expended. 28,208,000

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), other than the Upper Colorado River Storage Project, and for operation and maintenance of electric power transmission facilities, and power marketing including purchase power and wheeling, as authorized by law, including the purchase of passenger motor vehicles (not to exceed 17 of which 16 are for replacement only); $138,502,000, to remain available until expended, of which $124,200,000 shall be derived from the Department of the Interior Reclamation Fund and $600,000 shall be derived from the Colorado River Dam Fund for power marketing and transmission expenses of the Boulder Canyon Project. 138,502,000

COLORADO RIVER BASINS POWER MARKETING FUND, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), for the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), $3,548,000, to remain available until expended. 3,548,000

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $200,000, to be derived from the Department of the Interior Reclamation Fund. $200,000

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, $74,374,000. 74,374,000

GEOTHERMAL RESOURCES DEVELOPMENT FUND

GEOTHERMAL LOAN GUARANTEE AND INTEREST ASSISTANCE PROGRAM

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $1,284,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000: *Provided further*, That no part of this or any other appropriation for the purpose of the Loan Guarantee and Interest Assistance Program shall be available for obligation for loan guarantees or interest assistance contracts entered into after September 2, 1984: *Provided further*, That notwithstanding provisions in Public Law 94-355; Public Law 95-96 and Public Law 96-69 to the contrary, such portion of the funds previously appropriated for the Geothermal Loan Guarantee and Interest Assistance Program as are required to secure outstanding loan guarantee obligations for those loans still in force as of September 2, 1984, may remain available for obligation after that date for payment of valid claims against the program for a period not in excess of thirty years.

1,284,000

500,000,000 (limitation on guaranteed loans)

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 101. Appropriations to the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State or private.

SEC. 102. None of the funds appropriated for Department of Energy activities by this Act shall be available for any purpose related to the obtaining or issuing of a license by the Nuclear Regulatory Commission to operate the Waste Isolation Pilot Plant, Delaware Basin, Southeast New Mexico (Project 77-13-f), or for any purpose related to the storage at the Waste Isolation Pilot Plant project site, radioactive waste not resulting from the national defense activities of the Department of Energy.

SEC. 103. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Energy Supply, Research and Development Activities; Uranium Supply and Enrichment Activities; General Science and Research Activities; Atomic Energy Defense Activities; and Departmental Administration may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations and the appropriate authorizing committees of the House and Senate for approval.

[Total, title I, Department of Energy:

[New budget (obligational) authority (all definite appropriations)	*$7,178,590,000.]*
[Limitation on guaranteed loans	*500,000,000.]*
[Limitation on gross obligations	*12,400,000.]*

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $134,013,000 to remain available until expended: *Provided,* That none of the funds made available in this paragraph shall be obligated or expended for the study of Diversion of Lake Michigan at Chicago, if such study would result in adverse diminution of generation at hydroelectric facilities on the Niagara or St. Lawrence Rivers.

$134,013,000

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,585,742,000 to remain available until expended: *Provided,* That notwithstanding the provisions of Public Law 89-72 of the Federal Water Project Recreation Act of 1965 (79 Stat. 213, July 9, 1965), section 2A2, which limits the costs to be allocated to recreation or to fish and wildlife enhancement, the Corps of Engineers is directed to proceed with construction of site 20 of the Papio Creek Basin

1,585,742,000

Nebraska plan of flood control improvements authorized by Public Law 94-83, the Flood Control Act of 1968: *Provided further,* That within available funds, $1,500,000 shall be for emergency beach nourishment at Mt. Baldy at the Indiana Dunes National Lakeshore and shall remain available until expended: *Provided further,* That funds appropriated for the Siuslaw River and Bar, Oregon navigation project, authorized by the Rivers and Harbors Act of 1910, as amended and modified, shall be used to design and construct further modifications to that project in accordance with the Report of the Division Engineer, North Pacific Division, dated 16 June 1976: *Provided further,* That the Chief of Engineers is directed to spend not more than $3,000,000 to provide beach nourishment to replenish the authorized project for beach erosion control at Oceanside, San Diego County, California, to its previous configuration from any materials that he may reasonably obtain for that purpose.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $232,519,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That none of the funds available to the Corps of Engineers' civil works program shall be available, except on a voluntary basis, for the acquisition of land or easements for the impoundment of floodwaters, or for the purpose of enlarging the four Yazoo Basin reservoirs, as determined by the Corps to be necessary because records of recent years show a more frequent incidence of high lake levels than originally calculated for the four lake projects in the Yazoo Basin, Mississippi, but this provision shall not apply to the acquisition of rights-of-way for a plan for flood protection for the town of Coffeeville which has the concurrence of community officials: *Provided further,* That funds in this Act for the Tensas Basin Red River Backwater Area, Louisiana project are to be used to construct features for flood control and allied purposes for Sicily Island and Below Red River including pumping stations and such other modifications of these or existing features in this area as the Chief of Engineers determines advisable, subject to non-Federal cooperation for each separable feature of such work at the time of construction as is required for work pursuant to the August 18, 1941, authorization.

$232,519,000

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; $902,605,000 to remain available until expended: *Provided*, That not to exceed $1,000,000 shall be available to reimburse non-Federal public interests for the costs of diking dredged disposal areas at Federal projects provided by non-Federal public interests and for funds contributed or advanced to the Secretary of the Army by non-Federal public interests for diking of dredged disposal areas at Federal projects, during the period October 1, 1978, to December 3, 1979, where the Secretary of the Army, acting through the Chief of Engineers, determines that such costs of diking or funds contributed or advanced and expended were not specifically required of such non-Federal public interests by project authorization: *Provided further*, That the authorized project dimensions for East Pass Channel, Florida, are hereby modified to provide a channel length of approximately 3,800 feet in lieu of 2,000 feet from the East Pass Channel into Old Pass Lagoon, with no changes in width and depth.

$902,605,000

REVOLVING FUND

For design and construction of hopper dredges, and for the purchase of one aircraft, $43,225,000, to remain available until expended: *Provided*, That approximately $8,500,000 of this amount shall be used for the purchase of one aircraft for replacement of the existing aircraft of the Chief of Engineers.

43,225,000

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; $81,030,000.

81,030,000

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $5,000,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l).

5,000,000

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 221 of which 216 shall be for replacement only) and hire of passenger motor vehicles: *Provided*, That the total accrued expenditures of the capital investment program of the revolving fund shall not exceed $150,000,000 in fiscal year 1981.

150,000,000 (limitation on capital expenditures)

GENERAL PROVISION

SEC. 201. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

FLOOD CONTROL PROJECTS

SEC. 202. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct, at full Federal expense, such flood control measures at or in the vicinity of—

(1) Pikesville, Kentucky, and of Grundy, Virginia, on the Levisa Fork of the Big Sandy River,

(2) Pineville, Kentucky, on the Cumberland River, and

(3) Williamson and Matewan, West Virginia, on the Tug Fork of the Big Sandy River,

as the Chief of Engineers determines necessary and advisable to afford these communities and other flood damaged localities and their immediate environs on both the Levisa and Tug Fork of the Big Sandy River and Cumberland River a level of protection against flooding at least sufficient to prevent any future losses to these communities from the likelihood of flooding such as occurred in April 1977, at an estimated cost of $284,000,000. Non-Federal interests shall hold and save the United States free from damages due to construction works referred to in this section, and maintain and operate all such works after their completion in accordance with regulations prescribed by the Secretary of the Army.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(c) The Congress finds that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 exceed the cost of the flood control measures authorized by this section.

[*Total, title II, Department of Defense—Civil:*

[*New budget (obligational) authority (all definite appropriations)* .... *$2,984,134,000.*]

[*Limitation on capital expenditures* .... *150,000,000.*]

TITLE III—DEPARTMENT OF THE INTERIOR

WATER AND POWER RESOURCES SERVICE

For carrying out the functions of the Water and Power Resources Service as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Service as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $38,629,000, of which $38,579,000 is to be derived from the reclamation fund. $38,629,000

CONSTRUCTION PROGRAM

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Water and Power Resources Service use) and for other related activities as authorized by law, to remain available until expended, $570,641,000, of which 570,641,000 $118,392,000 shall be available for advances to the Upper Colorado

River Basin Fund authorized by section 5 of the Act of April 11, 1956, and $135,235,000 shall be available for advances to the Lower Colorado River Basin Fund authorized by section 403 of the Act of September 30, 1968: *Provided,* That of the total appropriated, $162,602,000 shall be derived from the Reclamation Fund: *Provided further,* That advances to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to this heading: *Provided further,* That the unexpended balances of the appropriation accounts for "Construction and Rehabilitation", "Colorado River Basin Salinity Control Projects", and "Recreational and Fish and Wildlife" shall be merged into one and made available for the same purposes as appropriations under this heading: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That of the total amount appropriated in this Act not to exceed $2,000,000 is for archeological research and recovery operations, in addition to any funds otherwise authorized for such operations, at New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962: *Provided further,* That the Secretary of the Interior is authorized and directed to allocate as nonreimbursable and nonreturnable that part of the cost of constructing Red Fleet Dam on the Jensen Unit, Central Utah Project, which resulted from changes in the design to recognize state-of-the-art criteria deemed necessary for dam safety: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated not to exceed $6,000,000 for the Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona, shall be available for improvement of the Gila River Channel to facilitate drainage of lands within the District under a repayment obligation heretofore established by existing contract between the Secretary of the Interior and the District: *Provided further,* That of the amount herein appropriated not to exceed $10,000 shall be available to initiate a rehabilitation and betterment program with the Fremont-Madison Irrigation District to rehabilitate the facilities of the Marysville, Farmer's Own, Yellowstone, Squirrel Creek, and Silky Canal Companies under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of Interior.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Water and Power Resources Service pursuant to law, to remain available until expended, $101,117,000, of which $62,398,000 shall be derived from the reclamation fund and $12,858,000 shall be derived from the Colorado River Dam fund: *Provided,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as $101,117,000 sums appropriated herein may be expended, and such advances shall remain available until expended.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a-422k), including expenses necessary for carrying out the program, $22,924,000, to remain available until expended: *Provided*, That during 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $38,000,000: *Provided further*, That any contract under the Act of July 4, 1955, (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

$22,924,000

38,000,000 (limitation on gross obligations)

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of the Water and Power Resources Service and in the regional offices of the Water and Power Resources Service, $38,150,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

38,150,000

SPECIAL FUNDS

Sums herein referred to as being derived from the Reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Water and Power Resources Service shall be available for purchase of not to exceed 30 passenger motor vehicles of which 26 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Water and Power Resources Service; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Water and Power Resources Service appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by 5

U.S.C. 3109, in total not to exceed $300,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Water and Power Resources Service; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461–467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Water and Power Resources Service shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Water and Power Resources Service, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Water and Power Resources Service for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Water and Power Resources Service.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of

June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 304. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[*Total, title III, Department of the Interior:*
[*New budget (obligational) authority* ....*$771,461,000.*]
[*Limitation on gross obligations* .... *38,000,000.*]

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $3,192,000. $3,192,000

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, $339,300,000, of which $214,600,000 shall be available for the Appalachian Development Highway System. 339,300,000

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $116,000. 116,000

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $269,000. 269,000

[*Total, Delaware River Basin Commission, $385,000.*]

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $55,000. $55,000

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, namely the control of atomic energy and the issuance of licenses as authorized by section 103 (42 U.S.C. 2133) so as to make the maximum contribution to the general welfare, promote world peace, increase the standard of living and strengthen free competition in private enterprise, subject at all times to the paramount objective of making the maximum contribution to the common defense and security and to the objective of protecting the health and safety of the public, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed $3,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; $447,520,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 U.S.C. 484, and shall remain available until expended. 447,520,000

NUCLEAR SAFETY OVERSIGHT COMMITTEE

For expenses necessary for the Nuclear Safety Oversight Committee, $1,500,000, to remain available until expended. 1,500,000

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $112,000. 112,000

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1530, 1531), $200,000. 200,000

[*Total, Susquehanna River Basin Commission, $312,000.*]

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $269,563,000, to remain available until expended. $269,563,000

COLUMBIA DAM AND RESERVOIR

For necessary expenses for the orderly and expeditious completion of the Columbia Dam and Reservoir project near Columbia, Tennessee, for flood control, water supply, regional development and other purposes, including the maintenance of a normal maximum reservoir pool of 630 feet above sea level by August 1985 and thereafter, according to sound engineering practice, $18,000,000, to remain available until expended. 18,000,000

[*Total, Tennessee Valley Authority, $287,563,000.*]

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For the Water Resources Council for expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-3), as amended, including services as authorized by 5 U.S.C. 3109 and 42 U.S.C. 1962a-4(5), and hire of passenger motor vehicles (42 U.S.C. 1962a-4(6)), $24,777,000 to remain available until expended, including $4,748,000 for expenses in administering the Act (42 U.S.C. 1962d(b)), $4,186,000 for preparation of assessments and plans (42 U.S.C. 1962d(c)), $3,443,000 for expenses of river basin commissions under title II of the Act (42 U.S.C. 1962d(a)), $10,000,000 for grants to States under title III of the Act (42 U.S.C. 1962c(a)), and $2,400,000 for Upper Mississippi Comprehensive Management Plan (42 U.S.C. 1962b-3). 24,777,000

[*Total, title IV, Independent agencies, new budget (obligational) authority (all definite appropriations), $1,104,604,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 504. There is appropriated, out of any money in the Treasury not otherwise appropriated, for payment to Dorothy Runnels, widow of Harold Runnels, late a Representative from the State of New Mexico, $60,663.	$60,663

This Act may be cited as the "Energy and Water Development Appropriation Act, 1981".

Approved October 1, 1980.

Legislative History

House Reports: No. 96-1093 (Comm. on Appropriations) and No. 96-1366 (Comm. of Conference).

Senate Report No. 96-927 (Comm. on Appropriations).

Congressional Record, Vo. 126 (1980):

June 24, 25, considered and passed House.

Sept. 9, 10, considered and passed Senate, amended.

Sept. 24, House agreed to conference report; concurred in certain Senate amendments, in others with amendments; Senate agreed to conference report; concurred in House amendments.

Weekly Compilation of Presidential Documents, Vol. 16, No. 40:

Oct. 1, Presidential statement.

Grand total:		
New budget (obligational) authority (all definite appropriations)	$12,038,849,663	
Limitation on gross obligations	*(50,400,000)*	
Limitation on guaranteed loans	*(500,000,000)*	
Limitation on capital expenditures	*(150,000,000)*	
Total, new budget (obligational) authority (all definite appropriations), Energy and Water Development Appropriation Bill, 1981		12,038,849,663

Note.—In addition to the new budget (obligational) authority for fiscal year 1981 contained in the foregoing annual appropriation act, the following additional amounts are available for fiscal year 1981 for the Departments of Energy, and Defense—civil functions:

Permanent Appropriations:		
Federal funds (pp. 1905–1906)	$7,964,000	
Trust funds (p. 1919)	53,908,000	
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1981:		
U.S. Soldiers' and Airmen's Home-Trust Funds (p.269)	20,326,000	
Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1981:		
Cemeterial Expenses Army (p. 192)	5,135,000	
Less reduction pursuant to section 412 of Public Law 96-526 (pp. 206-209)	−103,000	
Department of the Interior and Related Agencies Appropriation Act, 1981:		
Department of Energy (pp. 229-231)	2,605,888,000	
Continuing Appropriations 1981:		
Department of Energy (p. 375)	1,383,000,000	
Further Continuing Appropriations 1981:		
Department of Energy (p. 381)	112,000,000	
Subtotal additions (net)		4,188,118,000

Deduct amounts transferred to Legislative Branch, Department of the Interior and General Government Totals:		
Legislative Branch:		
Payments to widows of deceased Members (p. 170)	$60,663	
Department of the Interior:		
Water and Power Resources Service (pp. 163-167)	771,461,000	
General Government:		
Appalachian Regional Commission (p. 167)	3,192,000	
Appalachian Regional Development Programs (p. 167)	339,300,000	
Delaware River Basin Commission (p. 167)	385,000	
Interstate Commission on the Potomac River Basin (pp. 167-168)	55,000	
Nuclear Regulatory Commission (p. 168)	447,520,000	
Nuclear Safety Oversight Commission (p. 168)	1,500,000	
Susquehanna River Basin Commission (p. 168)	312,000	
Tennessee Valley Authority (p. 169)	287,563,000	
Water Resources Council (p. 169)	24,777,000	
Subtotal, deductions		– $1,876,125,663
Grand total, Departments of Energy, and Defense—Civil functions		14,350,842,000

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1981

96th Congress, H.R. 7854

(Note.—The Foreign Assistance and Related Programs Appropriations Bill, 1981 (H.R. 7854) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on July 29, 1980 but was not acted on by the House. No action occurred in the Senate.

Funding for activities normally included in the regular annual Foreign Assistance and Related Programs Appropriations Bill is provided through a further continuing resolution (Public Law 96-536, Section 101(b). See pp. 379-386 for text of Public Law 96-536, and pp. 2021-2024 for Table VIII showing funding levels by appropriation account.)

A BILL

Making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, $199,522,285, for the United States share [1] $200,000,000 of the replenishments of the resources of the Fund for Special Operations, as authorized by the Act of May 31, 1976 (Public Law 94-302) and the Act of June 3, 1980 (Public Law 96-259), to remain available until expended; and $46,392,342, for the United States [1] 51,547,047 share of the increase in subscriptions to the paid-in capital stock, as authorized by the Act of June 3, 1980 (Public Law 96-259), to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $572,172,218. [1]*$560,754,950 (limitation)*

[*Total, contribution to Inter-American Development Bank, $251,547,047.*]

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, $69,777,715, for the United States share of the increase in subscriptions to the paid-in capital stock, as authorized by the Act of October 3, 1977 (Public Law 95–118), to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. [1] 32,788,555

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Bank may subscribe without fiscal year limitation to the callable portion of the United States share of such increase in capital stock in an amount not to exceed $627,999,438. [1]*259,096,987 (limitation)*

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury $939,000,000, to be available only upon the enactment of authorizing legislation, for the first installment of the United States contribution to the sixth replenishment, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. [2] 33,447,900 [1] 20,000,000

[*Total, World Bank Group, $86,236,455.*]

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[1] Funding for this program provided in Section 101(b) of Public Law 96–536, Further Continuing Resolution, 1981 (see p. 380).

[2] Represents the contribution to the International Finance Corporation as provided in Section 101(b) of Public Law 96–536, Further Continuing Resolution, 1981 (see p. 380).

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, $19,451,200, for the United States share of the increase in subscriptions to the paid-in capital stock, as authorized by the Act of October 3, 1977 (Public Law 95-118), to remain available until expended, and $94,562,000 for the United States contribution to the increase in resources of the Asian Development Fund, as authorized by the Act of June 3, 1980 (Public Law 96-259), to remain available until expended: *Provided*, That no such payment may be made while the United States Director of the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

[1] $24,827,683

[1] 114,785,313

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $175,060,800.

[1] *223,387,386*
(limitation)

[*Total, Contribution to the Asian Development Bank, $139,612,996.*]

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $41,666,667, as authorized by the Act of June 3, 1980 (Public Law 96-259), for the United States contribution to the second replenishment of the African Development fund, to remain available until expended.

[1] 41,666,667

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $17,000,000, to be available only upon the enactment of authorizing legislation, for the United States share of the initial subscription to paid-in capital stock, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the African Development Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2)

[3] *(5,537,839,000)*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $51,000,000.

[1] *53,960,035*
(limitation)

[*Total, International financial institutions:*
[*New budget (obligational) authority* .... *$519,063,165.*]
[*Callable capital* .... *1,097,199,358.*]

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] Funding for this program *not provided* in the Further Continuing Resolution (Public Law 96-536).

[3] Represents the increase in the United States quota in the International Monetary Fund as provided in H.J. Res. 601, Public Law 96-544 (see pp. 367-368).

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, as amended, and of section 2 of the United Nations Environment Program Participation Act of 1973, $221,350,000: *Provided,* That no funds shall be available for the United Nations Fund for Science and Technology.

[1]$262,380,000

[*Total title I, Economic Assistance multilateral, new budget (obligational) authority, $781,443,165.*]

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until September 30, 1981, unless otherwise specified herein, as follows:

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Operating expenses of the International Development Cooperation Agency: For necessary expenses, $3,500,000: *Provided,* That no funds provided in this title may be used to establish any separate office or component with the International Development Cooperation Agency unless the appropriate committees of both Houses of Congress are previously notified fifteen days in advance.

[2]*2,950,000*

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agriculture, rural development, and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $713,500,000: *Provided,* That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1982.

[1]635,000,000

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b) $238,000,000: *Provided,* That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1982.

[1]190,000,000

Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(c), $145,300,000: *Provided,* That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1982.

[1]135,000,000

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, $100,000,000: *Provided,* That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1982.

[1]101,000,000

Technical assistance, energy research, reconstruction, and selected development problems, Development Assistance: For necessary expenses to carry out the provisions of section 106, $140,000,000: *Provided,* That of such amount, $5,000,000 shall be used for the African Development Foundation: *Provided further,* That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1982.

[1]111,888,500

[*Total, development assistance, $1,172,888,500.*]

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] IDCA operating expenses were appropriated within the AID operating expenses account in fiscal year 1981; however, the amount is shown for informational purposes in the IDCA account as well.

Loan allocation, Development assistance: Of the New obligational authority appropriated under this Act to carry out the provisions of sections 103–106, not less than 31 percent shall be available for loans for fiscal year 1981: *Provided*, That loans made pursuant to this authority to countries whose annual per capita gross national product is greater than $680 but less than $1,100 shall be repayable within twenty-five years following the date on which funds are initially made available under such loans and loans to countries whose annual per capita gross national product is greater than or equal to $1,100 shall be repayable within twenty years following the date on which funds are initially made available under such loans.

Programs of Scientific and Technical Cooperation: For expenses necessary to carry out programs of scientific and technological cooperation administered by the Agency for International Development, $12,000,000. [1]$12,000,000

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $30,000,000 and for necessary expenses as authorized by section 612 of the Foreign Assistance Act of 1961, as amended, $14,300,000 equivalent in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States, to remain available until expended. [1]20,000,000 ([2])

International disaster assistance: For necessary expenses to carry out the provisions of section 491, $25,000,000. [1]73,000,000

Sahel development program: For necessary expenses to carry out the provisions of section 121, $100,000,000, to remain available until expended: *Provided*, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 per centum of the total contributions to such program. [3]14,250,000 [4]*2,000,000* [1]92,500,000

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund," as authorized by the Foreign Service Act of 1946, as amended, $25,296,000. [1]25,676,000

Overseas training and special development activities (foreign currency program): For necessary expenses as authorized by section 612, $20,650,000 equivalent in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States. [1]*20,700,000 (foreign currency program)*

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $2,050,300,000: *Provided*, That of the funds appropriated under this paragraph, not less than $785,000,000 shall be available for Israel and not less than $750,000,000 shall be available for Egypt: *Provided further*, That no funds shall be made available to Syria. [1]2,024,500,000

Peacekeeping operations: For necessary expenses to carry out the provisions of section 551, $25,000,000. [1]25,000,000

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667, $287,000,000: *Provided*, That not more than $109,200,000 of this amount shall be for AID-Washington Operating Expenses: *Provided further*, That not to exceed $700,000 of funds provided to the Agency for International Development by this Act shall be available for hiring experts and consultants pursuant to 5 U.S.C. 3109. [5]*(280,000,000)*

[*Total, Agency for International Development, $3,459,814,500.*]

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] Funding for this program *not provided* in the Further Continuing Resolution (Public Law 96-536).

[3] Represents funds for the African refugee assistance program as provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[4] Represents the *limitation* available to the African Development Foundation as provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[5] Funding provided in Section 101(b) of Public Law 96-369, Continuing Resolution, 1981 (see p. 370).

International narcotics control: For necessary expenses to carry out the provisions of section 481, $38,573,000: *Provided,* That not to exceed $1,610,000 of this amount shall be available to supplement the salaries of Mexican Government personnel in connection with this program. [1]$48,758,000

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section401 of the Foreign Assistance Act of 1969, as amended, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, $16,825,000. [1]15,964,000

[*Total, Funds Appropriated to the President, $3,524,536,500.*] [1]*1,036,000 (limitation on obligations)*

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $8,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During 1981 and within the resources and authority available, gross obligations for the amount of loans shall not exceed $15,000,000. ([2])

During 1981, total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. ([2])

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

For expenses necessary for ACTION to carry out the provisions of the Peace Corps Act, as amended (75 Stat. 612), $118,000,000: *Provided,* That none of the funds appropriated in this paragraph shall be used to pay for abortions. [1]105,000,000

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $517,298,000: *Provided,* That these funds shall [1] 456,241,000 be administered in a manner that insures equity in the treatment of all refugees receiving Federal assistance: *Provided further,* That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] Funding for this program *not provided* in the Further Continuing Resolution. (Public Law 96-536.)

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $15,000,000, to remain available until expended. [1] 35,000,000

SPECIAL ASSISTANCE TO CUBAN AND HAITIAN ENTRANTS

For necessary expenses to process, care, maintain, transport, place, or resettle Cuban and Haitian entrants, $55,000,000, to remain available until expended. This appropriation shall be made available only upon enactment into law of specific authorizing legislation. ([2])

[*Total, Department of State, $491,241,000.*]

[*Total, title II, Economic assistance-bilateral, new budget (obligational) authority, $4,120,777,500.*]

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $102,500,000, to remain available for obligation until September 30, 1982: *Provided,* That none of the funds contained under this heading shall be available for the purchase of new automotive vehicles outside of the United States. [1] 110,200,000

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, as amended, $29,000,000. [1] 28,400,000

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $747,637,500: *Provided,* That of the amount provided for the total aggregate credit sale ceiling during the current fiscal year, not less than $1,400,000,000 shall be allocated to Israel. [1] 500,000,000

During fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans, exclusive of loan guaranty defaults, shall not exceed $500,000,000.

During fiscal year 1981, total commitments to guarantee loans shall not exceed $2,476,375,000 of contingent liability for loan principal. [3] *3,046,187,000 (limitation on obligation)*

No funds in this title may be made available to Haiti.

[Total, Title III, military assistance, $638,600,000.]

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[1] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] Funding for this program *not provided* in the Further Continuing Resolution, (Public Law 96-536.)

[3] Represents the program ceiling (limitation) available for Foreign-Military Credit Sales as provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

[1]*$6,458,241,000 (limitation)*

During fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $4,754,000,000. During fiscal year 1981, total commitments to guarantee loans shall not exceed $7,559,000,000 of contingent liability for loan principal.

[2]*5,900,000,000 (limitation)*

[2]*7,559,000,000 (limitation)*

LIMITATION ON ADMINISTRATIVE EXPENSES

[2]*14,495,000 (limitation)*

Not to exceed $15,064,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $16,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (a) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance of servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

[*Total, Export-Import Bank of the United States, (limitations on use of corporate funds), $19,931,736,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the Principles and Standards for Planning Water and Related Land Resources dated October 25, 1973.

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[1] Represents the limitation on program activity for the Export-Import Bank of the United States as provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

[2] Funding for this program provided in Section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981 (see p. 380).

SEC. 502. Except for the appropriations entitled "International disaster assistance" and "United States emergency refugee and migration assistance fund", not more than 15 per centum of any appropriation item made available by this Act for fiscal year 1981 shall be obligated or reserved during the last month of availability.

SEC. 503. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961, as amended.

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $110,000 shall be for official residence expenses of the Agency for International Development during fiscal year 1981: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $10,000 shall be for entertainment expenses of the Agency for International Development during fiscal year 1981.

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,000 shall be for representation allowances of the Agency for International Development during fiscal year 1981: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the total funds made available by this Act under the headings "Military Assistance" and "Foreign Military Credit Sales", not to exceed $2,500 shall be available for entertainment expenses and not to exceed $70,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the InterAmerican Foundation, not to exceed $2,500 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses.

SEC. 510. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the export of nuclear equipment, fuel, or technology or to provide assistance for the training of foreign nationals in nuclear fields.

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

SEC. 512. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly an assistance to Mozambique, except that the President may waive this prohibition if he determines, and so reports to the Congress, that furnishing such assistance would further the foreign policy interests of the United States.

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Laos, the Socialist Republic of Vietnam, or Syria.

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written prior approval of the Appropriations Committees of both Houses of the Congress.

SEC. 515. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretorfore authorized by the Congress.

SEC. 516. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 517. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

SEC. 518. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States' representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States' representative cannot upon request obtain document(s) developed by the management of the international financial institutions.

SEC. 520. None of the funds appropriated or otherwise made available by this Act to the Export-Import Bank and funds appropriated by this act for direct foreign assistance may be obligated for any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed or is being sought by any other government for prosecution for any war crime or an act of international terrorism, unless the President of the United States finds that the national security requires otherwise.

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity.

SEC. 522. The Secretary of the Treasury shall instruct the United States executive directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar or competing commodity.

SEC. 523. None of the funds made available under this Act for "Operating Expenses of the International Development Cooperation Agency," "Agriculture, rural development, and nutrition, Development Assistance," "Population, Development Assistance," "Health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance," "International organizations and programs," "American schools and hospitals abroad," "Assistance to African refugees," "Sahel development program," "International narcotics control," "Economic support fund," "Peacekeeping operations," "Operating Expenses of the Agency for International Development," "Military assistance," "International military education and training," "Foreign military credit sales," "Inter-American Foundation," "Peace Corps," or "Migration and refugee assistance," shall be available for obligation for activities, programs, projects, type of materiel assistance, countries or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for fiscal year 1981 unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1981".

LEGISLATIVE HISTORY

HOUSE REPORT No. 96-1207 (Comm. on Appropriations).

No further action was taken by the House of Representatives.

No action occurred in the Senate.

Note.—Funding for activities normally included in H.R. 7854 is provided through a continuing resolution (Public Law 96-536, Section 101(b). See pages 379-386 for text of Public Law 96-536, and pages 2021-2024 for table VIII showing funding levels by appropriation account.)

Grand total, all titles:		
New budget (obligational) authority	$5,540,820,665	
Foreign currencies	*(20,700,000)*	
Limitation on obligations	*(3,047,223,000)*	
Limitation on use of corporate funds	*(19,931,736,000)*	
Limitation on callable capital	*(1,097,199,358)*	
Total, new budget (obligational) authority, Foreign Assistance and Related Programs Appropriations Bill, 1981[1]		[1]$5,540,820,665

Note.—In addition to the new budget (obligational) authority for fiscal year 1981 provided under Sec. 101(b) of Public Law 96-536, Further Continuing Appropriations, 1981, the following additional amounts are available for the fiscal year:

Permanent appropriations: Trust funds (p. 1916)	$9,525,248,000	
International Monetary Fund Appropriations, 1981:		
United States Quota, International Monetary Fund (p. 367)	5,537,839,000	
Continuing Appropriations, 1981:		
Agency for International Development: Operating expenses (p. 370)	280,000,000	
Subtotal, additions		15,343,087,000
Deduct amounts transferred to Department of State totals:		
International organizations and programs (p. 176)	$262,380,000	
International narcotics control (p. 178)	48,758,000	
Migration and refugee assistance (p. 178)	456,241,000	
United States Emergency Refugee and Migration Assistance Fund (p. 179)	35,000,000	
Subtotal, deductions		-802,379,000
Grand total, Foreign Assistance		20,081,528,665

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[1] The annual Foreign Assistance and Related Programs Appropriations Bill, 1981 (H.R. 7854) was not enacted into law. Funding of activities and projects in H.R. 7854 is provided under Sec. 101(b) of Public Law 96-536, Further Continuing Appropriations, 1981 (see p. 380).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1981

Public Law 96-526

96th Congress, H.R. 7631

December 15, 1980

AN ACT

Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which $100,000,000 shall be for the modernization of existing low-income housing projects: *Provided,* That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further,* That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

$1,417,400,000 (limitation for annual contract authorization)

30,877,500,000 *(contract authority)*

The limitation otherwise applicable to the maximum payments that may be required by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $70,000,000: *Provided,* That $2,100,000,000 of budget authority provided under this head for the previous fiscal year shall be transferred to, merged with, and used for the homeownership assistance program authorized by section 235 of the National Housing Act, as amended (12 U.S.C. 1715z): *Provided further,* That none of the authority provided herein shall be available for the homeownership assistance program authorized by section 207 of the Housing and Community Development Act of 1980 (Public Law 96-399).

70,000,000 (limitation for annual contract authorization)

2,100,000,000 (contract authority by transfer)

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1981 by not more than $30,000,000 in uncommitted balances of authorizations provided for this purpose in Appropriation Acts.

–$1,050,000,000 *(rescission of contract authority, indefinite)*

[1] *–30,000,000 (limitation on contract authority)*

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $7,127,000,000.

7,127,000,000 (liquidation of contract authority)

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In 1981, $855,000,000 of gross loan commitments may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing collections and other resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection, and up to $65,000,000 of additional gross 1981 loan commitments may be made from prior year commitments cancelled in 1981: *Provided*, That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further*, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further*, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government.

[1]805,070,000

855,000,000 (limitation on loans)

65,000,000 (limitation on loans, prior authority)

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $970,800,000.

970,800,000

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community

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[1] Not reflected in the text of this appropriations act (Public Law 96-526). In accordance with the proposal presented in the President's Budget for fiscal year 1981, commitment authority under the "Housing for the Elderly or Handicapped Fund" became subject to the limitations of the Federal credit control system, and the accounting for all direct loan programs changed from a *net* basis to a *gross* basis. Accordingly, budget authority (authority to borrow) shown for this program reflects the net loan limitation *less* the amounts estimated to be received as net income and loan repayments.

Development Amendments of 1978, $18,050,000, together with all unobligated balances of excess rental charges and with any collections after September 30, 1980, to remain available until September 30, 1982: *Provided*, That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

$18,050,000

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and the General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $268,640,000, to remain available until expended: *Provided*, That none of the funds in this or any other Act shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations: *Provided further*, That during fiscal year 1981, gross obligations of not to exceed $14,040,000 are authorized for payments under section 230(a) of the National Housing Act as amended by section 341 of the Housing and Community Development Act of 1980 (Public Law 96-399), from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

268,640,000

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary, to carry out the purposes of the National Housing Act, as amended.

During 1981, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed $34,154,732,000.

34,154,732,000 (limitation on commitments)

LOW-RENT PUBLIC HOUSING—LOANS AND OTHER EXPENSES

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the low-rent public housing loan fund.

During 1981, total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the low-rent public housing loan fund.

NONPROFIT SPONSOR ASSISTANCE

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $2,300,000.

2,300,000 (limitation on loans)

Government National Mortgage Association

SPECIAL ASSISTANCE FUNCTIONS FUND

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), shall not exceed $1,800,000,000, which may be financed with collections received in 1981, and additional obligations are author-

1,800,000,000 (limitation on loans)

ized in such amounts as are necessary for increases to prior year commitments.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $4,967,000. $4,967,000

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans are authorized in such amounts as are necessary for increases to prior year commitment contracts.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During 1981, additional commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $53,000,000,000. *53,000,000,000 (limitation on commitments)*

Solar Energy and Energy Conservation Bank

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

(BY TRANSFER)

For financial assistance and other expenses, not otherwise provided for, to carry out the provisions of the Solar Energy and Energy Conservation Bank Act of 1980, which shall be derived by transfer from the "Solar and Conservation Reserve" established pursuant to Public Law 96-126 (93 Stat. 954, 971), $125,000,000, to remain available until September 30, 1982. *125,000,000 (by transfer)*

[*Total, Housing Programs (net), $31,895,027,000.*]

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,770,000,000, to remain available until September 30, 1983: 3,770,000,000 *Provided,* That not to exceed 20 per centum of any grant made pursuant to section 103(a) of title I of the Housing and Community Development Act of 1974, as amended, shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development.

During 1981, total commitments to guarantee loans, as authorized by section 108 of the aforementioned Act, shall not exceed $250,000,000 of contingent liability for loan principal. *250,000,000 (limitation on commitments)*

URBAN DEVELOPMENT ACTION GRANTS

For grants pursuant to section 103(c) of title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $675,000,000, to remain available until September 30, 1983. $675,000,000

CONGREGATE SERVICES PROGRAM

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs as authorized by the Congregate Housing Services Act of 1978, $10,000,000, to remain available until September 30, 1984. 10,000,000

COMPREHENSIVE PLANNING GRANTS

For grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $33,750,000, to remain available until expended. 33,750,000

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $134,000,000, together with collections, unexpended balances of prior appropriations, and all other amounts in the revolving fund which will be available on or after September 30, 1980, to remain available until expended, for commitments for loans and operating costs. 134,000,000

During 1981, within the resources and authority available, gross amounts administratively committed for the principal amounts of direct loans shall not exceed $186,000,000 in new commitments, in addition to which up to $15,000,000 may also be committed from cancelled prior year commitments. *186,000,000 (limitation on loans)* *15,000,000 (limitation on loans, prior authority)*

URBAN HOMESTEADING

Funds provided for Urban Homesteading in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1979, may be used for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator and the Secretary for use in connection with a HUD-approved urban homesteading program as authorized by section 810 of the Housing and Community Development Act of 1974, as amended.

URBAN RENEWAL PROGRAMS

During 1981, within the resources available, obligations for direct loans and commitments to guarantee loans are authorized in such amounts as may be necessary in connection with previously approved urban renewal projects.

[*Total, Community Planning and Development, $4,622,750,000.*]

NEW COMMUNITY DEVELOPMENT CORPORATION

NEW COMMUNITIES FUND

For the redemption of new community debentures and related expenses, authorized by section 713, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4514), and section 403, Housing and Urban Development Act of 1968, as amended (42 U.S.C.

3902), such sums as may be necessary, to be financed as provided by section 717, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4518).

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $10,000,000. $10,000,000

NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

For contracts, grants, and other assistance, not otherwise provided for, to neighborhood organizations as authorized by the Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8121–8124), $9,000,000, to remain available until September 30, 1982. 9,000,000

[*Total, Neighborhoods, Voluntary Associations and Consumer Protection, $19,000,000.*]

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $44,650,000, to remain available until September 30, 1982. 44,650,000

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $5,700,000, to remain available until expended. 5,700,000

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $3,000 for official reception and representation expenses, $572,609,000, of which $249,513,000 shall be provided from the various funds of the Federal Housing Administration. $323,096,000 249,513,000 (corporate funds)

ADMINISTRATIVE PROVISION

None of the funds appropriated by this title may be expended to implement final energy conservation performance standards for new residential or commercial buildings.

[*Total, title I, Department of Housing and Urban Development:*

[*New budget (obligational) authority (net)*	*$36,910,223,000.*]
[*Appropriations*	*(6,277,653,000).*]
[*Contract authority*	*(30,877,500,000).*]
[*Rescission of contract authority, indefinite*	*(−1,050,000,000).*]
[*Authority to borrow*	*(805,070,000).*]
[*Appropriation to liquidate contract authority*	*7,127,000,000.*]
[*Increased limitation for annual contract authority*	*1,487,400,000.*]
[*Limitation on annual contract authority, indefinite*	*−30,000,000.*]
[*Contract authority by transfer*	*2,100,000,000.*]
[*Limitation on commitments*	*87,404,732,000.*]
[*Limitation on loans*	*2,843,300,000.*]
[*Limitation on loans, prior authority*	*80,000,000.*]
[*Limitation on corporate funds to be expended..*	*249,513,000.*]

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $8,967,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on 8,967,000 business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further,* That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia, hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, $43,000,000: *Provided,* That the effective date of the safety standard for walk behind power lawnmowers as promulgated in 16 CFR part 1205 is hereby delayed to June 30, 1982: *Provided further,* That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories.

$43,000,000

Department of Defense—Civil

Cemeterial Expenses, Army

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of two passenger motor vehicles of which one shall be for replacement only, $5,135,000, to remain available until expended: *Provided,* That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

5,135,000

Environmental Protection Agency

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $547,558,000, of which not to exceed $500,000 shall be available for purposes of Resource Recovery and Conservation Panels established under section 2003 of the Resource Conservation and Recovery Act (42 U.S.C. 6913).

547,558,000

RESEARCH AND DEVELOPMENT

For research and development activities, $253,520,000, to remain available until September 30, 1982.

253,520,000

ABATEMENT, CONTROL AND COMPLIANCE

For abatement, control and compliance activities, $545,183,000, to remain available until September 30, 1982, of which not to exceed $4,500,000 shall be available for purposes of Resource Recovery and Conservation Panels established under section 2003 of the Resource Conservation and Recovery Act (42 U.S.C. 6913): *Provided*, That notwithstanding any other provision of law, not to exceed $8,000,000 shall be available for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009. $545,183,000

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Environmental Protection Agency, $4,115,000, to remain available until expended. 4,115,000

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 206, 208, and 209, $3,400,000,000, to remain available until expended, and for liquidation of obligations incurred pursuant to authority contained in section 203, $1,700,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law or by executive order: *Provided further*, That advanced wastewater treatment reviews initiated by program review memorandum 79-7 shall be exempt from this requirement.

3,400,000,000

1,700,000,000 (liquidation of contract authority)

UNITED STATES REGULATORY COUNCIL

For necessary expenses of the United States Regulatory Council, including services as authorized by 5 U.S.C. 3109, $2,500,000. 2,500,000

ADMINISTRATIVE PROVISIONS

The foregoing appropriations shall only be available for the purposes of preparing, reviewing, or approving State Implementation Plans or revisions thereto that comply with section 110(a)(2)(E) of the Clean Air Act, as amended.

Not to exceed 1 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981.

[*Total, Environmental Protection Agency, $4,752,876,000.*]

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $3,250,000. $ 3,250,000

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $2,712,000. 2,712,000

[*Total, Executive Office of the President, $5,962,000.*]

Federal Emergency Management Agency

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), $375,570,000, to remain available until expended. 375,570,000

EMERGENCY PLANNING, PREPAREDNESS AND MOBILIZATION

For necessary expenses, not otherwise provided for, to carry out civil defense and emergency preparedness activities, including activities authorized by section 103 of the National Security Act (50 U.S.C. 404 et seq.), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), and the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), $159,017,000, of which not to exceed $39,034,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended. 159,017,000

HAZARD MITIGATION AND DISASTER ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973 (42 U.S.C. 400 et seq.), the Urban Property Protection and Reinsurance Act of 1968, as amended, and the National Insurance Development Act of 1975 (12 U.S.C. 1749 bbb et seq.), the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 278f, 278q, and 2201 et seq.), the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671) and Reorganization Plan No. 3 of 1978, including not to exceed $500 for official reception and representation expenses, $109,350,000. 109,350,000

NATIONAL FLOOD INSURANCE FUND

For repayment under notes dated April 17, 1979, and September 28, 1979, issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956, as amended, $575,000,000. 575,000,000

ADMINISTRATIVE PROVISION

Appropriations contained in this Act for the Federal Emergency Management Agency shall be available for hire of motor vehicles, services as authorized by 5 U.S.C. 3109, expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness, and transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632.

[*Total, Federal Emergency Management Agency, $1,218,937,000.*]

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,409,000. $1,409,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,200,000. 2,200,000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, (2) $30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) $119,300,000 for the Space Telescope, (4) $39,600,000 for the International Solar Polar Mission, (5) $19,100,000 for the Gamma Ray Observatory, (6) $63,100,000 for Project Galileo, (7) $88,500,000 for Landsat D, (8) $1,873,000,000 for the Space Shuttle, and (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, $4,396,200,000, to remain available until September 30, 1982. 4,396,200,000

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $115,000,000, to remain available until September 30, 1983: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design. 115,000,000

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; purchase (for replacement only, of one aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-six for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; $1,030,000,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

$1,030,000,000

[*Total, National Aeronautics and Space Administration, $5,541,200,000.*]

NATIONAL COMMISSION ON AIR QUALITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Air Quality as authorized by the Clean Air Act Amendments of 1977 (42 U.S.C. 7623 and 7626), including services as authorized by 5 U.S.C. 3109, $2,000,000.

2,000,000

NATIONAL CONSUMER COOPERATIVE BANK

SALARIES AND EXPENSES

For necessary administrative expenses and technical assistance of the National Consumer Cooperative Bank, including the Office of Self-Help Development and Technical Assistance, as authorized by sections 112 and 209 of the National Consumer Cooperative Bank Act (12 U.S.C. 3022 and 3049), $8,700,000: *Provided,* That none of these funds shall be used to retire any of the indebtedness of the National Consumer Cooperative Bank.

8,700,000

SELF-HELP DEVELOPMENT

For advances by the Office of Self-Help Development and Technical Assistance as authorized by section 202 of the National Consumer Cooperative Bank Act (12 U.S.C. 3042), $27,000,000, to remain available until September 30, 1982.

27,000,000

During 1981, within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $41,108,000.

41,108,000
(limitation on loans)

NATIONAL CONSUMER COOPERATIVE BANK FUND

During 1981, within the resources available, the principal amount of direct loans outstanding shall not exceed $169,050,000.

$169,050,000 (limitation on loans)

During 1981, total commitments to guarantee loans shall not exceed $5,000,000 of contingent liability for loan principal.

5,000,000 (limitation on commitments)

[*Total, National Consumer Cooperative Bank, $35,700,000.*]

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

The amount which may be borrowed, from the public or any other source except the Secretary of the Treasury, by the Central Liquidity Facility as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1981 shall not exceed $1,936,000.

600,000,000 (limitation on borrowing authority)

1,936,000 (corporate funds)

During 1981, within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $4,400,000,000.

4,400,000,000 (limitation on loans)

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For payment to the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2), $625,000.

625,000

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; lease of one aircraft with option to purchase; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; not to exceed $57,700,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $987,900,000, including not more than $6,000,000 for new research opportunities grants for women, to remain available until September 30, 1982: *Provided*, That not more than (1) $115,600,000 shall be available for Engineering and Applied Science, (2) $25,750,000 shall be available for Scientific, Technological, and International Affairs, (3) $28,750,000 shall be available for Cross-Directorate Programs and (4) $5,000,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less: *Provided further*, That none of these funds shall be available for a new Center for Innovation Development: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation:

987,900,000

Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $83,200,000: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally. $83,200,000

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $5,000,000, to remain available until September 30, 1982: *Provided,* That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies. 5,000,000

[*Total, National Science Foundation, $1,076,100,000.*]

NEIGHBORHOOD REINVESTMENT CORPORATION

SALARIES AND EXPENSES

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $12,713,000. 12,713,000

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $500 for official reception and representation expenses; $27,137,000: 27,137,000

Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), $4,569,949,000. $4,569,949,000

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses in the Office of Revenue Sharing, including the hire of passenger motor vehicles, $6,518,000. 6,518,000

NEW YORK CITY LOAN GUARANTEE PROGRAM

For necessary administrative expenses as authorized by the New York City Loan Guarantee Act of 1978 (Public Law 95-415), $922,000. 922,000

Total commitments to guarantee loans through June 30, 1982, shall not exceed $900,000,000 of contingent liability for loan principal. *900,000,000 (limitation on commitments)*

INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

For the purchase of class A stock issued by the National Consumer Cooperative Bank as authorized by section 104 of the National Consumer Cooperative Bank Act (12 U.S.C. 3014), $89,000,000, to remain available until September 30, 1982. 89,000,000

[*Total, Department of the Treasury, $4,666,389,000.*]

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, $11,602,000,000, to remain available until expended. 11,602,000,000

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 32, 34-36, 39, and 51-61), $1,822,308,000, to remain available until expended. 1,822,308,000

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19, 70 Stat. 887, 72 Stat. 487), $1,360,000, to remain available until expended. $1,360,000

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans insurance and indemnities fund".

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); $6,020,013,000 plus reimbursements. 6,020,013,000

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1982, $132,153,000, plus reimbursements. 132,153,000

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, $51,218,000, plus reimbursements. 51,218,000

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowance therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of nine passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $627,592,000. 627,592,000

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States

Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $423,774,000, of which $409,534,000 shall remain available until expended and $14,240,000 shall be for construction of replacement facilities at Little Rock, Arkansas, and shall remain available until April 30, 1981: *Provided*, That, except for advance planning of projects funded through the Advance Planning Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process. $423,774,000

For settlement of a contractor's claim involving the Veterans Administration Medical Center, Boston, Massachusetts, from existing balances, $1,150,000.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, $108,908,000, to remain available until expended: *Provided*, That not more than $26,344,000 shall be available for expenses of the Office of Construction. 108,908,000

GRANTS FOR CONSTRUCTION OF STATE EXTENDED FACILITIES

For grants to assist the several States to construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 5031-5037), $15,000,000, to remain available until September 30, 1983. 15,000,000

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding or improving State veterans' cemeteries as authorized by law (Public Law 95-476, section 202), $5,000,000, to remain available until September 30, 1983. 5,000,000

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631-634), $1,200,000, of which $50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended. 1,200,000

LOAN GUARANTY REVOLVING FUND

During 1981, the Loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during 1981, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1981, within the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1981, within the resources available, gross obligations for direct loans are authorized only for specially adapted housing loans and obligations for such loans shall not exceed $1,000,000 (38 U.S.C. chapter 37).

$1,000,000 (limitation on loans)

SERVICE-DISABLED VETERANS INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Service-disabled veterans insurance fund" (38 U.S.C. chapter 19).

VETERANS REOPENED INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans reopened insurance fund" (38 U.S.C. chapter 19).

EDUCATION LOAN FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Education loan fund" (38 U.S.C. chapters 32, 34, 35 and 36).

VOCATIONAL REHABILITATION REVOLVING FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Vocational rehabilitation revolving fund" (38 U.S.C. chapter 31).

NATIONAL SERVICE LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "National service life insurance fund" (38 U.S.C. chapter 19).

UNITED STATES GOVERNMENT LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "United States Government life insurance fund" (38 U.S.C. chapter 19).

VETERANS SPECIAL LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans special life insurance fund" (38 U.S.C. chapter 19).

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for 1981 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1981 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

[Total, Veterans Administration, $20,810,526,000.]

[Total, title II, Independent Agencies:

[New budget (obligational) authority	*$38,210,876,000.]*
[Appropriation to liquidate contract authority	*1,700,000,000.]*
[Limitation on borrowing authority	*600,000,000.]*
[Limitation on commitments	*905,000,000.]*
[Limitation on loans	*4,611,158,000.]*
[Limitation on corporate funds to be expended	*1,936,000.]*

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1981 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $53,135,000 shall be available for expenses of the Federal Home Loan Bank Board, which amount shall include nonadministrative expenses for the examination and supervision of Federal and State-chartered institutions in an amount not to exceed $33,105,000, and administrative expenses in an amount not to exceed $20,030,000, and said total amount shall be available for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. *$53,135,000 (corporate funds)*

5901–5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided,* That expenses for special examinations of Federal and State-chartered institutions determined by the Board to be necessary, all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be excluded from the above limitations: *Provided further,* That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further,* That not to exceed $1,500 shall be available for official reception and representation expenses: *Provided further,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421–1449).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

$1,000,000 (corporate funds)

Not to exceed $1,000,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purpose of 12 U.S.C. 1729(f).

[*Total, title III, Corporations:*

[*Limitation on corporate funds to be expended .....$54,135,000.*]

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided,* That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: *Provided further,* That this section shall not apply to budget authority provided by this Act for the Veterans Administration. [1] –$994,812,000

SEC. 413. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

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[1] Reflects the total reduction under section 412 as assumed by the House and Senate conferees on this bill; however, the interpretation of section 412 by the President's Office of Management and Budget as reflected in the fiscal year 1981 column of the President's Budget for 1982 shows an increase of $2,416,000 for a total reduction of $997,228,000. The Office of Management and Budget applied the section 412 reductions to the "Solar Energy and Energy Conservation Bank" but *excluded* the "payment of participation sales insufficiencies" account under the Government National Mortgage Association from the section 412 reductions. Of the total reduction of $994,812,000, reductions of $812,639,000 apply to the departments and agencies listed in title I and reductions of $182,173,000 apply to the independent agencies listed in title II.

SEC. 414. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment, as defined in section 2 of the Budget and Accounting Act 1921, or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

SEC. 415. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within six months of completing the initial audit report.

SEC. 416. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

OUTLAY SCHEDULES AND REPORTS

SEC. 417. Departments and independent agencies receiving appropriations in excess of $50,000,000 under this Act shall, within thirty days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and agencies shall also submit to the Appropriations Committees, within thirty days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committee on Appropriations of the two Houses a revised schedule. Unless disapproved by both of the Appropriations Committees within fifteen legislative days after submission, the department or agency may implement the revised outlay schedule. Departments and independent agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for Congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budgets of the two Houses of Congress.

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

[*Total title IV, General Provisions—$994,812,000.*]

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981".

Approved December 15, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-114 (Comm. on Appropriations) and No. 96-1476 (Comm. of Conference).
SENATE REPORT No. 96-926 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  July 24, 25, 28, considered and passed House.
  Sept. 15-19, 22, 23, considered and passed Senate, amended.
  Dec. 2, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
  Dec. 3, Senate agreed to conference report and concurred in House amendments.

Grand total, all titles:		
New budget (obligational) authority (net)	$74,126,287,000	
Appropriations	(44,488,529,000)	
Contract authority	(30,877,500,000)	
Rescission of contract authority, indefinite	(−1,050,000,000)	
Authority to borrow	(805,070,000)	
Section 412 reduction, indefinite	(−994,812,000)	
Appropriations to liquidate contract authority	*(8,827,000,000)*	
Increased limitation for annual contract authority	*(1,487,400,000)*	
Limitation on annual contract authority, indefinite	*(−30,000,000)*	
Contract authority by transfer	*(2,100,000,000)*	
Limitation on borrowing authority	*(600,000,000)*	
Limitation on commitments	*(88,309,732,000)*	
Limitation on loans	*(7,454,458,000)*	
Limitation on loans, prior authority	*(80,000,000)*	
Limitation on corporate funds to be expended	*(305,584,000)*	
Total, new budget (obligational) authority, Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981 (net)		$74,126,287,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Housing and Urban Development for such fiscal year:

Permanent appropriations: Federal funds (p. 1907)	$1,059,357,000	
Subtotal, additions		1,059,357,000

Deduct amounts for offices and independent agencies transferred to Defense, Civil Functions, Departments of Health and Human Services, Treasury, and General Government totals:

Department of Defense-Civil functions:	
Cemeterial expenses, Army (p. 192)	$5,135,000
Less reduction pursuant to section 412 (p. 206)	−103,000
Department of Health and Human Services:	
Office of Consumer Affairs (p. 195)	2,200,000
Less reduction pursuant to section 412 (p. 206)	−44,000
Department of the Treasury:	
Payments to State and Local Government Fiscal Assistance Trust fund (p. 199)	4,569,949,000
Office of Revenue Sharing (p. 199)	6,518,000
New York City Loan Guarantee program (p. 199)	922,000
Investment in National Consumer Cooperative Bank (p. 199)	89,000,000
Less reduction pursuant to section 412 (p. 206)	−1,833,000
General Government:	
American Battle Monuments Commission (p. 191)	8,967,000
Consumer Product Safety Commission (p. 192)	43,000,000
Consumer Information Center (GSA) (p. 195)	1,409,000
Council on Environmental Quality and Office of Environmental Quality (Executive Office) (pp. 193–194)	3,250,000
Environmental Protection Agency (pp. 192–193)	4,752,876,000
Federal Emergency Management Agency (pp. 194–195)	1,218,937,000
National Aeronautics and Space Administration (pp. 195–196)	5,541,200,000
National Commission on Air Quality (p. 196)	2,000,000

Grand total, all titles—continued:

General Government—Continued		
National Consumer Cooperative Bank (pp. 196-197)	$35,700,000	
National Institute of Building Sciences (p. 197)	625,000	
National Science Foundation (pp. 197-198)	1,076,100,000	
Neighborhood Reinvestment Corporation (p. 198)	12,713,000	
Office of Science and Technology Policy (p. 194)	2,712,000	
Selective Service System (pp. 198-199)	27,137,000	
Less reduction pursuant to section 412 (p. 206) applied to Independent Agencies transferred to General Governments totals	−180,193,000	
Veterans' Administration (pp. 199-203)	20,810,526,000	
Subtotal, deductions (net)		−$38,028,703,000
Grand total, Department of Housing and Urban Development (net)		[1] 37,156,941,000

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[1] Reflects reduction of $812,639,000 pursuant to section 412 of Public Law 96-526 (see p. 206).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981

Public Law 96-514

96th Congress, H.R. 7724

December 12, 1980

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $343,962,000. $343,962,000

ACQUISITION, CONSTRUCTION, AND MAINTENANCE

For acquisition of lands and interests therein, and construction and maintenance of buildings, recreation facilities, roads, trails, and appurtenant facilities, $14,768,000, to remain available until expended. 14,768,000

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601), $103,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients. 103,000,000

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the 57,500,000 *(indefinite)* revested Oregon and California Railroad grant lands, to remain available until expended: *Provided,* That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further,* That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further,* That not to exceed $58,200,000 available from receipts shall be obligated in fiscal year 1981 for Oregon and California grant lands.

RANGE IMPROVEMENTS

For rehabilitation, protection, acquisition of lands and interests therein, and improvement of Federal range lands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), sums equal to fifty percent of all monies received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than $10,000,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

$13,500,000
(indefinite)

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701); and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

9,600,000
(indefinite)

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act.

100,000
(indefinite)

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Land Management in Canada; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; $10,000 for payment, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection of lands for the State of Alaska: *Provided further,* That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available, and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within 30 days after receipt of a final grazing allotment decision or 90 days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within 2 years after the appeal is filed: *Provided further,* That, none of the funds provided in this Act to the Bureau of Land Management may be expended to determine suitability or nonsuitability for wilderness or for any wilderness study area designation as directed in 43 U.S.C. 1782 of the Federal Land Policy and Management Act of the lands withdrawn by the Executive Order numbered 3767 of December 19, 1922, to be used by the United States Department of Agriculture for a sheep experiment station.

[*Total, Bureau of Land Management, $542,430,000.*]

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Research and Development Act of 1978 (Public Law 95-467) and provisions of Public Law 95-84, as amended (42 U.S.C. 1959-1959i), $30,485,000 of which $10,720,000 shall remain available for obligation until September 30, 1982. $30,485,000

[*Total, Land and Water Resources, $572,915,000.*]

FISH AND WILDLIFE AND PARKS

HERITAGE CONSERVATION AND RECREATION SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Heritage Conservation and Recreation Service, not otherwise provided for, $15,980,000.

$15,980,000

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95–625), $20,000,000, to remain available until expended.

20,000,000

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including $7,708,000 for administrative expenses of the Heritage Conservation and Recreation Service during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, $378,593,000, of which (1) $228,745,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) $1,135,000 shall be available to the Bureau of Land Management; (3) $39,416,000 shall be available to the Forest Service; (4) $21,520,000 shall be available to the United States Fish and Wildlife Service; and (5) $80,211,000 shall be available to the National Park Service: *Provided,* That not to exceed $6,000,000 of the amount provided for State assistance may be available as a contingency reserve to be administered by the Secretary to meet unforeseen needs of the States.

378,593,000
(indefinite)

Notwithstanding the provisions of Public Law 90–401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available for appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467) by first acquiring Federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in section 505(a) of that Act with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $32,500,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1982: *Provided,* That not to exceed fifteen percent of the funds in this appropriation may be

32,500,000

used for grants for renovation of State and local government buildings still in use for governmental purposes: *Provided further,* That not to exceed $1,000,000 may be available as a discretionary reserve to be administered by the Secretary for special or innovative preservation programs.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the Heritage Conservation and Recreation Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the Heritage Conservation and Recreation Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner.

[*Total, Heritage Conservation and Recreation Service, $447,073,000.*]

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $225,566,000, of which not to exceed $4,000,000 shall remain available until expended: *Provided,* That funds in this appropriation may be used to issue regulations that will permit modification to the habitat of a threatened or endangered species when the net effect of the modification is equal to, favorable to, and not adverse to the protection of the species. $225,566,000

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $8,500,000. 8,500,000

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f); $37,897,000, to remain available until expended. 37,897,000

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k 3, 5), $1,250,000, to remain available until expended. 1,250,000

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 160 passenger motor vehicles, of which 137 are for replacement only (including 71 for police-type use); purchase of one aircraft for replacement only; not to exceed $100,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife

Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $75,000; insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

[*Total, United States Fish and Wildlife Service, $273,213,000.*]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), including not to exceed $341,000 for the Roosevelt Campobello International Park Commission, $444,828,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided*, That not to exceed $5,000,000 may be available for operation of the National Visitor Center and of that amount not to exceed $3,500,000 may be used for payment of rent: *Provided further*, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That $150,000 shall be available for the National Park Service to assist the Town of Harpers Ferry, West Virginia, for police force use: *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledges derived from non-government sources which have not previously been used for Federal matching purposes: *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further*, That not to exceed $200,000 shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial National Historical Park. $444,828,000

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $43,367,000, to remain available until expended. 43,367,000

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,400,000. $4,400,000

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 179 passenger motor vehicles, of which 128 shall be for replacement only, including not to exceed 105 for police-type use; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; and options for the purchase of land at not to exceed $1 for each option: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada: *Provided further,* That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport.

[*Total, National Park Service, $492,595,000.*]

[*Total, Fish and Wildlife Service and Parks, $1,212,881,000.*]

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332, and 1340); classify lands as to mineral character and water and power resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $486,537,000, of which $40,724,000 shall be available only for cooperation with States or municipalities for water resources investigations: 486,537,000 *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That up to $150,000 shall be expended to conduct studies of the structure and stratigraphy and to develop a geological mapping system near the Osburn fault in the Coeur d' Alene mining district of northern Idaho.

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

For necessary expenses of carrying out the provisions of section 104 of Public Law 94-258, and for conducting hereafter and with funds appropriated by this Act and by subsequent appropriation Acts, notwithstanding any other provision of law and pursuant to such rules and regulations as the Secretary may prescribe, an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, $107,001,000, to remain available until expended: *Provided*, That (1) activities undertaken pursuant to this Act shall include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska (the Reserve); (2) the provisions of section 202 and section 603 of the Federal Lands Policy and Management Act of 1976 (90 Stat. 2743) shall not be applicable to the Reserve; (3) the first lease sale shall be conducted within twenty months of the date of enactment of this Act: *Provided*, That the first lease sale shall be conducted only after publication of a final environmental impact statement if such is deemed necessary under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4332); (4) the withdrawals established by section 102 of Public Law 94-258 are rescinded for the purposes of the oil and gas leasing program authorized herein; (5) bidding systems used in lease sales shall be based on bidding systems included in section 205(a)(1) (A) through (H) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629); (6) lease tracts may encompass identified geological structures; (7) the size of lease tracts may be up to sixty thousand acres, as determined by the Secretary; (8) each lease shall be issued for an initial period of up to ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; and (9) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this Act shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act. $107,001,000

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with operations under any contract maintained or granted previously. Any information acquired in such explorations shall be subject to the conditions of 43 U.S.C. 1352(a)(1)(A).

Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in the National Petroleum Reserve-Alaska shall be barred unless brought in the appropriate District Court within 60 days after notice of the availability of such statement is published in the Federal Register. Any proceeding on such action shall be assigned for hearing at the earliest possible date and shall be expedited by such Court.

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to sections 105 (b) and (c) of Public Law 94-258 shall be deemed to have fulfilled the requirements of section 102(2)(c) of the National Environmental Policy Act (Public Law 91-190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve-Alaska: *Provided,* That not more than a total of 2,000,000 acres may be leased in these two sales: *Provided further,* That any exploration or production undertaken pursuant to this section shall be in accordance with section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504).

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, of which 19 shall be for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

[*Total, Geological Survey, $593,538,000.*]

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $139,428,000, of which $107,726,000 shall remain available until expended. $139,428,000

ADMINISTRATIVE PROVISION

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, $92,833,000 including the purchase of not to exceed 34 passenger motor vehicles for replacement only. $92,833,000

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 34 passenger motor vehicles for replacement only, to remain available until expended, $82,485,000, of which $16,000,000 shall be available to the Bureau of Mines to carry out research, demonstration, and reclamation projects authorized by section 403, Public Law 95-87, to be derived from receipts of the Abandoned Mine Reclamation Fund. 82,485,000

[*Total, Office of Surface Mining Reclamation and Enforcement, $175,318,000.*]

[*Total, Energy and Minerals, $908,284,000.*]

INDIAN AFFAIRS

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $812,739,000, of which not to exceed $58,345,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934, shall remain available for obligation until September 30, 1982, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1982: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531, $5,498,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963 as amended by the Act of June 3, 1977 (Public Law 95-40): *Provided further,* That notwithstanding the provisions of section 6 of the Act of April 16, 1934 (48 Stat. 596), as added by section 812,739,000

202 of the Indian Education Assistance Act (88 Stat. 2213, 2214; 25 U.S.C. 457) funds appropriated pursuant to this or any other Act for fiscal years ending September 30 of 1980 and 1981 may be utilized to reimburse school districts for up to the full per capita cost of educating Indian students (1) who are normally residents of the State in which such school districts are located but do not normally reside in such districts, and (2) who are residing in Federal boarding facilities for the purpose of attending public schools within such districts.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in land; preparation of lands for farming; and architectural and engineering services by contract, $100,182,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Water and Power Resources Service.

$100,182,000

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, and 25 U.S.C. 13, 318a, $48,625,000, to remain available until expended.

48,625,000

ALASKA NATIVE FUND

For transfer to the Alaska Native Fund, in the fourth quarter of fiscal year 1981, to provide for settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92-203), $30,000,000: *Provided*, That for purposes of meeting its obligation under section 6(a)(3) and section 9 of the Alaska Native Claims Settlement Act in connection with the requirement that $500,000,000 be paid into the Alaska Native Fund, any and all revenues paid into such fund by the State of Alaska from sources other than those specified in section 9 of such Act shall, notwithstanding any other provision of law, be construed as payments by the State of Alaska to the Fund within the meaning of sections 6(a)(3) and 9 of the Alaska Native Claims Settlement Act and credited toward the $500,000,000 to be deposited in the Alaska Native Fund under such sections.

30,000,000

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable

3,000,000
(definite)

23,000,000
(indefinite)

to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided,* That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

REVOLVING FUND FOR LOANS

During fiscal year 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $12,680,000.

$12,680,000 (limitation on loan guarantees)

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $2,900,000, and total commitments to guarantee loans shall not exceed $2,250,000 of contingent liability for loan principal.

2,900,000 (limitation on loan guarantees)

EASTERN INDIAN LAND CLAIMS

For payment to the Eastern Indian Land Claims Settlement Fund, $81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine. 81,500,000

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 115 passenger carrying motor vehicles of which 75 shall be for replacement only, which may be used for the transportation of Indians; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions: *Provided,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to continue academic and residential programs of the Chilocco, Seneca, and Fort Sill boarding schools, Oklahoma; and Stewart boarding school, Nevada: *Provided further,* That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees: *Provided further,* That no action to develop and provide water for agricultural purposes on the Gila River Indian Reservation, when agreed to by the Gila River Indian Council, shall be a major Federal action under the National Environmental Policy Act.

[*Total, Bureau of Indian Affairs, $1,099,046,000.*]

TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, $72,284,000, of which (1) not to exceed $68,000,000 shall be available for grants to the judiciary in American Samoa for compensation and expenses, as 72,284,000 authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428–1428e; Public Law 95–134; 91 Stat. 1161, 1162, 1163; Public Law 95–348; 92 Stat. 487, 488); grants to the Government of the Virgin Islands as authorized by law (Public Law 95–348, 92 Stat. 490); expenses of the Northern Mariana Islands Federal Laws Commission as authorized by law (Public Law 94–241, 90 Stat. 268); direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241, 90 Stat. 272), to remain available until expended; and (2) not to exceed $4,284,000 shall be available for expenses of the offices of the Government Comptroller for the Virgin Islands, the Government Comptroller for Guam, Trust Territory of the Pacific Islands, and the Northern Mariana Islands as authorized by law (Public Law 95–134; 91 Stat. 1161, 1162), and the Government Comptroller for American Samoa, and for salaries and expenses of the Office of Territorial Affairs: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary: *Provided further*, That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23) as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That $10,000,000 provided under this head in Public Law 96–126 for the purposes of matching new local tax revenues of the Government of the Virgin Islands shall be available for grants for new construction.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $94,354,000, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial

$94,354,000

transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

[*Total, Territorial Affairs, $166,638,000.*]

SECRETARIAL OFFICES

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $16,313,000. $16,313,000

OFFICE OF THE SECRETARY

DEPARTMENTAL MANAGEMENT

For necessary expenses of the Office of the Secretary of the Interior, including necessary expenses for certain operations that provide departmentwide services, $37,619,000, of which not to exceed $5,000 may be for official reception and representation expenses, and of which not to exceed $576,000 shall be available, on a departmentwide basis, for payment of bonuses for the Senior Executive Service as authorized by the Civil Service Reform Act of 1978. 37,619,000

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $8,750,000, to remain available for obligation until September 30, 1982. 8,750,000

INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, $8,500,000. 8,500,000

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, $60,000,000: *Provided,* That $30,000,000 shall be available to the Secretary of the Interior and $30,000,000 shall be available to the Secretary of Agriculture. 60,000,000

RURAL WATER TREATMENT AND DISTRIBUTION SYSTEM

For expenses for initial planning and construction of a rural water treatment and distribution system pursuant to section 9 of the Rural Development and Policy Act of 1980, $1,900,000. 1,900,000

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition, from available resources within the Working Capital Fund, two aircraft for replacement only, both of which shall be from surplus.

[*Total, Office of the Secretary, $116,769,000.*]

[*Total, Secretarial Offices, $133,082,000.*]

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Sec. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction, and for emergency reclamation projects under section 410 of Public Law 95-87: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That no appropriations made in this title shall be available for acquisition of automatic data processing equipment, software, or services in excess of $1,000,000 systems life cost, without prior approval of the Secretary.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Sec. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Sec. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Sec. 107. No appropriations made in this title shall be available for the identification of lands not now so identified or acquisition (by withdrawal, transfer, or purchase) of lands for or associated with the Unique Wildlife Ecosystem Program as now defined by the United States Fish and Wildlife Service not authorized by law under an existing program.

Sec. 108. The Secretary is authorized to appoint an advisory group which may include government officials, as well as members from outside the government to undertake such activities as may be appropriate to study the effect of future growth and development on the beauty, historic values and other features that make the national capital area unique, and to recommend measures that will protect its values. The advisory group shall designate a chairman and shall complete its work and submit to the Secretary and to the Congress a report with its findings and recommendations within three years of the date of its organization. To support its activities, the advisory group may also receive gifts and grants from private sources. Members of the group shall receive no compensation, but may be reimbursed for travel, per diem, and other reasonable expenses.

Sec. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-458 as they apply to reporting to Congress on potential new areas of the National Park System: *Provided*, That not to exceed $100,000 may be available to study proposed new areas of the National Park System.

Sec. 110. No appropriations made in this title shall be available for the withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey Natural Area, Idaho, without specific provision therefor in appropriation Acts.

Sec. 111. The Secretary's authority to enter into contracts and agreements in any fiscal year pursuant to the Department of the Interior and Related Agencies Appropriations Act of 1962 for the development and operation of helium properties is terminated.

Sec. 112. (a) None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within the Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.

(b) For the purposes of this section "perferred use period" denotes the period May 1 through September 30, inclusive.

[*Total, title I, Department of the Interior:*

[*New budget (obligational) authority*	*$4,092,846,000.*]
[*Definite*	*(3,610,553,000).*]
[*Indefinite*	*(482,293,000).*]
[*Limitation on loan guarantees*	*15,580,000.*]

TITLE II—RELATED AGENCIES

Department of Agriculture

Forest Service

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $122,200,000. $122,200,000

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest insect and disease activities, $73,116,000, of which $66,136,000 shall remain available for obligation until September 30, 1982, to carry out activities authorized in Public Law 95-313.

$73,116,000

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, $879,614,000, of which $197,362,000 for reforestation, timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1982.

[1]879,458,000

CONSTRUCTION AND LAND ACQUISITION

For necessary expenses of the Forest Service, not otherwise provided for, for construction and land acquisition, $378,586,000, to remain available until expended, of which $22,429,000 is for construction and acquisition of buildings and other facilities; $353,662,000 is for construction of forest development roads and trails by the Forest Service and construction and maintenance of forest development roads by timber purchasers; and $2,495,000 is for acquisition of land and interests therein, required for management, protection, utilization, and research for the National Forest System and other Forest Service resources.

378,586,000

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache National Forest, Utah; Uinta and Wasatch National Forests, Utah; Toiyabe National Forest, Nevada; Angeles National Forest, California; and, San Bernardino and Cleveland National Forests, California, as authorized by law, $754,000, to be derived from forest receipts.

754,000
(indefinite)

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school authorities pursuant to that Act, to remain available until expended.

446,000
(indefinite)

RANGELAND IMPROVEMENTS

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, fifty percent of all moneys received during the prior fiscal year as fees for grazing domestic livestock on lands in National Forests in the sixteen western States, to remain available until expended.

6,800,000
(indefinite)

TIMBER SALVAGE SALES

Funds previously appropriated under this head may be recovered from receipts deposited on the applicable national forest. Such funds, when recovered, may be expended and recovered on any national forest.

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[1] Reflects reduction of $156,000 for consultant service shown on page 238 under "General Provisions."

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 271 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 245 shall be for replacement only, acquisition of 51 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 61 aircraft from excess sources; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the U.S. Senate and the Committee on Agriculture in the U.S. House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System limitation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

Funds available under the Act of March 4, 1913 (16 U.S.C. 501), may be merged with and made a part of the Construction and Land Acquisition and/or the National Forest System appropriations.

[*Total, Forest Service (net), $1,461,360,000.*]

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96-304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a)(1) of Public Law 96-294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a)(2) of Public Law 96-294: *Provided,* That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

Department of Energy

ALTERNATIVE FUELS PRODUCTION

The provisions of section 19(m) of the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended, shall not apply to alternative fuels actions under Public Law 96-126 and Public Law 96-304.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), $711,435,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas. $711,435,000

FOSSIL ENERGY CONSTRUCTION

For necessary expenses in connection with the purchase and construction of fossil energy plants, including the acquisition of interests, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $423,300,000, to remain available until expended. 423,300,000

ENERGY PRODUCTION, DEMONSTRATION, AND DISTRIBUTION

For necessary expenses in carrying out energy production, demonstration, and distribution activities, $226,062,000, of which $206,466,000 shall remain available until expended. 226,062,000

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $862,107,000, to remain available until expended: *Provided*, That of the total amount of this appropriation, not to exceed $1,100,000 shall be available for a reserve to cover any defaults from loan guarantees issued for electric or hybrid vehicle research, development, and production as authorized by section 10 of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, as amended (15 U.S.C. 2509): *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under said law shall not exceed the aggregate of $21,500,000: *Provided further*, That none of the funds provided for State energy conservation grants shall be available to any jurisdiction that has not implemented section 362(c)(5) of Public Law 94-163: *Provided further*, That for the purposes of section 601 of the Powerplant and Industrial Fuel Use Act of 1978, the term "local government" shall include— 862,107,000

(1) any county, parish, city, town, township, village or other general purpose political subdivision of a State with the power to

levy taxes and expend Federal, State, and local funds and exercise govenmental powers; and

(2) which (in whole or in part) is located in, or has authority over the energy impacted area: *Provided further,* That such term shall include a public or private nonprofit corporation, or a school, water, sewer, highway, or other public special purpose district, authority, or body, with the concurrence of the Governor: *Provided further,* That such term shall be applicable to all applications for assistance received since the effective date of section 601 of the Powerplant and Industrial Fuel Use Act of 1978.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $176,867,000: *Provided,* That none of the funds herein appropriated shall be available to pay the expenses of parties intervening in regulatory proceedings before the Economic Regulatory Administration. $176,867,000

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $102,000,000, to remain available until expended: *Provided,* That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further,* That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way. 102,000,000

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $104,117,000. 104,117,000

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations to the Department of Energy under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That (1) revenues received from the sale of any products produced in facilities other than demonstration plants operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts: and (2) revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with demonstration plant projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435) with respect to such contracts or agreements for or related to such projects: *Provided,* That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804 shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period. The notification required herein shall be in lieu of the notification requirements of Public Law 85-804.

[*Total, Department of Energy, $2,605,888,000.*]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 757 of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $594,119,000: *Provided,* That funds made available to tribes and tribal organizations through grants and $594,119,000 contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1982. Funds provided in this Act, and those provided in fiscal year 1980, for the Indian Health Service, may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That not to exceed $20,000,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1982, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That funding herein shall be available for the lease of 24 units of existing housing in Bethel, Alaska, to be used as staff housing for the Bethel Alaska Native Hospital: *Provided further,* That funding herein shall be available for the lease of 47 units of housing to be constructed at Bethel, Alaska, for the Bethel Alaska Native Hospital.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings, purchase of trailers, and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $84,469,000, to remain available until expended. $84,469,000

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS–18, for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe: *Provided further,* That notwithstanding the provisions of any other law, funds appropriated to the Indian Health Service in this Act and in Public Law 96–126, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

[*Total, Department of Health and Human Services, $678,588,000.*]

Department of Education

Office of Elementary and Secondary Education

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, Part A ($58,250,000), and Parts B and C ($19,930,000) of the Indian Education Act, and the General Education Provisions Act, $81,680,000. $81,680,000

Departmental Management

INSTITUTE OF MUSEUM SERVICES

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, $12,857,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further,* That none of the funds appropriated to the Institute of Museum Services may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913. 12,857,000

[*Total, Department of Education, $94,537,000.*]

Navajo and Hopi Indian Relocation Commission

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $2,680,000 for operating expenses of the Commission. 2,680,000

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 3 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $117,665,000: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That none of these funds shall be available to a Smithsonian Research Foundation. 117,665,000

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $3,650,000, to remain available until 3,650,000 expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further*, That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,290,000, to remain available until expended. $3,290,000

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $7,539,000, to remain available until expended. 7,539,000

CONSTRUCTION

For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended. 5,000,000

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed $70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $24,314,000. 24,314,000

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $1,795,000. 1,795,000

[*Total, Smithsonian Institution, $163,253,000.*]

Architect of the Capitol

MEMORIAL TO HALE BOGGS

For use by the Architect of the Capitol for processing, and installing in the Congressional Cemetery, a traditional cenotaph for the late Honorable Hale Boggs, $7,000. $7,000

National Foundation on the Arts and the Humanities

National Endowment for the Arts

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,860,000, of which $113,960,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $11,900,000 shall be available for administering the functions of the Act. 125,860,000

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $32,700,000, to remain available until September 30, 1982, to the National Endowment for the Arts, of which $13,450,000 shall be available for purposes of section 5(1): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated. 32,700,000 *(indefinite)*

[*Total, National Endowment for the Arts, $158,560,000.*]

National Endowment for the Humanities

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,799,000, of which $106,522,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $11,277,000, shall be available for administering the functions of the Act. 117,799,000

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $33,500,000, to remain available until September 30, 1982, of which $24,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of 33,500,000 *(indefinite)* money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

[*Total, National Endowment for the Humanities, $151,299,000.*]

[*Total, National Foundation on the Arts and the Humanities, $309,859,000.*]

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $285,000. $285,000

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 94-422, $1,523,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions. 1,523,000

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $2,270,000. 2,270,000

Franklin Delano Roosevelt Memorial Commission

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $30,000 to remain available for obligation until September 30, 1982. 30,000

Pennsylvania Avenue Development Corporation

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,443,000 for operating and administrative expenses of the Corporation. 2,443,000

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $15,000,000, pursuant to the terms and conditions specified in paragraph 10, section 6, of Public Law 92-578. 15,000,000 *(borrowing authority)*

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $14,169,000, to remain available for obligation until expended. $14,169,000

[Total, Pennsylvania Avenue Development Corporation, $31,612,000.]

Federal Inspector for the Alaska Gas Pipeline

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $21,483,000, of which not to exceed $1,500 may be used for offical reception and representation expenses. 21,483,000

Holocaust Memorial Council

For expenses necessary to carry out the Holocaust Memorial Council upon the enactment of the Act entitled "An Act to establish the United States Holocaust Memorial Council", $722,000. 722,000

[Total, title II, Related Agencies:

[Appropriations:	
[Definite	*$5,284,897,000.]*
[Indefinite	*74,200,000.]*
[Borrowing authority	*15,000,000.]*
[Total, new budget (obligational) authority	*5,374,097,000.]*

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete, in accordance with 18 U.S.C. 1913.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 307. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

SEC. 308. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 309. (a) Notwithstanding any other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, $156,000: *Provided*, That not to exceed $4,600,000 of the funds made available by section 112 of Public Law 96-369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems.

−$156,000
(reduction)

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

SEC. 310. The Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, is revised and modified to read as follows:

STATEMENT OF POLICY

BASIC PRINCIPLES

It is the policy of the United States—

(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation's well being, in an environmentally sound manner.

(2) the Nation's forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation's need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate, and cooperate with the planning efforts of the States.

(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977, the Secretary of Agriculture shall assure that resource and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

RANGE LAND DATA BASE AND ITS IMPROVEMENT

The data on and understanding of the cover and condition of range lands is less refined than the data on and understanding of commercial forest land. Range lands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

GENERAL ACCEPTANCE OF HIGH BOUND PROGRAM

Congress generally accepts the "high-bound" program described on pages 7 through 18 of the 1980 Report to Congress on the Nation's Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the "high-bound" program may not be sufficient to accomplish the goals contained in this statement, particularly in the areas of range and watershed resources, State and private forest cooperation and timber management.

STATE AND PRIVATE LANDS

States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The State and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

FUNDING THE GOALS

In order to accomplish the policy goals contained in this statement by the year 2030, the Federal Government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.

SEC. 811. None of the funds contained in this Act shall be used to demolish shelters erected on lands owned or managed by the Federal Government where no other shelter exists within a 5-mile radius.

[*Total, title III, General Provisions, –$156,000* [1].]

Approved December 12, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1147 (Comm. on Appropriations) and No. 96-1470 (Comm. of Conference).
SENATE REPORT No. 96-985 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- July 30, considered and passed House.
- Nov. 13, 14, 17, considered and passed Senate, amended.
- Nov. 21, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments, in others with amendments, and insisted on its disagreement to Senate amendment No. 128.
- Dec. 1, Senate agreed to conference report; receded from its amendment No. 128 and concurred in House amendments.

Grand Total:		
Appropriations:		
Definite	$8,895,450,000	
Indefinite	556,493,000	
Borrowing authority	15,000,000	
Total, new budget (obligational) authority, Department of the Interior and Related Agencies Appropriation Act, 1981 (net)		$9,466,943,000

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[1] Reflected in appropriation for National Forest System on page 227, this volume.

NOTE.—In addition to the new budget (obligational authority for fiscal year 1981 contained in the foregoing and annual appropriation act, the following additional amounts are available for the Department of the Interior for such fiscal year:

Permanent appropriations		
Federal funds (pp. 1907-1910)	$676,795,000	
Trust funds (pp. 1920-1921)	508,188,000	
Energy and Water Development Appropriations Act, 1981:		
Water and Power Resources Service (pp. 163-167)	771,461,000	
Subtotal, additions		$1,956,444,000
Deduct amounts transferred to Department of Agriculture; Departments of Health and Human Services; Education and General Government totals:		
Department of Agriculture:		
Forest Service (pp. 226-228)	$1,461,360,000	
Department of Energy (pp. 229-231)	2,605,888,000	
Department of Health and Human Services:		
Indian Health Service (pp. 231-232)	678,588,000	
Department of Education:		
Indian Education (p. 233)	81,680,000	
Institute of Museum Services (p. 233)	12,857,000	
General Government:		
Advisory Council on Historic Preservation (p. 236)	1,523,000	
Commission of Fine Arts (p. 236)	285,000	
Federal Inspector for the Alaska Gas Pipeline (p. 237)	21,483,000	
Franklin Delano Roosevelt Memorial Commission (p. 236)	30,000	
Holocaust Memorial Council (p. 237)	722,000	
National Capitol Planning Commission (p. 236)	2,270,000	
National Foundation on the Arts and the Humanities (pp. 235-236)	309,859,000	
Navajo Hopi Relocation Commission (p. 233)	2,680,000	
Pennsylvania Avenue Development Corporation (pp. 236-237)	31,612,000	
Smithsonian Institution (pp. 233-234)	163,253,000	
Legislative Branch:		
Architect of the Capitol (p. 235)	7,000	
Subtotal, deductions		−5,374,097,000
Grand total, Department of the Interior		6,049,290,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1981

96th Congress, H.R. 7998

[NOTE.—The following bill, H.R. 7998, did not advance in the legislative process beyond House passage which occurred on August 27, 1980. The bill was not reported or passed in the Senate and consequently no conference was held. The programs normally funded in this bill have instead been provided for in three sequential continuing resolutions, Public Law 96-369, Public Law 96-536 (sec. 101(a)(1)), and Public Law 97-12. These last two continuing resolutions provide for the Labor/HHS and Education programs at the annual rate provided by the House when it considered H.R. 7998 with certain exceptions. For this reason H.R. 7998 as passed the House has been included in this compilation at this point. In those instances where the rate has been changed by the Continuing Resolutions, footnotes have been included with the proper cross reference to the continuing resolution. It should be noted that while the rate for the various programs is based on the level provided for in this bill, the terms, conditions and limitations are those applicable to the FY 1980 appropriation rather than those stated in this bill. A detailed numerical accounting of the rates provided for by H.R. 7998 appears in the *Congressional Record* of August 28, 1980. For purposes of this extended bill amounts available as a result of the combined action on all three continuing resolutions are treated as a single item. Only items in which full-year definite appropriations are made in unique sections of either Public Law 96-369 or Public Law 96-536 are *excluded* here and carried under those separate bills. (See pp. 369-377 and pp. 379-386, this volume.)

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1981, for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,762,000, together with not to exceed $35,215,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $7,202,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-2003.

$88,762,000 and *35,215,000 (limitation on trust fund transfer)*

EMPLOYMENT AND TRAINING ASSISTANCE

For expenses necessary to carry into effect the Comprehensive Employment and Training Act of 1973, as amended, and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961) and sections 236, 237, and 238 of the Trade Act of 1974 (19

U.S.C. 2101) and section 51 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 51), and sections 210, 211, and 212 of Public Law 95-250, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Comprehensive Employment and Training Act of 1973, as amended, $6,156,763,000 plus reimbursements, to remain available through September 30, 1982, and of which $1,910,000 shall be for the National Commission for Employment Policy, and at least $20,000,000 shall be for training under section 236 of the Trade Act of 1974: *Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers. [1] $6,530,369,000

TEMPORARY EMPLOYMENT ASSISTANCE

For public service employment, training, and related services, as authorized by title VI of the Comprehensive Employment and Training Act, $1,293,000,000, to remain available until September 30, 1982. ([2])

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out activities under title V of the Older Americans Act of 1965, as amended, $277,100,000, of which $221,680,000 shall be for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) and $55,420,000 shall be for grants to States under paragraph (3) of section 506(a). 277,100,000

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, of benefits and payments as authorized by title II of Public Law 95-250, of trade adjustment benefit payments and allowances, as provided by law (19 U.S.C. 1941-1944 and 1952; part I, subchapter B, chapter 2, title II of the Trade Act of 1974), and for reimbursement to States for unemployment benefits paid on the basis of public service employment as authorized by title II of the Emergency Jobs and Unemployment Assistance Act of 1974, as amended, and for reimbursements as authorized by section 121 of Public Law 94-566, $1,260,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That, in addition, there shall be transferred from the Postal Service Fund to this appropriation such sums as the Secretary of Labor determines to be the cost of benefits for ex-Postal Service employees: *Provided further*, That amounts received during the current fiscal year from the Postal Service or recovered from the States pursuant to 5 U.S.C. 8505(d) shall be available for such payments during the year: *Provided further*, That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments. [3] 1,260,000,000 *(indefinite)*

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[1] Reflects increase of $373,606,000 pursuant to sec. 101(d) of the continuing resolution for 1981 (Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12) which provides funding at the "current rate" for activities in title III and title IV of H.R. 7998. Additional amounts are provided by section 118 of Public Law 96-536 and are carried as annual appropriations under that bill.

[2] See sec. 122 of Public Law 96-369 (p. 376, this volume) and sec. 118 of Public Law 96-536 (p. 384, this volume) for appropriation of $729,000,000.

[3] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369, as extended by Public Law 96-536 and Public Law 97-12.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49K; 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2001-2013); title III of the Social Security Act, as amended (42 U.S.C. 501-503); sections 312 (e) and (f) of the Comprehensive Employment and Training Act of 1973, as amended; and necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, 19 U.S.C. 1941-1944, 1952, and chapter 2, II, of the Trade Act of 1974, and section 43 of the Airline Deregulation Act of 1978 including, upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, $24,500,000, together with not to exceed $2,051,000,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $354,200,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That an additional $81,300,000 may be expended from the Employment Security Administration account to the extent necessary to meet additional costs of administration due to an increase of at least 15 percent in the rate of insured unemployment for a calendar quarter in 1981 over the rate of insured unemployment for the corresponding calendar quarter in 1980 which cannot be provided for within the amounts made available above: *Provided further*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

$24,500,000 and *2,051,000,000 (limitation on trust fund transfer)*

81,300,000 (limitation on trust fund transfer)

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by subsection b(2) of section 3 of the Black Lung Benefits Revenue Act of 1977, and for non-repayable advances to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1982, $660,000,000.

[1]660,000,000 *(indefinite)*

[*Total, Employment and Training Administration, $8,840,731,000.*]

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $59,161,000.

59,161,000

PENSION BENEFIT GUARANTY CORPORATION

The Pension Benefit Guaranty Corporation is authorized to make such expenditures within limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program through September 30, 1981, for such corporation.

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369, as extended by Public Law 96-536 and Public Law 97-12.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal and local agencies and their employees for inspection services rendered $171,057,000 together with $364,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

$ 171,057,000
and *364,000*
(limitation on trust fund transfer)

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and fifty per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $404,146,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1981.

[1]404,146,000
(indefinite)

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $922,244,000, of which $892,731,000 shall be available until September 30, 1982, for payment of all benefits and interest on advances under subsection (b)(2) of section 3 of the Black Lung Benefits Revenue Act of 1977, as authorized by section 424(a)(1), (2) and (4) of the Black Lung Benefits Act, as amended, and of which $20,970,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses and $10,543,000 for transfer to Departmental Management, Salaries and Expenses for expenses of operation and administration of the Black Lung Benefits program as authorized by section 424(a)(5) of the Black Lung Benefits Act, as amended: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 424(a)(5) of the Black Lung Benefits Act, as amended.

[1]922,244,000
(indefinite)

756,000
(indefinite)

[*Total, Black Lung Disability Trust Fund, $923,000,000.*]

[*Total, Employment Standards Administration, $1,498,203,000.*]

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369, as extended by Public Law 96-536 and Public Law 97-12.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $207,206,000: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for 10 or more violations: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further,* Than no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except— $ 207,206,000

(1) to provide, as authorized by such Act, counsultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and take any action pursuant to such investigation authorized by such Act;

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further,* That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees:

Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of 10 or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the 6 months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $148,398,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work and the purchase of not to exceed sixty-six passenger motor vehicles for replacement only: *Provided,* That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further,* That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further,* That any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any

$148,398,000

training requirement, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate or surface limestone mine, nor shall any funds appropriated under this paragraph be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Federal Mine Safety and Health Act of 1977 with respect to any person engaged in the surface mining of stone, clay, colloidal phosphate, sand or gravel.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $106,324,000.

$106,324,000

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for departmental management including $1,734,000 for the President's Committee on Employment of the Handicapped, $113,490,000 together with not to exceed $2,293,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

113,490,000
and *2,293,000*
(limitation on
trust fund
transfer)

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies, which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $70,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

70,000

[*Total, Departmental Management, $113,560,000.*]

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this title shall be used to pay any prisoner for work performed prior to 12 months before the presumptive release date of such prisoner.

SEC. 103. No part of the funds appropriated under this title may be used to carry out any activities for or on behalf of any individual who is an alien in the United States in violation of the Immigration and Nationality Act or any other law of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

SEC. 104. None of the funds appropriated by the first three paragraphs of this title for employment and training administration, program administration, employment and training assistance, and temporary employment assistance may be used to provide any assistance to any government of a nation other than the United States.

This title may be cited as the "Department of Labor Appropriation Act, 1981."

[*Total, title I, Department of Labor:*

[*New budget (obligational) authority .... $10,973,583,000.*]

[*Limitation on trust fund transfer .... 2,170,172,000.*]

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out titles III, V, VII, X, XI, and XII of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, section 427(a) of the Federal Coal Mine Health and Safety Act as amended, and titles V and XI of the Social Security Act, $1,231,787,000 of which $1,800,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease and $6,969,000 to be available until expended, shall be used to renovate the Public Health Service hospitals and the National Hansen's Disease Center: *Provided,* That this appropriation shall be available for payment of the costs of medical care related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescirbed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advances to this appropriations: *Provided further,* That when the Health Services Administration provides health care services to active duty Department of Defense uniformed services personnel and their dependents, to retired uniformed services personnel and their dependents, and to the dependents of deceased uniformed services personnel in a Public Health Service medical facility, payment for the estimated cost shall be made by way of reimbursement to this appropriations.

[1]$1,312,403,000

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

To carry out titles III and XVII of the Public Health Service Act, title IV of the Health Services and Centers Amendments of 1978, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $329,441,000 of which $5,951,000 shall remain available until expended and shall be for construction and equipment of facilities of or used by the Center for Disease Control ($4,951,000) and for provided assistance in health emergencies ($1,000,000): *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to

329,441,000

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[1] Includes an additional amount of $8[illegible],[illegible]26,000 provided under sec. 101(d) of the continuing resolution for 1981 (Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12) which authorizes the "current rate for unauthorized activities" not considered when H.R. 7998 was before the House.

this appropriation for the full cost of such training: *Provided further*, That none of the funds appropriated under Section 314(d) of the Public Health Service Act may be used for the payment of salaries or expenses for any State-level administrative employee.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out, to the extent not otherwise provided, the Public Health Service Act with respect to cancer, $1,001,330,000. $1,001,330,000

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For expenses, not otherwise provided for, necessary to carry out the Public Health Service Act with respect to heart, lung, blood vessel, and blood diseases, $560,264,000. 560,264,000

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to dental diseases, $71,206,000. 71,206,000

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

For expenses necessary to carry out title IV of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $371,993,000. 371,993,000

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $253,838,000. 253,838,000

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to allergy and infectious diseases, $232,355,000. 232,355,000

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses not otherwise provided for, necessary to carry out title IV of the Public Health Service Act with respect to general medical sciences, $335,676,000. 335,676,000

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV and title X of the Public Health Service Act with respect to child health and human development, $223,565,000. 223,565,000

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV of the Public Health Service Act, with respect to eye diseases and visual disorders, $120,254,000. 120,254,000

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301, 311 and 472 of the Public Health Service Act with respect to environmental health sciences, $97,269,000. $97,269,000

NATIONAL INSTITUTE ON AGING

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to aging, $76,091,000. 76,091,000

RESEARCH RESOURCES

To carry out, except as otherwise provided, sections 301 and 472 of the Public Health Service Act with respect to research resources and general research support grants, $184,439,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Support program, shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants. 184,439,000

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $9,138,000 of which $1,800,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory. 9,138,000

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $44,730,000. 44,730,000

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, where not otherwise provided, $11,750,000 to remain available until expended. 11,750,000

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, $22,549,000, including purchase of not to exceed thirteen passenger motor vehicles for replacement only. 22,549,000

[*Total, National Institutes of Health, $3,616,447,000.*]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, and alcoholism; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended; the Drug Abuse Prevention, Treatment, and Rehabilitation Act; and the Community Mental Health Centers Act as amended (42 U.S.C. 2681, et seq.); $992,477,000 of which $5,425,000 for design and modernization and improvement of government owned or leased intramural facilities shall remain available until expended. [1]1,047,807,000

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[1] Includes an additional amount of $55,330,000 provided under sec. 101(d) of the continuing resolution for 1981 (Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12) which authorizes the "current rate for unauthorized activities" not considered when H.R. 7998 was before the House.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness, $94,273,000 or such amounts as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and $118,595,000. $94,273,000 *(indefinite)*

CONSTRUCTION AND RENOVATION, SAINT ELIZABETHS HOSPITAL

For construction, alterations, repair, improvement, extension, and equipment of facilities for or used by Saint Elizabeths Hospital: $1,500,000 to remain available until expended. 1,500,000

[*Total, Alcohol, Drug Abuse, and Mental Health Administration, $1,143,580,000.*]

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For carrying out titles VII and XV of the Public Health Service Act and section 1122 of the Social Security Act, $168,260,000, of which $4,300,000 shall remain available until expended for loan guarantees made prior to fiscal year 1981 and interest subsidies under part B of title VII. [1]648,021,000

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

During fiscal year 1981, no commitments for direct loans or loan guarantees shall be made. [2] *1,500,000,000*

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

For expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XII, XIII, and XVII of the Public Health Service Act, titles IV, VI, VII, and VIII of the Health Services and Centers Amendments of 1978, $179,966,000: *Provided,* That funds contained herein for carrying out section 1303(i) and 1304(k) of the Public Health Service Act which are unobligated on September 30, 1981, shall remain available through September 30, 1982. 179,966,000

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act and any other property or assets derived from operations respecting such loans and loan guarantees, including any money derived from the sale of assets, shall be available to the Secretary without fiscal year limitation for direct loans and loan guarantees as authorized by said title XIII, in addition to funds specifically appropriated for that purpose. During 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $155,000,000, and total commitments to guarantee loans shall not exceed $170,000,000 of contingent liability for loan principal.

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[1] Includes an additional amount of $479,761,000 provided under sec. 101(d) of the continuing resolution for 1981 (Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12) which authorizes the "current rate for unauthorized activities" not considered when H.R. 7998 was before the House.

[2] This amount was provided under H.R. 4389 (Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1980 (see page 176, 1979-1980 volume), and its availability continued into fiscal year 1981 by Public Law 96-536, Section 101(a)(4), Further Continuing Appropriations, 1981 (see page 379 this volume). This amount is not included in budget totals.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan; Survivor Benefit Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

$91,958,000
(indefinite)

[*Total, Assistant Secretary for Health, $271,924,000.*]

[*Total, Health Services Administration, $7,321,816,000.*]

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, $15,877,052,000.

[1]15,877,052,000
(indefinite)

For making, after June 30 of the current fiscal year, payments to States under title XIX of the Social Security Act, for the last three months of the current fiscal year; and for making after July 31 of the current fiscal year, payments for the first quarter of the succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title to be charged to the subsequent appropriation therefor for the current or succeeding fiscal year.

[2]4,280,000,000

[3]–3,923,000,000

In the administration of title XIX of the Social Security Act, payments to a State under such title for any quarter in the period beginning July 1 of the prior year and ending September 30 of the current year may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which a subsequently approved plan was submitted.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year. No payment shall be made from this appropriation to reimburse State or local expenditures made prior to October 1, 1978 unless a request for reimbursement had been officially transmitted to the Federal Government by the State within two years after the fiscal year in which the expenditure occurred.

[*Total, Grants to states for Medicaid, $16,234,052,000.*]

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 217(g), 229(b), 1168 and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, $9,577,120,000.

[1]9,577,120,000
(indefinite)

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act, $123,872,000, together with not to exceed $885,140,000, to be transferred to this appropriation as authorized by section 201(g)91) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That such amounts as are required shall be available to pay travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their repre-

123,872,000
885,140,000
(limitation
on trust
fund transfer)

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12.

[2] Appropriation available from fiscal year 1982.

[3] Appropriation available in fiscal year 1980.

sentatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands to reconsideration interviews and to proceedings before administrative law judges under title XVIII of the Social Security Act: *Provided further,* That $10,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That none of the funds appropriated under this paragraph shall be allotted or otherwise awarded to any Professional Standards Review Organization which the Secretary of the Department of Health and Human Services has determined should be terminated from the Professional Standards Review Program because of its inability to effectively or efficiently discharge its responsibilities under the Social Security Act.

[*Total, Health Care Financing Administration* .... *$25,935,044,000.*]
[*Limitation on trust fund transfer* .... *$885,140,000.*]

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provied under sections 201(g)(1), 217(g), 228(g), 229(b), 702, and 1131(b)(2) of the Social Security Act, $672,225,000. [1]$672,225,000
(indefinite)

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health
Act of 1977, including the payment of travel expenses either on an
actual cost or commuted basis, to an individual, for travel incident
to medical examinations, and to parties, their representatives and
all reasonably necessary witnesses for travel within the United [2]–37,451,000
States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges,
$1,097,751,000: *Provided,* That after July 31, such amounts for [1]1,097,751,000
benefit payments as may be necessary may be charged to the *(indefinite)*
subsequent year appropriation.

[*Total, Special Benefits for Disabled Coal Miners, $1,060,300,000.*]

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income program
under title XVI of the Social Security Act, section 401 of Public
Law 92-603, section 212 of Public Law 93-66, as amended, and
section 405 of Public Law 95-216, including payment to the social
security trust funds for administrative expenses incurred pursuant
to section 201(g)(1) of the Social Security Act, $7,005,117,000, to 7,005,117,000
remain available until expended: *Provided,* That for carrying out *(indefinite)*
these activities after July 31, such sums as may be necessary shall
be available, the obligations and expenditures therefor to be [2]–48,423,000
charged to the appropriation for the succeeding fiscal year: *Provided further,* That any portion of the funds provided to a State in
the current fiscal year and not obligated by the State during that
year shall be returned to the Treasury.

[*Total, Supplemental Security Income Program, $6,956,694,000.*]

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12.

[2] Appropriation available in fiscal year 1980.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C., ch. 9), $8,145,689,000, to remain available until expended.

$8,145,689,000
[1] 1,913,793,000

For making, after June 30 of the current fiscal year, payments to States under titles, I, IV, X, XIV, and XVI, respectively, of the Social Security Act for the last three months of the current fiscal year and for making after July 31 of the current fiscal year payments for the first quarter of the succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year. No payment shall be made from this appropriation to reimburse State or local expenditures made prior to October 1, 1978 unless a request for reimbursement had been officially transmitted to the Federal Government within two years after the fiscal year in which the expenditure occurred.

[2] −2,261,553,000

[*Total, Assistance Payments Program, $7,797,929,000.*]

LOW INCOME ENERGY ASSISTANCE

For expenses necessary to carry out a program of energy assistance for low income households as authorized under the Economic Opportunity Act, of 1964, $1,800,000,000 including $1,776,000,000 for special energy allowance grants to States or Territories, $20,000,000 which shall be transferred to the Community Services Administration for energy assistance to migrants and native Americans and $4,000,000 for Social Security administrative costs: *Provided,* That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $500: *Provided further,* That payments may not be made to people who live in institutions or other living arrangements where they are not vulnerable to energy increases.

[3] 1,850,000,000

REFUGEE ASSISTANCE

For expenses necessary to assist in the domestic resettlement of recent immigrants to the United States as authorized under the Refugee Act of 1980, the Immigration and Nationality Act or the International Security Act, $690,457,000, to remain available until September 30, 1982.

[4] 690,457,000
[5] 90,000,000
[6] 167,100,000

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $2,660,850,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That such amounts as are required shall be available to pay travel expenses either on an actual cost or commuted basis, to an individual for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands, to reconsideration interviews and to proceedings before administrative law judges under titles II, XVI, and XVIII of the Social Security Act: *Provided further,* That $50,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to

2,660,850,000
(trust fund limitation)

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[1] Appropriation available from fiscal year 1982.

[2] Appropriation available in fiscal year 1980.

[3] Increased by $50 million in Public Law 96-369. Public Law 96-536, and Public Law 97-12.

[4] An additional amount of $257,100,000 was provided by Public Law 96-369 and Public Law 96-536 for "Cuban and Haitian Entrants, domestic assistance" and "Cuban and Haitian Entrants, reception and processing" (see page 381, this volume).

[5] For Cuban and Haitian entrants, domestic assistance.

[6] For Cuban and Haitian entrants, reception and processing.

meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration to titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That $13,500,000 authorized herein shall be available only for acquisition of sites, construction, renovation, and equipment of facilities and for payments of principal, interest, taxes and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Building Amendments of 1972, and shall remain available until expended.

[*Total, Social Security Administration* .... *$19,284,705,000.*]
[*Limitation on administrative expenses* .... *$2,660,850,000.*]

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

GRANTS TO STATES FOR SOCIAL AND CHILD WELFARE SERVICES

For carrying out activities authorized by sections 420, 1110, and
2001 of the Social Security Act, $3,154,650,000, of which [1]$3,154,650,000
$163,550,000 shall be for child welfare services authorized by sec- [2]715,000,000
tion 420, and of which not to exceed $75,000,000 may be used for [3]–680,000,000
training authorized by section 2001.

For making, after June 30 of the current fiscal year, payments to States authorized by section 2001 of the Social Security Act, for the last three months of the current fiscal year, and for making after July 31 of the current fiscal year, payments for the first quarter of the succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year. No payment shall be made from this appropriation to reimburse State or local expenditures made prior to October 1, 1978 unless a request for reimbursement had been officially transmitted to the Federal Government by the State within two years after the fiscal year in which the expenditure occurred.

[*Total, Grants to States for Social and Child Welfare Services, $3,189,650,000.*]

HUMAN DEVELOPMENT SERVICES

For carrying out except as otherwise provided, sections 426, 1110,
and 1115 of the Social Security Act, the Older Americans Act of
1965, as amended, the Child Abuse Prevention and Treatment Act,
title II of Public Law 95-266 (Adoption Opportunities), the
Runaway Youth Act, the Community Services Act of 1974, as
amended, sections 106, 107, and 306 of the Comprehensive Employ-
ment and Training Act of 1973, and the Developmental Disabilities
Services and Facilities Construction Act, as amended,
$1,725,533,000, of which $6,000,000 shall be available for title VI of 1,725,533,000
the Older Americans Act of 1965 as amended, $43,181,000 shall be
for grants under part C of the Developmental Disabilities Services
and Facilities Construction Act, $7,500,000 shall be for section 113
of such Act, and $3,000,000 to remain available until expended
shall be for the White House Conference on Aging.

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12.

[2] Appropriation available from fiscal year 1982.

[3] Appropriation available in fiscal year 1980.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $365,000,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled prsuant to section 403(d) of such Act, for these purposes.

$365,000,000

[*Total, Assistant Secretary for Human Development Services, $5,280,183,000.*]

Departmental Management

GENERAL DEPARTMENTAL MANAGEMENT

For expenses not otherwise provided, necessary for general departmental management, including hire of six medium sedans, $126,468,000 together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

126,468,000
8,000,000
(limitation on trust fund transfer)

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $30,735,000, together with not to exceed $6,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein. For making payments to States for Medicaid State fraud control units under sections 1903(a)(6) and 1903(a)(7) of the Social Security Act for fiscal year 1981, $22,310,000; and for the fourth quarter of fiscal year 1980 and, after June 30, 1981, for the first quarter of fiscal year 1982, such sums as may be necessary, to be charged to the subsequent appropriation therefor for fiscal year 1981 or 1982. Funds provided for making payments for the first quarter of fiscal year 1981, shall be available for payments during the last quarter of fiscal year 1980.

30,735,000
6,000,000
(limitation on trust fund transfer)
[1]22,310,000
[2]6,000,000
[3]–4,500,000

[*Total, office of the Inspector General, $54,545,000.*]

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,920,000, together with not to exceed $2,350,000, to be transferred and expended as authorized by section 201(g)(1) of Social Security Act from any one or all the trust funds referred to therein.

17,920,000
2,350,000
(limitation on trust fund transfer)

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $22,700,000.

22,700,000

[*Total, Departmental Management, $221,633,000.*]

General Provisions

Sec. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12.

[2] Appropriation available from fiscal year 1982.

[3] Appropriation available in fiscal year 1980.

SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 203. None of the funds contained in this title shall be available for additional permanent positions in the Washington area if the total authorized positions in the Washington area is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 204. Appropriations in this Act for the Health Services Administration, the National Institutes of Health, the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Health Resources Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country, purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 205. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 206. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act.

SEC. 207. Funds appropriated to the Department of Health and Human Services under title II may not be used to pay the compensation of experts or consultants (other than full-time employees) or organizations thereof, or to procure by contract the services of experts or consultants or organizations thereof, in excess of $110,000,000 during fiscal year 1981. Expenditures for all consultant services in the fourth quarter of fiscal year 1981 may not exceed 30 per centum of the total annual fiscal year 1981 expenditure for such consultant services.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1981."

[*Total, title II, Department of Health and Human Services:*
[*New budget (obligational) authority* .... *$58,043,381,000.*]
[*Trust fund limitations* .... *2,660,850,000.*]
[*Limitation on trust fund transfers* .... *901,490,000.*]

TITLE III—DEPARTMENT OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I, parts A and B ($3,514,772,000), title IV, part C, title V, part B and title VII of the Elementary and Secondary Education Act; Public Law 92-506; and sections 1524 and 1525 of the Education Amendments of 1978, $3,838,135,000: *Provided,* That of the amounts appropriated above the following amounts shall become available on July 1, 1981, and shall remain available until September 30, 1982; title I, parts A and B ($3,514,772,000 of which $145,000,000 shall be for the purpose of section 117), title IV, part C ($91,400,000 and any reductions required thereby shall be proportionate among the States), and title V, part B ($51,000,000) of the Elementary and Secondary Education Act.

$3,838,135,000

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $740,000,000 of which $75,000,000 shall be for payments under section 6, and $665,000,000 shall be for entitlements under sections 2 and 3 in accordance with subsections 5(c) (1) and (2) of said Act: *Provided,* That entitlements under section 3(b) (1) and (2) of that title shall be limited to payments made in accordance with the schedule described in sections 5(c)(1) and entitlements under section 3(b)(3) of that title shall be limited to payments in accordance with the schedule described in section 5(c)(1) and 5(c)(2)(A) of that title. The limitations in this Act shall not operate under the last two sentences of section 5(c) of the Act

740,000,000

of September 30, 1950, to prevent the allocations and payments under section 5(c)(2)(A) provided for in this Act: *Provided further,* That the total amount paid with respect to entitlements under section 3(a) attributable to children who reside on, or reside with parents employed on, property which is described in sections 403(1)(C) of said Act shall not exceed the amounts paid under that section in fiscal year 1980, and any reductions required thereby shall be derived by proportionately reducing the payments attributable to such children applied for by all local educational agencies under section 3(a): *Provided further,* That the provisions of section 5(e) shall not apply to this appropriation: *Provided further,* That funds appropriated under Public Law 94-303 for fiscal year 1976 payments under subparagraphs (A), (B), (C) and (D) of section 305 of the Education Amendments of 1974 remaining available after all claims have been paid shall be available for payments under section 7 of said Act: *Provided further,* That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or five per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further,* That none of the amounts appropriated herein shall be available for payments under the second paragraph (2) of section 305(a) of the Education Amendments of 1974.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $50,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided,* That with the exception of up to $25,000,000 for section 10 and up to $22,000,000 for section 14 (a) and (b), none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1959, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c): *Provided further,* That, notwithstanding section 421A(c)(2)(A) of the General Education Provisions Act, the Secretary of Education is authorized to approve applications for funds to increase school facilities in communities located near the Trident Support Site, Bangor, Washington, on such terms and conditions as the Secretary may reasonably require without regard to any provision in law: *Provided further,* That, notwithstanding section 421A(c)(2)(A) of the General Education Provisions Act, The Secretary of Education is authorized to approve applications for funds to increase school facilities in Bryan County, Georgia, on such terms and conditions as the Secretary may reasonably require without regard to any provision in law. $50,000,000

EQUAL EDUCATIONAL OPPORTUNITIES

For carrying out title IV of the Civil Rights Act of 1964, the Emergency School Aid Act, and title IX, part C of the Elementary and Secondary Education Act of 1965, $292,008,000: *Provided,* That the provisions of section 604(b)(2) of the Emergency School Aid Act relating to the reservation of funds shall not apply to sums appropriated under this Act. 292,008,000

LIBRARIES AND LEARNING RESOURCES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act (20 U.S.C., ch. 16); title II of the Higher Education Act; and title III, part A and title IV, part B of the Elementary and Secondary Education Act, $263,655,000: *Provided,* That $171,000,000 for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1981, and shall remain available until September 30, 1982. $263,655,000

[*Total, Office of Elementary and Secondary Education, $5,183,798,000.*]

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,102,050,000, of which $922,000,000 for part B and $25,000,000 for section 619 shall become available for obligation on July 1, 1981 and shall remain available until September 30, 1982. 1,102,050,000

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended including section 130, and the International Health Research Act of 1960, $965,875,000, of which $845,750,000 shall be for activities under section 100(b)(1), $8,509,000 shall be for activities under section 100(b)(3), and $18,000,000 shall be for activities under section 711 of the Rehabilitation Act of 1973. 965,875,000

[*Total, Office of Special Education and Rehabilitation Services, $2,067,925,000.*]

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act of 1963, as amended, the Adult Education Act, the Career Education Incentive Act, and title III, part E and title VIII, section 804 of the Elementary and Secondary Education Act, $925,497,000 of which $10,000,000 for part B, subpart 2 of the Vocational Education Act shall remain available until expended and $896,880,000 for the Vocational Education Act and the Adult Education Act shall become available for obligation on July 1, 1981, and shall remain available until September 30, 1982: *Provided,* That $6,500,000 for State advisory councils under section 105 of the Vocational Education Act shall be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount equal to the amount it received in the previous fiscal year. 925,497,000

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 ($2,159,000,000), 2 ($370,000,000), and 3 ($76,750,000) of part A, and parts C ($550,000,000) and E ($200,800,000) of title IV of the Higher Education Act, $3,356,550,000, which shall remain available until September 30, 1982: *Provided,* That amounts appropriated for Basic Opportunity Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Basic Opportunity Grants published by the Secretary of Education during the prior fiscal year: *Provided further,* That pursuant to section 411(b)(4)(A) 3,356,550,000 of the Higher Education Act, amounts appropriated herein for Basic Opportunity Grants which exceed the amounts required to meet the payment schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated the next fiscal year.

STUDENT LOAN INSURANCE

For necessary expenses under title IV, part B of the Higher Education Act $1,390,990,000, to remain available until expended.

[1]$1,390,990,000
(indefinite)

HIGHER AND CONTINUING EDUCATION

For carrying out titles I-A, III, VIII, IX and XI and sections 417, 420, 745, and 1203 of the Higher Education Act; the Mutual Educational and Cultural Exchange Act of 1961; title VI of the National Defense Education Act; the National Science Foundation Act of 1950, section 3(a)(1); and title III, Part G of the Elementary and Secondary Education Act, $407,689,000 including not to exceed $10,000,000 for section 801(b) and $3,000,000 for education information centers under section 418 of the Higher Education Act: *Provided,* That $26,000,000 made available for interest subsidy grants under section 745 shall remain available until expended: *Provided further,* That no State shall receive less under title I-A of the Higher Education Act than it recieved for the fiscal year 1980.

407,689,000

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Department of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $1,656,000 to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in Higher Education Facilities Loan and Insurance, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year: *Provided,* That $25,000,000 is hereby released from amounts available in the Higher Education Loan Fund for Graduate Facilities. Notwithstanding the campus loan limits contained in the regulations, the Secretary may, in cases of special and critical need, provide funds in excess of the campus loan limit.

1,656,000

25,000,000
(borrowing authority)

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1981 shall not exceed the total of loan repayments and other income available during such period, less operating costs. For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), in assets of the College Housing Loan Fund as authorized by the Independent Offices and Department of Housing and

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[1] Converted to an indefinite appropriation by sec. 101(e) of Public Law 96-369 as extended by Public Law 96-536 and Public Law 97-12.

Urban Development Appropriation Act, 1968 (81 Stat. 341, 357), $14,271,000, to remain available until expended. During fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $110,000,000. $14,271,000

[*Total, Office of Postsecondary Education, $5,196,156,000.*]

OFFICE OF EDUCATION RESEARCH AND IMPROVEMENT

EDUCATIONAL STATISTICS

For necessary expenses to carry out section 406 of the General Education Provisions Act, $9,947,000. 9,947,000

RESEARCH AND RELATED ACTIVITIES

For necessary expenses to carry out sections 404 and 405 of the General Education Provisions Act, $87,614,000. 87,614,000

SCHOOL IMPROVEMENT

For carrying out the General Education Provisions Act, to the extent not otherwise provided, title II, title III, parts A, B, C, and L, and title IX parts A and E of the Elementary and Secondary Education Act; title V, part A and section 532 of the Higher Education Act; the Alcohol and Drug Abuse Education Act; part B of the Headstart-Follow Through Act; section 3(a)(1) of the National Science Foundation Act of 1950, as amended; and section 303(c)(2) of the Comprehensive Employment and Training Act of 1973, as amended, $166,973,000. 166,973,000

[*Total, Office of Educational Research and Improvement, $264,534,000.*]

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–105), $4,921,000. 4,921,000

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), $20,305,000. 20,305,000

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 State. 1027) and for the partial support of Galladuet College authorized by the Act of June 18, 1954 (68 Stat. 265), $49,768,000, of which $6,594,000 shall be for construction and shall remain available until expended. If requested by the college, such construction shall be supervised by the General Services Administration. 49,768,000

HOWARD UNIVERSITY

For the partial support of Howard University, $133,983,000, of which $10,240,000 shall be for construction and shall remain available until expended. If requested by the University, such construction shall be supervised by the General Services Administration. 133,983,000

[*Total, Special Institutions, $208,977,000.*]

OFFICE OF CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Office of Civil Rights, as authorized by section 203 of the Department of Education Organization Act and for the Architectural and Transportation Barriers Compliance Board as authorized by Section 502 of the Rehabilitation Act of 1973, as amended, $49,215,000.

$49,215,000

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of 5 medium sedans, $238,882,000. During the current fiscal year up to $10,500,000 in collection of Federally insured defaulted loans may be transferred to the Salaries and Expenses account for the payment of related collection activities; together with not exceed $600,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

238,882,000

600,000 (limitation on trust fund transfer)

EDUCATIONAL, RESEARCH, AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States, for necessary expenses of the Department of Education, as authorized by law, $3,000,000 to remain available until expended. This appropriation shall be available, in addition to other appropriations to such agency.

3,000,000

[*Total, Departmental Management, $241,882,000.*]

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 307. Funds appropriated to the Department of Education under Title III may not be used to pay the compensation of experts or consultants (other than full-time employees) or organizations thereof, or to procure by contract, the services of experts or consultants, or organizations thereof, in excess of $35,000,000 during fiscal year 1981. Expenditures for all consultant services in the fourth quarter of fiscal year 1981 may not exceed 30 per centum of the total annual fiscal year 1981 expenditure for such consultant services.

SEC. 308. None of the funds appropriated by this Act (other than those specifically appropriated to fund authorizations for bilingual education programs) shall be used by the Secretary of Education to enforce regulations which would require a State or local educational agency, as a condition of eligibility for the receipt of funds appropriated under this Act, or otherwise, to address the educational needs of students of limited English-speaking ability by a program other than one of intensive instruction in English.

SEC. 309. None of the funds appropriated by this Act shall be expended to enforce such part or parts of the regulations promulgated to carry out the provisions of title IX of the Education Amendments of 1972, Public Law 92-318, which have been found by three United States circuit courts of appeal to exceed the statutory authority under which they were promulgated, and by one United States circuit court of appeals not to exceed such authority, during any part of the fiscal year ending September 30, 1981, in which the conflict in these decisions shall not have been resolved in favor of the validity of the challenged part or parts of the regulations.

SEC. 310. The total full-time equivalent employment of the Department of Education during fiscal year 1981 shall not exceed 7,500.

SEC. 311. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriation Act, 1981."

[*Total, title III, Department of Education and Special Institutions, $14,137,984,000.*]

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, $158,047,000. $158,047,000

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For expenses of the Community Services Administration, $537,800,000 of which $44,500,000 for the purpose of carrying out title VII, part A, of the Economic Opportunity Act of 1964 shall be available until September 30, 1982. [1] 541,500,000

COMMUNITY DEVELOPMENT CREDIT UNIONS REVOLVING FUND

During 1981 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $1,000,000.

RURAL DEVELOPMENT LOAN FUND

During 1981 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $8,000,000. During 1981, total commitments to guarantee loans shall not exceed $2,000,000 of contingent liability for loan principal.

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Public Telecommunications Financing Act of 1978, for the fiscal year 1983, $172,000,000: *Provided,* That these funds shall not be used to pay for receptions, parties, and similar forms of entertainment for government officials or employees: *Provided further,* That these funds shall not be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion, or sex: *Provided further,* That none of the funds appropriated herein shall be used for grants to any public telecommunications entity, whether national, regional, or other system of public telecommunications which on or after October 1, 1980, as indicated in the audit report indicated by section 392(h) of Public Law 95-567, engages in the production or financing, directly or indirectly, of any magazine,

172,000,000 *(advance appropriation, fiscal year 1983)* journal, or other printed publication which accepts or receives, payment or credits for the placing of commercial advertising in such publication.

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[1] Includes an additional amount of $3,700,000 provided under sec. 125 of the continuing resolution for 1981 (Public Law 96-369) (see p. 376, this volume).

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President; hire passenger motor vehicles; and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes, and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for mediation of complaints under the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), and for expenses necessary for the Labor Management Cooperation Act of 1978 (29 U.S.C. 125a), $25,919,000.

$25,919,000

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $4,617,000.

4,617,000

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $691,000.

691,000

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $116,635,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

116,635,000

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $4,780,000.

4,780,000

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $7,860,000.

$7,860,000

President's Commission for the Study of Ethical Problems in Medicine

SALARIES AND EXPENSES

For expenses necessary for the President's Commission to conduct a study of ethical problems in medicine and biomedical and behavioral research as authorized by 42 U.S.C. 300V, including costs of contracts, authorized by section 1803(c) of the Public Health Service Act, $1,500,000.

1,500,000

Railroad Retirement Board

FEDERAL PAYMENT TO RAILROAD RETIREMENT ACCOUNT

For payment to the Railroad Retirement Account, as provided under sections 15(b) and 15(d) of the Railroad Retirement Act of 1974, $350,000,000, which shall be the maximum amount reimbursable for the subsidy for fiscal year 1981 costs.

350,000,000

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, $36,750,000, to be derived from the railroad retirement accounts: *Provided*, That $500,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the foregoing limitation has been achieved: *Provided further*, That notwithstanding any other provision in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r).

36,750,000 (trust fund limitation)

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $20,326,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

20,326,000

[Total title IV, related agencies:

[New budget (obligational) authority	*$1,403,875,000.]*
[Fiscal year 1981	*1,231,875,000.]*
[Fiscal year 1983	*172,000,000.]*
[Trust fund limitations	*36,750,000.]*

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except there otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. In the case of any agency which has, for the period beginning on October 1, 1980, and ending on July 31, 1981, obligated less than 80 percent of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, the amount of funds which shall be available to such agency and which may be apportioned to such agency under section 3679 of the Revised Statutes of the United States (31 U.S.C. 665) for the period beginning August 1, 1981, and ending September 30, 1981, shall be reduced by an amount equal to 80 percent of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, reduced by the amount of funds obligated by such agency under this Act during the period beginning on October 1, 1980, and ending on July 31, 1981.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 506. Appropriations contained in this Act, available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 507. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 508. The Secretaries of Labor, Education, and Health and Human Services are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 509. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 510. No part of any appropriation contained in this Act shall be used other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient to engage in any activity designed to influence legislation or appropriations pending before Congress.

SEC. 511. The Secretaries of Labor, Education, and Health and Human Services are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 512. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or his parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 513. None of the funds appropriated by this Act shall be expended pursuant to any order or injunction of any court of the United States which would compel the expenditure of such funds for a purpose for which such expenditure is specifically prohibited by this Act.

SEC. 514. None of the funds under this Act may be used to implement, administer, or enforce regulations issued under section 451 of the GEPA (20 U.S.C. 1234), pertaining to the operations of the Education Appeal Board (45 CFR Part 100-D (1980)); regulations issued under sections 321-322 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 2961-2963) pertaining to arts education (45 CFR Part 161-C (1980)); regulations issued under sections 346-348 of the ESEA (20 U.S.C. 3001-3003), pertaining to law-related education (45 CFR Part 161-G (1980)); regulations issued under title IV of the ESEA (20 U.S.C. 3081 et seq.), pertaining to grants to State and local educational agencies for educational improvement resources and support (45 CFR Part 134 (1980)); or any other regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

(b) None of the funds under this Act may be used to terminate any program or activity with respect to which regulations have been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 515. No part of any appropriation contained in this Act shall be used in connection with the issuance, implementation, or enforcement of any rule, regulation, standard, guidelines, recommendation, or order which includes any ratio, quota, or other numerical requirement related to race, creed, color, national origin, or sex and which requires any individual or entity to take any action with respect to (1) hiring or promotion policies or practices of such individual or entity, or (2) the admissions policies or practices of such individual or entity.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1981".

Passed the House of Representatives August 27, 1980.[1]

LEGISLATIVE HISTORY

HOUSE REPORT: No. 96-1244 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980): August 27, considered and passed the House.
CONGRESSIONAL RECORD, Vol. 126 (1980): August 28, includes detailed table showing rates provided by House action.

Grand total:		
Appropriations, fiscal year 1981	$84,386,823,000	
Appropriations, fiscal year 1983	172,000,000	
Trust fund limitations	*(2,697,600,000)*	
Limitation on trust fund transfer	*(3,072,262,000)*	
Total new budget (obligational) authority, Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1981		[1] $84,558,823,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 under Sec. 101(a)(1) of Public Law 96-536, Further Continuing Appropriations, 1981, the following additional amounts are available for the fiscal year:

Permanent appropriations:		
Federal Funds (p. 1906)	$11,198,000	
Trust funds (pp. 1919-1921)	196,787,755,000	
Department of Agriculture Appropriations Act, 1981: Food and Drug Administration (p. 114)	349,288,000	
Department of HUD-Independent Agencies Appropriation Act, 1981:		
Office of Consumer Affairs (p. 195)	2,200,000	
Less reduction pursuant to section 412 (pp. 206, 209)	−44,000	
Department of the Interior and Related Agencies Appropriations Act, 1981 (pp. 231-233)	773,125,000	
Further Continuing Appropriations, 1981: Employment and Training Administration (pp. 384-385)	1,475,000,000	
Subtotal, additions (net)		199,398,522,000

Deduct amounts transferred to Defense—Civil functions and General Government totals:

Defense—Civil functions:	
Soldiers and Airmen's Home (p. 269)	$20,326,000
General Government:	
Action (p. 267)	158,047,000
Community Services Administration (p. 267)	541,500,000
Corporation For Public Broadcasting (1983) (p. 267-268)	172,000,000
Federal Mediation and Conciliation Service (p. 268)	25,919,000

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[1] The annual appropriation bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies for fiscal year 1981 (H.R. 7998) was not enacted into law. Funding of activities and projects in H.R. 7998 is provided under Sec. 101(a)(1) of Public Law 96-536, Further Continuing Appropriations, 1981 (pp. 379-385).

Federal Mine Safety and Health Review Commission (p. 268)	$4,617,000	
National Commission on Libraries and Information Science (p. 268)	691,000	
National Labor Relations Board (p. 268)	116,635,000	
National Mediation Board (p. 268)	4,780,000	
Occupational Safety and Health Review Commission (p. 269)	7,860,000	
President's Commission on Ethical Problems in Medicine (p. 269)	1,500,000	
Railroad Retirement Board (p. 269)	350,000,000	
Subtotal, deductions		−$1,403,875,000
Grand total, Departments of Labor, Health and Human Services, and Education		282,553,470,000

LEGISLATIVE BRANCH APPROPRIATION BILL, 1981

96th Congress, H.R. 7593

[NOTE.—The following bill is a copy of H.R. 7593 as passed the House of Representatives July 21, 1980; however, no action occurred in the Senate. Funding of items normally included in this bill is provided for the fiscal year ending September 30, 1981 under sec. 101(c) and sec. 101(d) of Public Law 96-536, approved December 16, 1980, Further Continuing Appropriations, 1981, which also includes funding for Senate items, (including Senate Office Buildings and Senate garage jurisdictionally under the Architect of the Capitol) traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill. Traditionally, each body of Congress determines its own housekeeping requirements and the other body concurs without intervention. (See pp. 379-385 for text of continuing resolution and pp. 2044-2048 for the related table VIII.)]

A BILL

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS
HOUSE OF REPRESENTATIVES

COMPENSATION AND MILEAGE FOR THE MEMBERS

COMPENSATION OF MEMBERS

For compensation of Members, as authorized by law (whenever used herein the term "Member" shall include Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands), $29,254,300. [1]($29,254,300)

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $2,414,900, including: Office of the Speaker, $602,700, including $10,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $446,500, including $5,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $546,700, including $5,000 for official expenses of the Minority Leader; Office of the Majority Whip, $459,600, including not to exceed $110,110 for the Chief Deputy Majority Whip; Office of the Minority Whip, $359,400, including not to exceed $60,010 for the Chief Deputy Minority Whip. (2,414,900)

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $32,952,500, including: Office of the Clerk, (32,952,500)

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[1] Funds for "mileage of members" ($210,000) are provided in Public Law 96-536, Further Continuing Appropriations, 1981 (see p. 380, this volume)

$9,680,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $14,308,500; Office of the Doorkeeper, including overtime, as authorized by law, $5,084,800; Office of the Postmaster, $1,403,100, including $30,428 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $12,718 per annum each; Office of the Chaplain, $52,800; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of the Rules, $292,000; for compiling the precedents of the House of Representatives, $190,000; a technical assistant in the Office of the Attending Physician, to be appointed by the Attending Physician subject to the approval of the Speaker, $34,700; the House Democratic Steering Committee, $344,800; the House Democratic Caucus, $103,800; the House Republican Conference, $448,600; six minority employees, $316,500; and L. B. J. Interns and Former Speakers' staff, $692,900.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

Committee Employees

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $27,000,000. ($27,000,000)

Committee on Appropriations (Studies and Investigations)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $2,856,000. (2,856,000)

Committee on the Budget (Studies)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $245,000. (245,000)

Office of the Law Revision Counsel

For salaries and expenses of the Office of the Law Revision Counsel of the House, $510,000. (510,000)

Office of the Legislative Counsel

For salaries and expenses of the Office of the Legislative Counsel of the House, $2,097,000. (2,097,000)

Members' Clerk Hire

For staff employed by each Member in the discharge of his official and representative duties, $126,808,000. (126,808,000)

Contingent Expenses of the House

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $72,672,000, including: Official Expenses of Members, $43,049,000; supplies, materials, administrative cost and Federal tort claims, $7,545,000; furniture and furnishings, $2,000,000; stenographic reporting of committee hearings, $1,810,000; reemployed annuitants reimbursement, $1,709,000; Government contributions to employees' life insurance fund, retirement fund, and health benefits fund, $16,052,000; and miscellaneous items including, but not limited to, purchase, exchange, hire, driving, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $507,000. ($72,672,000)

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and Expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, $41,500,000. (41,500,000)

Administrative Provisions

Sec. 101. The provisions of H. Res. 229, approved May 4, 1979, creating fifteen additional positions for the Capitol Police Force and the provisions relating to nonpermanent positions in the Clerk Hire Allowance and the use of the Clerk Hire Allowance carried in House Resolution 359, Ninety-sixth Congress, approved July 20, 1979, shall be the permanent law with respect thereto.

[*Total, contingent expenses of the House, $114,172,000.*]

[*Total, House of Representatives, $338,309,700.*]

JOINT ITEMS

For joint committees, as follows:

Contingent Expenses of the Senate

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,150,000. (2,150,000)

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $760,000. (760,000)

[*Total, contingent expenses of the Senate, $2,910,000.*]

Contingent Expenses of the House

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $2,632,000, to be disbursed by the Clerk of the House. (2,632,000)

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $282,500 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $503,900, to be disbursed by the Clerk of the House. ($503,900)

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $40 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $834,000, to be disbursed by the Clerk of the House. (834,000)

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $915,000, to be disbursed by the Clerk of the House. (915,000) Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the Government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Mayor of the District of Columbia is directed (1) to pay the lieutenant detailed under the authority of this paragraph the salary of lieutenant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the sergeant of the uniform force detailed under the authority of this paragraph the salary of sergeant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

[*Total, Capitol Police, $1,749,000.*]

Education of Pages

For education of congressional pages and pages of the Supreme Court, $236,000, to be disbursed by the Clerk of the House, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe. ($236,000)

Official Mail Costs

For expenses necessary for official mail costs, $36,633,000, to be disbursed by the Clerk of the House, to be available immediately on enactment of this Act. (36,633,000)

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $664,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service. (664,000)

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairman of such committees to supervise the work. ($13,000)

[*Total, joint items, $45,340,900.*]

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $1,500 from the Trust Fund), and rental of space in the District of Columbia, $11,000,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 130 staff employees. (11,000,000)

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $12,386,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 218 staff employees. (12,386,000)

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant (whose salary shall be equivalent to the rate for level V of the Executive Schedule, under section 5316 of title 5, United States Code, on and after the date of enactment); and other personal services; at rates of pay provided by law, $3,221,000. (3,221,000)

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, $210,000, which shall remain available until expended. (210,000)

[*Total, Office of the Architect of the Capitol, $3,431,000.*]

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); personal and other services; cleaning and repairing works of art and prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; preservation of historic drawings through use of document conservation laboratory facilities of the Library of Congress on a reimbursable basis; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $7,326,000, of which $232,000 shall remain available until expended. ($7,326,000)

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizer; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended, $2,147,000, of which $10,000 shall remain available until expended. (2,147,000)

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages as authorized by law, $16,760,000, of which $370,000 shall remain available until expended. (16,760,000)

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garge, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant, $17,098,000: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1981. (17,098,000)

[*Total, Capitol buildings and grounds, $43,331,000.*]

[*Total, Architect of the Capitol (except Library buildings and grounds, $46,762,000.*]

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $28,656,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration. ($28,656,000)

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, $82,400,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the YearHbook of Agriculture) or for printing and binding of copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years. (82,400,000)

This title may be cited as the "Congressional Operations Appropriation Act, 1981".

[*Total, Title 1—Congressional Operations, $564,854,600*]

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; emergency medical supplies; traveling expenses, including bus fares, not to exceed $275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference; all under the direction of the Joint Committee on the Library, $1,588,000. (1,588,000)

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including developing and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; preservation of motion pictures in the custody of the Library; for the National Program for Acquisition and Cataloging of library material; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $102,181,000, of which $4,753,760, including $432,340 for the law library, is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other material including subscriptions for bibliographic services for the Library and the law library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided,* That not to exceed $6,500,000 of the funds credited to this appropriation during fiscal year 1981 under the Act of June 28, 1902 (2 U.S.C. 150) shall be available for obligation during such fiscal year. ($102,181,000)

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $9,546,000: *Provided,* That not to exceed $4,500,000 of the funds credited to this appropriation during fiscal year 1981 under section 708(c) of Title 17, United States Code, shall be available for obligation during such fiscal year. (9,546,000)

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, $34,337,000. (34,337,000)

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended $3,958,000, of which $3,568,100 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States. (3,958,000)

Furniture and Furnishings

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $1,775,000. ($1,775,000)

[*Total, Library of Congress (except Congressional Research Service $151,797,000.*]

Administrative Provisions

Sec. 201. Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of personnel security and suitability investigations of Library employees; special and temporary services (including employees engaged by day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

Sec. 202. Not to exceed fifteen positions in the Library of Congress may be exempt from the provisions of appropriation acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Sec. 203. From and after October 1, 1978, funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)); for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families enroute (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)); subject to such rules and regulations as may be issued by the Librarian of Congress.

Sec. 204. From and after October 1, 1980, payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

Sec. 205. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $123,250, of which $46,000 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

Sec. 206. Funds available to the Library of Congress may be expended to provide additional parking facilities for Library of Congress employees in an area or areas in the District of Columbia outside the limits of the Library of Congress grounds, and to provide for transportation of such employees to and from such area or areas and the Library of Congress grounds without regard to the limitations imposed by 31 U.S.C. 638a(c)(2).

SEC. 207. From and after January 1, 1976, the Disbursing Office of the Library of Congress is authorized to disburse funds appropriated for the Congressional Budget Office, and the Library of Congress shall provide financial management support to the Congressional Budget Office as may be required and mutually agreed to by the Librarian of Congress and the Director of the Congressional Budget Office. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Congressional Budget Office pursuant to the provisions of section 5504 of Title 5 of the United States Code, except the Director, who as head of an agency, shall have pay computed and disbursed pursuant to the provisions of section 5505 of Title 5 of the United States Code.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Congressional Budget Office duly authorized in writing by the Director of the Congressional Budget Office to certify payments from appropriations of the Congressional Budget Office. The Congressional Budget Office certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided,* That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further,* That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 244 of Title 31 of the United States Code, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Congressional Budget Office.

SEC. 208. The Library of Congress is authorized to compute and disburse basic pay of all personnel of the Copyright Royalty Tribunal pursuant to the provisions of section 5504 of title 5 of the United States Code.

ARCHITECT OF THE CAPITOL

Library Buildings and Grounds

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, $5,183,000. ($5,183,000)

COPYRIGHT ROYALTY TRIBUNAL

Salaries and Expenses

For necessary expenses of the Copyright Royalty Tribunal, $456,000. (456,000)

GOVERNMENT PRINTING OFFICE

Printing and Binding

For authorized printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 1509, 1510); and printing and binding of Government publications authorized by law to be distributed without charge to the recipient, $16,250,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years. (16,250,000)

Office of Superintendent of Documents

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $88,300): *Provided,* That expenditures in connection with travel expenses of the Depository Library Council to the Public Printer shall be deemed necessary to carry out the provisions of chapter 19 of title 44, United States Code; price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $23,400,000: *Provided further,* That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments: *Provided further,* That none of the funds appropriated or otherwise made available by this paragraph shall be used to distribute United States Government publications authorized under section 1719 of title 44 of the United States Code for the Soviet Union, Cuba or Iran. (23,400,000)

Government Printing Office Revolving Fund

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with special studies of governmental printing, binding, and distribution practices and procedures: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle.

[*Total, Government Printing Office, $39,650,000.*]

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under sections 911(9), 911(11) and 942(a) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)), $210,000,000: *Provided,* That this appropriation and appro- ($210,000,000) priations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed.

[*Total, title II, other agencies, $408,674,000.*]

TITLE III—GENERAL PROVISIONS

Sec. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. (a) Chapter 13 of title 44, United States Code, is amended by inserting immediately after section 1320 the following new section:

"§ 1320A. Historical societies' publications"

"Notwithstanding any other provision of law, and with the approval of the Joint Committee on Printing, the Public Printer shall provide for such printing services and distribution with respect to publications of the United States Capitol Historical Society, the Supreme Court Historical Society, or the White House Historical Association as such Society or Association may request: *Provided*, That such Society or Association reimburses the Public Printer for the actual expenses incurred by him in providing for such services and distribution."

(b) The table of sections for chapter 13 of such title 44 is amended by inserting immediately after the item relating to section 1320 the following new item:

"1320A. Historical societies' publications."

SEC. 305. The provisions of sections 491(c) and 491(d) of the Legislative Reorganization Act of 1970, as amended (2 U.S.C. 88b–1), shall not apply to the pay of pages of the Senate and House of Representatives during the period between the recess or adjournment of the second session of the Ninety-sixth Congress and the convening of the first session of the Ninety-seventh Congress. The pay of Senate and House pages shall continue during such period of recess or adjournment.

SEC. 306. (a) No part of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act may be used to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1980, if the rate of salary or basic pay for that office or position is—

(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or

(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law or congressional resolution.

(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1980, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed—

(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia;

(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or

(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch.

(c) None of the funds appropriated by this Act or any other Act shall be used to pay performance awards in fiscal year 1981 under 5 U.S.C. 5384 or any comparable personnel system established on or after October 13, 1978, to more than 25 per centum of the number of Senior Executive Service or comparable personnel system positions in any such agency.

(d) For purposes of administering any provision of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds appropriated or otherwise made available in this Act for the House of Representatives or for any other agency shall be used to provide legal representation for any employee without the specific authorization of the Congress.

SEC. 309. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure: *Provided,* That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 5 per centum.

[*Total, titles I, II and III, new budget (obligational) authority, $973,528,600.*]

This Act may be cited as the "Legislative Branch Appropriation Act, 1981".

Passed the House of Representatives July 21, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT: No. 96-1098 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980). July 21, considered and passed the House.

NOTE.—The following tabulation is a classification by agencies and offices of new budget (obligational) authority *that would have been provided* had the Legislative Branch Appropriation Bill, 1981, (H.R. 7593) been enacted into law as passed July 21, 1980 by the House of Representatives. Funding for items in the bill is provided for the fiscal year ending September 30, 1981, under sec. 101(c) and sec. 101(d) of Public Law 96-536, approved December 16, 1980 (Further Continuing Appropriations, 1981) which also includes funding for operations and activities exclusively for the Senate ($214,202,000) and two items—Senate office buildings ($11,433,000); and Senate garage ($266,000)—jurisdictionally under the Architect of the Capitol which are tradionally excluded from the House version of the annual Legislative Branch Appropriation Bill. Traditionally, each body of Congress determines its own housekeeping requirements and the other body concurs without intervention.

See pp. 379-385 for text of continuing resolution, and pp. 2044-2048 for the related table VIII.

The amounts listed below for the Legislative Branch Appropriation Bill, 1981 (H.R. 7593) are shown for *informational purposes* only since the bill was not enacted into law:

Department or establishment	Amount
Legislative Branch:	
Title I—Congressional Operations:	
Senate	([1])
House of Representatives	($338,309,700)
Joint items	(45,340,900)
Office of Technology Assessment	(11,000,000)
Congressional Budget Office	(12,386,000)
Architect of the Capitol (except Library buildings and grounds)	[2](46,762,000)
Library of Congress: Congressional Research Service	(28,656,000)
Government Printing Office: Congressional printing and binding	(82,400,000)
Total, title I, Congressional Operations	(564,854,600)
Title II—Other Agencies:	
Botanic Garden	(1,588,000)
Library of Congress (except Congressional Research Service)	(151,797,000)
Architect of the Capitol: Library buildings and grounds	(5,183,000)
Copyright Royalty Tribunal	(456,000)
Government Printing Office (except Congressional printing and binding)	(39,650,000)
General Accounting Office	(210,000,000)
Total, title II, other agencies	(408,674,000)
Grand total, titles I and II	(973,528,600)

Total, new budget (obligational) authority, Legislative Branch Appropriation Bill, 1981 ($973,528,600)

Note.—The Legislative Branch Appropriation Bill, 1981 (H.R. 7593) was not enacted into law. Funding of activities and projects in this bill is provided under Sec. 101(c) and Sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981 (see p. 380) [3]1,199,579,600

In addition to the new budget (obligational) authority for fiscal year 1981 for the Legislative Branch provided under Sec. 101(c) and Sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981, the following additional amounts are available for the fiscal year:

Permanent appropriations:		
Federal funds (p. 1903)	$17,283,000	
Trust funds (p. 1915)	5,087,000	
Energy and Water Development Appropriation Act, 1981:		
Payments to widows of deceased Members (p.169)	60,663	
Department of the Interior and Related Agencies Appropriations Act, 1981:		
Architect of the Capitol: Memorial to Hale Boggs (p. 235)	7,000	
Subtotal, additions		22,437,663
Grand total, Legislative Branch		1,222,017,263

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[1] Funds exclusively for the operation of the Senate ($214,202,000 for 1981) are traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill (See "NOTE" following "Legislative History" above.)

[2] Excludes Senate office buildings ($11,433,000) and Senate garage ($206,000) traditionally excluded from House version of the annual Legislative Branch Appropriation Bill (See "NOTE" following "Legislative History" above.)

[3] Reflects new budget (obligational) authority provided under sec. 101(c) and 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981 (see p. 380, this volume).

MILITARY CONSTRUCTION APPROPRIATION ACT, 1981

Public Law 96-436

96th Congress, H.R. 7592

October 13, 1980

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $857,834,000, of which $840,000 may be paid for use after 1960 by the Government of the United States of land on Roi-Namur Island, Marshall Islands District of the Trust Territories of the Pacific Islands, as authorized by the Military Construction Authorization Act, 1980, to remain available until September 30, 1985: *Provided,* That of this amount, not to exceed $74,950,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *And provided further,* That $4,700,000 of the funds available for planning and design shall be available only for activities related to the conversion of facilities to alternative fuels.

$857,834,000

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $775,273,000, to remain available until September 30, 1985: *Provided,* That of this amount, not to exceed $63,790,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That $1,000,000 of the funds available for planning and design shall be available only to assist State and local governments in community impact planning for the

775,273,000

fleet submarine support base at Kings Bay, Georgia: *And provided further,* That $8,100,000 of the funds available for planning and design shall be available only for activities related to the conversion of facilities to alternative fuels.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $861,125,000, to remain available until September 30, 1985: *Provided,* That of this amount, not to exceed $139,400,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That $5,000,000 of the funds available for planning and design shall be available only to assist State and local governments in community impact planning in potential MX basing areas: *Provided further,* That no part of the funds in this Act may be used to transfer or move chemical or gas weapons into MX impacted areas: *And provided further,* That $6,000,000 of the funds available for planning and design shall be available only for planning and design for activities related to the conversion of facilities to alternative fuels.

$861,125,000

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments), as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $245,600,000, to remain available until September 30, 1985; and, in addition, not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate: *Provided further,* That of the amount appropriated, not to exceed $7,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

245,600,000
20,000,000
(by transfer)

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area as authorized in military construction acts, $250,000,000, to remain available until expended: *Provided,* That unexpended balances of funds, as determined by the

250,000,000

Secretary of Defense, heretofore appropriated under the headings "Military Construction, Army" and "Military Construction, Defense Agencies" may be transferred to this appropriation.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $42,269,000, to remain available until September 30, 1985. $42,269,000

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $83,200,000, to remain available until September 30, 1985. 83,200,000

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $43,200,000, to remain available until September 30, 1985. 43,200,000

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $33,000,000, to remain available until September 30, 1985. 33,000,000

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $21,600,000, to remain available until September 30, 1985. 21,600,000

MILITARY CONSTRUCTION, RESERVE COMPONENTS

GENERALLY

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Armed Forces, $3,742,000, to be allocated by the Secretary of Defense for the Army Reserve. 3,742,000

[*Total, Military Construction:*
[*New budget (obligational) authority* .... *$3,216,843,000.*]
[*By transfer* .... *20,000,000.*]

Family Housing, Defense

(INCLUDING TRANSFER OF FUNDS)

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $2,007,893,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

$2,007,893,000
−126,056,000
(debt reduction)

For the Army:
   Construction, $82,133,000;
For the Navy and Marine Corps:
   Construction, $86,786,000;
For the Air Force:
   Construction, $53,575,000;
For the Defense Agencies:
   Construction, $468,000;
For the Department of Defense:
   Debt payment, $133,605,000;
   Operation, maintenance, $1,651,326,000;

Provided, That the amounts provided under this head for construction, and for debt payment, shall remain available until September 30, 1985: *Provided further,* That funds previously appropriated under this head in fiscal year 1979 and prior fiscal years for construction in the amount of $400,000 for the Navy and Marine Corps, and for debt payment in the amount of $18,251,000 for the Department of Defense shall be transferred and merged in the Family Housing Management Account with, and be available for the same period as, the funds appropriated in this Act for construction and debt service for such departments and agencies, and such funds may be obligated and expended for such purposes: *Provided further,* That of the amounts appropriated for operation and maintenance, not less than $811,711,000 shall be available only for the maintenance of real property facilities.

400,000
(by transfer)
18,251,000
(by transfer)

[*Total, Family Housing, $1,881,837,000.*]

General Provisions

Sec. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Ninety-sixth Congress.

Sec. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Sec. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Sec. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 111. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

SEC. 112. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.

SEC. 113. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 114. None of the funds available to the Department of Defense for military construction during the current fiscal year may be obligated for projects under the authority of section 402 of the Military Construction Authorization Act, 1980, or similar provisions in prior-year military construction authorization Acts until twenty-one days have passed after the Secretary of Defense has notified the Committees on Appropriations of the Senate and the House of Representatives of the purpose and estimated cost of construction for which these funds are to be used under such authorities.

SEC. 115. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive bid of a United States contractor does not exceed the lowest responsive bid of a foreign contractor by greater than 20 per centum.

SEC. 116. During the current fiscal year none of the funds available to the Department of Defense for military construction or family housing shall be available to furnish or install solar energy systems in new facilities (including family housing) unless such systems can be shown to be cost effective using the sum of all capital and operating expenses associated with the energy system of the building involved over the expected life of such system or during a period of twenty-five years, whichever is shorter, and using marginal fuel costs as determined by the Secretary of Defense and at a discount rate of 7 per centum per year.

SEC. 117. No part of the funds appropriated in this Act for construction of space transportation system facilities at Vandenberg Air Force Base, California, may be obligated until the first rollout of the Space Shuttle has been accomplished.

SEC. 118. No part of the funds appropriated in this Act may be obligated for design of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met, which will include a complete analysis of a split basing alternative.

SEC. 119. No part of the funds appropriated in this Act may be used for the design of an area security system for the MX missile system.

SEC. 120. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 121. None of the funds appropriated under this Act to construct facilities required for and associated with a Naval hospital or medical center in San Diego, California, may be used unless such construction is performed on real property in which the interests of the United States is at least fee title: *Provided, however,* That fee title may be subject to a reverter to the City of San Diego in the event and at such time as the United States shall cease to use the property for a site for a Naval hospital or medical center, and for related purposes.

SEC. 122. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 123. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 124. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 125. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 126. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

SEC. 127. No part of the funds appropriated in this Act may be used for the purchase of foreign steel for the construction of the shelters or bases of the proposed MX missile system.

This Act may be cited as the "Military Construction Appropriation Act, 1981".

Approved October 13, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1097 (Comm. on Appropriations) and 96-1433 (Comm. of Conference).

SENATE REPORT No. 96-931 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980):

June 27, considered and passed House.

Sept. 17, considered and passed Senate, amended.

Sept. 30, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report and concurred in House amendments.

Grand total:		
Department of Defense:		
Definite appropriations	$2,503,493,000	
Portion applied to debt reduction	− 126,056,000	$2,377,437,000
Department of the Army		947,045,000
Department of the Navy		808,273,000
Department of the Air Force		965,925,000
Total, new budget (obligational) authority (all definite appropriations), Military Construction Appropriation Act, 1981		5,098,680,000

DEPARTMENTS OF STATE, JUSTICE AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981

96th Congress, H.R. 7584

[Note.—The following bill is a copy of H.R. 7584 as approved by the Congress and vetoed by the President on December 13, 1980. The veto message and the bill were referred to the Committee on Appropriations, and no attempt was made by the Congress to override the President's veto. Sec. 101(o) of Public Law 96-536, Further Continuing Appropriations for fiscal year 1981, includes provisions making the amounts provided in this bill available for the fiscal year ending September 30, 1981 (see p. 382, this volume).]

A BILL

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $813,000,000. $813,000,000

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), and for representation by United States missions to the United Nations and the Organization of American States, $3,125,000. 3,125,000

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDING ABROAD

For necessary expenses of carrying out the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292–300), $118,432,000, to remain available until expended. $118,432,000

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $8,200,000, to remain available until expended. 8,200,000

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), $5,000,000. 5,000,000

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $6,282,000. 6,282,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $42,346,000. 42,346,000

[*Total, Administration of Foreign Affairs, $996,385,000.*]

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $481,110,000. 481,110,000

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces, $50,000,000. 50,000,000

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the Act of August 1, 1956, as amended (22 U.S.C. 2669), contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $7,000,000, 7,000,000 to remain available until expended, of which not to exceed $200,000 may be expended for representation as authorized by law.

[*Total, International Organizations and Conferences, $538,110,000.*]

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

For salaries and expenses, not otherwise provided for, including preliminary surveys, $7,923,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State. $7,923,000

For detailed plan preparation and construction of authorized projects, to remain available until expended, $5,752,000. 5,752,000

[*Total, International Boundary and Water Commission, United States and Mexico, $13,675,000.*]

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,000,000: for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $2,500 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain. 3,000,000

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $8,038,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions. 8,038,000

[*Total, International Commissions, $24,713,000.*]

OTHER

UNITED STATES-YUGOSLAVIA BILATERAL SCIENCE AND TECHNOLOGY AGREEMENT

For expenses, not otherwise provided for, to enable the United States to participate in a program of scientific and technological cooperation with Yugoslavia, $1,400,000, to remain available until expended. $1,400,000

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000, to remain available until expended, nothwithstanding section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956. 4,100,000

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 101. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 102. Funds appropriated under this title shall be available for expenses of binational arbitrations arising under treaties or other international agreements, including international air transport agreements, and arbitrations arising under contracts authorized by law for the performance of services or acquisition of property abroad.

SEC. 103. Funds appropriated under this title shall be available, except as otherwise provided, for salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; services as authorized by 5 U.S.C. 3109; expenses as authorized by section 2(a), (c) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); and hire of passenger or freight transportation.

SEC. 104. Obligated balances in the account under the heading "Missions to international organizations" may be transferred to and merged with the accounts under the headings "Salaries and expenses", "Representation allowances", and "International conferences and contingencies", in amounts determined by the Director of the Office of Management and Budget.

SEC. 105. No more than 98 percent of the funds appropriated by this title shall be expended, except for any sums appropriated for the payment to the American Institute in Taiwan.

SEC. 106. None of the funds appropriated under this title shall be used for payment by the United States to the United Nations Educational, Scientific and Cultural Organization of any amount which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by UNESCO for distribution to the Palestine Liberation Organization or for projects administered by or in consultation with the Palestine Liberation Organization.

This title may be cited as the "Department of State Appropriation Act, 1981".

[Total, title I, Department of State, new budget (obligational) authority (all definite appropriations), $1,564,708,000.]

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $40,833,000, of which $1,400,000, to remain available until expended, is for the Federal justice research program. $40,833,000

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $5,840,000. 5,840,000

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for; and not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; $113,650,000: *Provided,* That not to exceed $50,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia. 113,650,000

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

(TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $828,000, to be derived by transfer from the account entitled "Payment of Vietnam Prisoners of War Claims". *828,000 (by transfer)*

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $44,862,000. 44,862,000

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, $268,537,000. $268,537,000

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $22,600,000. 22,600,000

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances: $27,000,000. 27,000,000

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,273,000. 5,273,000

[*Total, Legal Activities, $481,922,000.*]

Federal Bureau of Investigation

SALARIES AND EXPENSES

For expenses necessary for the detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand one hundred for replacement only) and hire of passenger motor vehicles; acquistion, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $629,720,000. 629,720,000

Immigration and Naturalization Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed five hundred ten, of which four hundred thirty shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $351,000,000, of which not to exceed $400,000 shall remain available for such research until expended: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000, except in such instances when the Commissioner makes a determination that this restriction is impossible to implement. 351,000,000

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed three hundred seventy-five passenger motor vehicles (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; acquisition, lease, maintenance, and operation of aircraft; $206,800,000, of which not to exceed $1,200,000 for research shall remain available until expended. $206,800,000

Federal Prison System

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed twenty-seven of which all are for replacement only) and hire of law enforcement and passenger motor vehicles; $334,400,000; *Provided,* That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions. 334,400,000

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, $9,894,000, to remain available until expended. 9,894,000

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $10,020,000, to remain available until expended: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation. 10,020,000

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,091,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $2,645,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, pay- *4,736,000 (limitation)* ment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

[*Total, Federal Prison System, $354,314,000.*]

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979 and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and other expenses in connection therewith, $127,845,000, to remain available until expended: *Provided*, That $100,000,000 of said amount shall be available only for grants authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. $127,845,000 *100,000,000 (limitation)*

RESEARCH AND STATISTICS

For research, development, demonstration, statistical and related efforts directed towards the improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses, in connection therewith, $19,000,000, to remain available until expended. 19,000,000

[*Total, Office of Justice Assistance, Research, and Statistics, $146,845,000.*]

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. Appropriations for "Salaries and expenses, general administration", "Salaries and expenses, United States attorneys and marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 202. A total of not to exceed $25,000 from funds appropriated to the Department of Justice shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

This title may be cited as the "Department of Justice Appropriation Act, 1981".

[*Total, title II, Department of Justice:*
[*New budget (obligational) authority (all definite appropriations)* .... *$2,217,274,000.*]
[*Limitation on expenses* .... *104,736,000.*]
[*By transfer* .... *828,000.*]

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $32,925,000, of which $1,000,000 shall be available for the Secretary's Special Initiatives Fund. 32,925,000

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $54,600,000. $54,600,000

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs, provided for by law, $146,450,000, to remain available until expended: *Provided,* That certain enumerators for the 1980 Decennial Census may be paid on a piece rate basis without regard to the provisions of 29 U.S.C. 206 and 207. None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agriculture census. 146,450,000

[*Total, Bureau of the Census, $201,050,000.*]

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $24,600,000. 24,600,000

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $624,650,000: *Provided,* That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $116,430,000: *Provided further,* That during 1981, total commitments to guarantee loans shall not exceed $425,000,000 of contingent liability for loan principal. 624,650,000

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $39,700,000: *Provided,* That not to exceed $300,000 may be advanced to the Small Business Administration for processing of loan applications: *Provided further,* That these funds may also be used to monitor projects approved pursuant to Title I of the Public Works Employment Act of 1976 and the Community Emergency Drought Relief Act of 1977. 39,700,000

[*Total, Economic Development Administration, $664,350,000.*]

Regional Development Program

REGIONAL DEVELOPMENT PROGRAMS

For necessary expenses to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $43,838,000, to remain available until expended. 43,838,000

International Trade Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; purchase of commercial and trade reports; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; and not to exceed $115,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); $107,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. $107,500,000

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts or other agreements with public or private organizations, $59,600,000, of which $44,400,000 shall remain available until expended: *Provided*, That not to exceed $15,200,000 shall be available for program management. 59,600,000

United States Travel Service

SALARIES AND EXPENSES

For necessary expenses of the United States Travel Service as provided for by law; including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $5,000 for representation expenses abroad; $8,000,000. 8,000,000

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $759,367,000, to remain available until expended, of which so much as may become available during the 759,367,000 current fiscal year shall be derived from the Pribilof Islands Fund, and, in addition, $15,000,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries". *$15,000,000 (by transfer)*

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, as amended, and section 202 of title II and title III of Public Law 92-532, as amended, $51,585,000, to remain available until expended. 51,585,000

COASTAL ENERGY IMPACT FUND

Obligations under the Coastal Energy Impact Fund for payments pursuant to subsections 308 (c), (d), and (f) of the Coastal Zone Management Act of 1972, as amended, shall not exceed $62,002,000. *62,002,000 (limitation)* During 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $53,382,000. *53,382,000 (limitation)*

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, there are appropriated not to exceed $3,250,000 from the receipts collected pursuant to that Act, to remain available until expended. 3,250,000

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, there are appropriated not to exceed $500,000 from the receipts collected pursuant to that Act, to remain available until expended. 500,000

[*Total, National Oceanic and Atmospheric Administration, $814,702,000.*]

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $112,550,000. 112,550,000

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards; the National Technical Information Service; the Office of Environmental Affairs; and productivity, technology, and innovation programs; $113,100,000, to remain available until expended. 113,100,000 Of the foregoing amount, not to exceed $46,809,000 is for Measurement, Research and Standards (including not to exceed $245,000 for the "Environmental Measurements Program" and not to exceed $500,000 for "Measurement Standards for the Handicapaped"); not to exceed $20,516,000 is for Engineering Measurements and Standards (including not to exceed $425,000 for "Earthquake Hazards Engineering" and not to exceed $500,000 for "Measurement Standards for the Handicapped"); not to exceed $11,603,000 is for Computer Science and Technology; not to exceed $7,800,000 is for the Core Research Program for

Innovation and Productivity, not to exceed $6,176,000 is for the Technical Competence Fund; not to exceed $1,253,000 is for the Fire Research Center; not to exceed $8,276,000 is for Central Technical Support; not to exceed $4,340,000 is for the National Technical Information Service; not to exceed $1,127,000 is for the Office of Environmental Affairs; not to exceed $5,200,000 is for cooperative generic technology centers under productivity, technology, and innovation programs; not to exceed $6,123,000 may be transferred to the "Working Capital Fund"; and not to exceed $200,000 may be used for construction and installation of improvements to existing National Bureau of Standards buildings.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,400,000, to remain available until expended. $17,400,000

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $25,705,000, to remain available until expended. 25,705,000

[*Total, National Telecommunications and Information Administration, $43,105,000.*]

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy incident to construction, reconstruction, and reconditioning of ships and acquisition of used ships under title V of the Merchant Marine Act, 1936, as amended; and for the cost of national defense features on ships $135,000,000, to remain available until expended. 135,000,000

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $333,196,000, to remain available until expended. ***333,196,000*** *(liquidation of contract authorization)*

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $16,300,000, to remain available until expended. 16,300,000

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, including not to exceed $2,500 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $2,500 for representation allowances; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; $65,550,000, to remain available until expended: *Provided*, That reimbursement may be made to this appropriation for expenses in support of activities for National 65,550,000

Maritime Research Centers financed from the appropriation for "Research and development": *Provided further,* That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

[*Total, Maritime Administration. $216,850,000.*]

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 301. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 302. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 303. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

SEC. 304. No part of any appropriation contained in this title shall be obligated or expended for promoting or conducting trade relations with Cuba.

This title may be cited as the "Department of Commerce Appropriation Act, 1981".

[*Total title III, Department of Commerce:*	
[*New budget (obligational) authority (all definite appropriations)*	*$2,442,170,000.*]
[*By transfer*	*15,000,000.*]
[*Appropriation to liquidate contract authorization*	*333,196,000.*]
[*Limitations*	*115,384,000.*]

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $11,140,000.

$11,140,000

CARE OF THE BUILDINGS AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $1,526,000, of which $50,000 shall remain available until expended.

1,526,000

[*Total, Supreme Court of the United States, $12,666,000.*]

Court of Customs and Patent Appeals

SALARIES AND EXPENSES

For salaries of the chief judge, associate judges, and other officers and employees, and for all necessary expenses of the court, $1,839,000.

1,839,000

Customs Court

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $5,036,000: *Provided,* That travel expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

5,036,000

Court of Claims

SALARIES AND EXPENSES

For salaries of the chief judge, associate judges, and other officers and employees, and for all necessary expenses of the court, $5,526,000.

5,526,000

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, Guam, and the Northern Mariana Islands); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; $54,500,000.

54,500,000

SALARIES OF SUPPORTING PERSONNEL

For the salaries of secretaries and law clerks to circuit and district judges, circuit executives, clerks of court, probation officers, pre-trial service officers, staff attorneys, librarians, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, $214,181,000: *Provided*, That the secretaries and law clerks to circuit and district judges shall be appointed in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States: *Provided further*, That the chief judge of each circuit may appoint a senior staff attorney to the court at a rate of compensation not to exceed the compensation established in chapter 51 of Title 5, United States Code, for General Schedule grade (GS) 15.

$214,181,000

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; $24,000,000, to remain available until expended.

24,000,000

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; $36,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

36,000,000

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $41,827,000.

41,827,000

SALARIES AND EXPENSES OF MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, $23,851,000.

23,851,000

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, $63,994,000 of which $1,200,000 shall be derived by transfer from the appropriation Speedy Trail Planning.

62,794,000
1,200,000
(by transfer)

SERVICES FOR DRUG DEPENDENT OFFENDERS

For contractual services and expenses relating to the supervision of drug dependent offenders, as authorized by Public Law 95-537, $3,645,000.

3,645,000

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities, including the procurement, transportation, and installation of furniture and furnishings for the United States Courts of Appeals, District Courts, and Bankruptcy Courts, $120,000,000. $120,000,000

[*Total Courts of Appeals, District Courts and other Judicial Services, $580,798,000.*]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, $16,275,000. 16,275,000

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $9,000,000. 9,000,000

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Not to exceed $150,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SEC. 403. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

SEC. 404. The position of trustee coordinator in the bankruptcy courts shall not be limited to persons with formal legal training.

This title may be cited as the "Judiciary Appropriation Act, 1981".

[*Total, title IV, the Judiciary:*
[*New budget (obligational) authority (all definite appropriations)* .... *$631,140,000.*]
[*By transfer* .... *1,200,000.*]

TITLE V—RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $16,500 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $18,500,000. 18,500,000

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $99,700,000, including $3,000,000, to remain available until expended, which shall be available only for fluctuations in foreign currency exchange rates in accordance with 99,700,000 the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended, and $2,400,000, which shall be available only for the purpose of transferring RFE/RL positions to the United States in accordance with recommendations of the Board of International Broadcasting: *Provided,* That not to exceed $52,000 shall be available for official reception and representation expenses.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,853,000. $11,853,000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $450,000, to remain available until expended: *Provided,* That not to exceed $6,000 of such amount shall be available for official reception and representation expenses. 450,000

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Wartime Relocation and Internment of Civilians, as authorized by Public Law 96-317, $1,000,000. 1,000,000

DEPARTMENT OF THE TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

For necessary administrative expenses as authorized by the Chrysler Corporation Loan Guarantee Act of 1979, $1,320,000. 1,320,000

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, 29 U.S.C. 206(d) and 621-634, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $19,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act; $140,000,000. 140,000,000

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed $325,000 for land and structures; not to exceed $125,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed eighteen for replacement only) and hire of motor vehicles; the rental of space in the District of Columbia and elsewhere; special counsel fees; and services as authorized by 5 U.S.C. 3109; $76,926,000. Not to exceed $500,000 of the foregoing amount shall remain available until September 30, 1982, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station. For the purpose of 47 U.S.C. 154(e), the District of Columbia is hereafter defined to include an area within two miles of the present District boundary.

$76,926,000

700,000
(indefinite)

[*Total, Federal Communications Commission, $77,626,000.*]

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; $12,000,000: *Provided,* That not to exceed $1,500 shall be available for official reception and representation expenses.

12,000,000

Federal Trade Commission

SALARIES AND EXPENSES

For necessasy expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,500 for official reception and representation expenses; $71,000,000.

71,000,000

International Communication Agency

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the International Communication Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1159), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5925; and entertainment, including official receptions, within the United States not to exceed $8,000; $419,000,000, of which not to exceed $3,746,000 of the amounts allocated by the International Communication Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided,* That not to exceed $460,000 may be used for representation abroad.

419,000,000

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the International Communication Agency, as authorized by law, $10,603,000, to remain available until expended. $10,603,000

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the International Communication Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $15,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended. 15,750,000

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio transmission and reception, $2,562,000, to remain available until expended. 2,562,000

[*Total, International Communication Agency, $447,915,000.*]

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $16,715,000. 16,715,000

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,998,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided*, That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses. 1,998,000 *(trust funds)* *1,200,000* *(foreign currency)*

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $321,300,000; *Provided*, That no part of this appropriation shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress or any State Legislature: 321,300,000

Provided further, That no part of this appropriation shall be used by the Legal Services Corporation to provide legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality: *Provided further,* That none of the funds appropriated in this title may be used to carry out any activities for or on behalf of any individual who is known to be an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens: *Provided further,* That none of the funds contained in this paragraph shall be used to increase funds allocated to programs serving these areas of the country already funded at the minimum access level or to activities directly administered by the Corporation unless minimum access to civil legal assistance is available or provided in all parts of the country.

Marine Mammal Commission

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $734,000. $734,000

Office of the United States Trade Representative

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $9,100,000: *Provided,* That not to exceed $35,000 shall be available for official reception and representation expenses. 9,100,000

Securities and Exchange Commission

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $76,350,000. 76,350,000

Select Commission on Immigration and Refugee Policy

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration of the provisions of Public Law 95-412 which establishes a Select Commission on Immigration and Refugee Policy, $550,000. 550,000

Small Business Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $1,500 for official reception and representation expenses, $222,645,000. 222,645,000

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund" and the "Surety bond guarantees revolving fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $609,000,000, to remain available without fiscal year limitation: *Provided*, That not more than $33,000,000 shall be available for guaranteed loans for the programs authorized by section 7(l) of the Small Business Act: *Provided further*, That sufficient funding shall be made available from the Business Loan and Investment Fund to allow guarantee authority of up to $250,000,000 under the section 503 program of the Small Business and Investment Act, as amended.

$609,000,000

33,000,000 (limitation)

250,000,000 (limitation)

DISASTER LOAN FUND

For the purposes of making loans through the "Disaster loan fund", authorized by the Small Business Act, the Small Business Administration may borrow from the Secretary of the Treasury up to $100,000,000 as authorized by section 4(e)5(A) of the Small Business Act: *Provided*, That not more than $4,000,000 shall be made available for the sole purpose of providing disaster loans under section 7(b)(9) of the Small Business Act to any small business which suffered substantial economic injury due to the cancelation of United States participation in the 1980 summer Olympic games which shall be deemed an economic dislocation.

100,000,000 *(borrowing authority)*

LEASE GUARANTEES REVOLVING FUND

For additional capital for the "Lease guarantees revolving fund", authorized by the Small Business Investment Act, as amended, $4,000,000, to remain available without fiscal year limitation.

4,000,000

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety bond guarantees revolving fund", authorized by the Small Business Investment Act, as amended, $30,000,000, to remain available without fiscal year limitation.

30,000,000

[*Total, Small Business Administration, $965,645,000.*]

UNITED STATES METRIC BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Metric Conversion Act of 1975 (15 U.S.C. 205), $2,708,000.

2,708,000

[*Total, title V, Related Agencies:*
[*New budget (obligational) authority* .... *$2,276,464,000.*]
[*Definite appropriations* .... *(2,175,764,000).*]
[*Indefinite appropriations* .... *(700,000).*]
[*Borrowing Authority* .... *100,000,000.*]
[*Limitations* .... *283,000,000.*]

TITLE VI—GENERAL PROVISIONS

Sec. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 602. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Sec. 603. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 604. None of the funds appropriated or otherwise made available by this Act shall be available for the Advisory Committee on the Bureau of the Census or for any other advisory committee to the Department of Commerce which would perform similar duties and responsibilities, other than a committee which has, before July 1, 1978, filed a charter in accordance with section 9 of the Federal Advisory Committee Act.

Sec. 605. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 606. No part of any appropriation contained in this Act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

Sec. 607. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 608. No funds appropriated under this Act may be used for any action by the Attorney General or by the Secretary of State which is not in compliance with the provisions of the Refugee Act of 1980.

Sec. 609. Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, $1,560,000; International Communication Agency, $68,000; Department of Justice, $1,880,000; Department of State, $284,000; and Small Business Administration, $1,043,000.

Sec. 610. None of the funds appropriated or made available by this Act may be used to enforce or give effect to the quantitative restrictions required to be imposed by subsection 7(i)(1) of the Export Administration Act of 1979 (Public Law 96–72) in any way which would make such restrictions applicable to the export of: (a) up to ninety million board feet (computed without regard to exports or export authorizations made prior to the effective date of this Act) of unprocessed western red cedar harvested from State or Federal lands pursuant to a harvesting contract entered into prior to October 1, 1979, or any extension thereof; or (b) lumber of American Lumber Standards Grades of Number 3 dimensions or better, of Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 Common or better.

SEC. 611. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1980

For additional amounts and other purposes for the fiscal year 1980 to be immediately available, as follows:

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

Not to exceed $2,600,000 of appropriations under this head for fiscal year 1980 made for the processing and detention of Cuban nationals entering the United States shall remain available for the same purpose until September 30, 1981.

$2,600,000 (reappropriation)

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Funds earmarked for the investigation and prosecution of Nazi war criminals in the Department of Justice Appropriation Authorization Act, fiscal year 1979 that remain unobligated are restored for the purposes of liquidating obligations chargeable to 1979 and prior years.

1,161,800 (indefinite, reappropriation)

[Total, Department of Justice (reappropriations), $3,761,800.]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

TRANSFER OF FUNDS

For an additional amount for "Fees of Jurors and Commissioners", $9,000,000, which shall remain available until expended, to be derived by transfer from "Salaries of Judges", $1,000,000, "Salaries of Supporting Personnel", $3,000,000, and "Space and Facilities", $5,000,000.

9,000,000 (by transfer)

Total Supplemental Appropriations, 1980:

[Reappropriations	*$3,761,800.]*
[By transfer	*9,000,000.]*

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981".

LEGISLATIVE HISTORY

HOUSE REPORTS:
- No. 96-1091 (Comm. on Appropriations)
- No. 96-1472 (Comm. of Conference)

SENATE REPORT No. 96-949 (Comm. on Appropriations)

CONGRESSIONAL RECORD, Vol. 126 (1980):
- June 20, 26, July 1, 22, 23 considered and passed House.
- September 24, 25, 26, November 12, 13, 17 considered and passed Senate, amended.
- November 21, House agreed to conference report; receded and concurred in Senate amendments; receded and concurred in amendments to Senate amendments.
- December 3, Senate agreed to conference report: agreed to House amendments to Senate amendments.
- December 13, vetoed by the President (H. Doc. 96-397). (Note.—No attempt was made by the Congress to override the President's veto.)

Grand total:		
Appropriations:		
Definite	$9,131,056,000	
Indefinite	700,000	
By transfer:		
Fiscal year 1981	*(17,028,000)*	
Fiscal year 1980 supplemental	*(9,000,000)*	
Appropriations to liquidate contract authorizations	*(333,196,000)*	
Borrowing authorization	*(100,000,000)*	
Reappropriations, 1980 supplemental	*(3,761,000)*	
Limitations; Fiscal year 1981	*(503,120,000)*	
Total, new budget (obligational) authority, Department of State, Justice and Commerce, the Judiciary, and Related Agencies Appropriation Bill, 1981		[1]$9,131,756,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 provided under Sec. 101(o) of Public Law 96-536, Further Continuing Appropriations, 1981, the following additional amounts are available for the fiscal year:

Permanent appropriations:		
Federal funds (pp. 1905, 1910)	$497,686,000	
Trust funds (pp. 1915, 1917-1918, 1921-1922)	372,899,000	
Foreign Assistance and Related Programs Appropriations Bill, 1981:		
International organizations and programs (p. 176)	262,380,000	
International narcotics control (p. 178)	48,758,000	
Migration and refugee assistance (p. 178)	456,241,000	
United States Emergency Refugee and Migration Assistance Fund (p. 179)	35,000,000	
Subtotal, additions		1,672,964,000
Deduct amounts for independent agencies transferred to General Government totals:		
Arms Control and Disarmament Agency (p. 314)	$18,500,000	
Board for International Broadcasting (pp. 314-315)	99,700,000	
Commission on Civil Rights (p. 315)	11,853,000	
Commission on Security and Cooperation in Europe (p. 315)	450,000	
Commission on Wartime Relocation and Internment of Civilians (p. 315)	1,000,000	
Chrysler Corporation Loan Guarantee Program (p. 315)	1,320,000	
Equal Employment Opportunity Commission (p. 315)	140,000,000	
Federal Communications Commission (pp.315-316)	77,626,000	
Federal Maritime Commission (p. 316)	12,000,000	
Federal Trade Commission (p. 316)	71,000,000	
International Communications Agency (pp. 316-317)	447,915,000	
International Trade Commission (p. 317)	16,715,000	
Japan-United States Friendship Trust Fund (p. 317)	1,998,000	
Legal Services Corporation (pp. 317-318)	321,300,000	
Marine Mammal Commission (p. 318)	734,000	
Office of the Special Representative for Trade Negotiations (p. 318)	9,100,000	
Securities and Exchange Commission (p. 318)	76,350,000	
Select Commission on Immigration and Refugee Policy (p. 318)	550,000	
Small Business Administration (pp. 318-319)	965,645,000	
United States Metric Board (p. 319)	2,708,000	
Subtotal, deductions		−2,276,464,000
Grand total, Departments of State, Justice, Commerce and the Judiciary		8,528,256,000

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[1] The annual appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies for fiscal year 1981 (H. R. 7584) was not enacted into law. Funding of activities and projects in H. R. 7584 is provided under Sec. 101(o) of Public Law 96-536, Further Continuing Appropriations, 1981 (p. 382).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPPROPRIATION ACT, 1981

Public Law 96-400

96th Congress, H.R. 7831

October 9, 1980

AN ACT

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine, $35,680,000. $35,680,000

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $10,788,699. 10,788,699

LIMITATION ON WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $56,843,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation together with advances and reimbursements received by the Department of Transportation. *56,843,000 (limitation on working capital fund)*

[*Total, Office of the Secretary, $46,468,699.*]

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles, seven for replacement and one new passenger motor vehicle (ambulance); and recreation and welfare, $1,193,112,000 of which $233,935 shall be applied to Capehart Housing debt reduction: *Provided,* That the number of aircraft on hand at any one time shall not exceed one hundred and eighty exclusive of planes and parts stored to meet future attrition: *Provided further,* 1,193,112,000 −233,935 *(debt reduction)*

[*Total, Operating Expenses, $1,192,878,065.*

That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation, and, notwithstanding any other law, the Secretary may prescribe fees to recover the expenses of yacht documentation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1985, $333,985,000.

$333,985,000

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,850,000, to remain available until expended.

15,850,000

RETIRED PAY

For retired pay, including the payment of obligations therefore otherwise chargeable to lapsed appropriations for this purpose, and payment under the Retired Serviceman's Family Protection and Survivor Benefit Plans, $232,000,000.

232,000,000

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $45,007,000.

45,007,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $25,000,000, to remain available until expended: *Provided,* That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing and evaluation.

25,000,000

OFFSHORE OIL POLLUTION COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), such sums as may be necessary to be derived from the Offshore Oil Pollution Compensation Fund, to remain available until expended.

12,000,000 *(indefinite)*

In addition, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury, to meet the obligations of the Fund, notes or other obligations pursuant to section 302 of the Amendments in such amounts and at such times as may be necessary.

2,000,000 *(borrowing authority indefinite)*

COAST GUARD SUPPLY FUND

To increase the capital of the Coast Guard Supply Fund, $1,500,000, to remain available until expended. $1,500,000

[*Total, Coast Guard, $1,860,220,065.*]

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; purchase of five passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes, $2,233,520,000, of which not to exceed $525,000,000 shall 2,233,520,000 be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

FACILITIES, ENGINEERING AND DEVELOPMENT

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $21,155,000, to remain available until 21,155,000 expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and purchase of one aircraft; to be derived from the Airport and Airway Trust Fund, $350,000,000, to remain available until September 30, 1985: *Provided*, 350,000,000 That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center, or to decommission in excess of five flight service stations.

Research, Engineering and Development (Airport and Airway Trust Fund)

For necessary expenses, not otherwise provided for, for research, engineering and development in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $85,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

$85,000,000

Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91–258, as amended, and for liquidation of obligations incurred for airport planning and development under other law authorizing such obligations, $595,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

595,000,000 (liquidation of contract authorization)

Operation and Maintenance, Metropolitan Washington Airports

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police or ambulance type use, for replacement only; and purchase of two motor bikes for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, $28,585,000: *Provided,* That there may be credited to this appropriation, funds received from air carriers, concessionaires and non-Federal tenants sufficient to cover utility and fuel costs which are in excess of $5,807,000: *Provided further,* That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally owned civil airports.

28,585,000

Construction, Metropolitan Washington Airports

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $16,200,000, to remain available until September 30, 1983.

16,200,000

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

In carrying out the program for guarantee of aircraft purchase loans under the Act of September 7, 1957, as amended (49 U.S.C. 1324 note), during fiscal year 1981 total new commitments to guarantee loans shall not exceed $400,000,000 of contingent liability for loan principal, including $100,000,000 for which priority shall be given to guarantees of aircraft purchase loans to commuter air carriers serving smaller communities: *Provided*, That this limitation shall not apply to any guarantee of an aircraft purchase loan where (1) the loan guarantee applicant has submitted a loan guarantee application before October 1, 1980; (2) the Federal Aviation Administration has indicated prior to October 1, 1980, that the applicant was conditionally eligible for a guarantee; (3) the aircraft are financed and delivered in fiscal year 1981 for reasons beyond the purchaser's control; and (4) the aggregate of all guarantees which meet the preceding three conditions when combined with guarantees issued during fiscal year 1980 shall not exceed $650,000,000 in principal amount.

$400,000,000 (limitation on new loan guarantees)

[*Total, Federal Aviation Administration, $2,734,460,000.*]

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $191,282,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $39,600,000 of the amount provided herein shall remain available until expended.

191,282,000 (limitation)

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-940), $14,350,000, of which $3,740,000 of the amount appropriated herein shall remain available until expended and not to exceed $1,581,000 shall be available for "Limitation on general operating expenses".

14,350,000

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $9,000,000.

9,000,000

HIGHWAY BEAUTIFICATION

For necessary expenses in carrying out section 131 of title 23 U.S.C. and section 104(a)(11) of the Surface Transportation Assistance Act of 1978, $6,600,000, to remain available until expended.

6,600,000

Highway-Related Safety Grants (Liquidation of Contract Authorization) (Trust Fund)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $17,500,000, to be derived from the Highway Trust Fund: *Provided,* That not to exceed $560,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses". *$17,500,000 (liquidation of contract authorization)*

Territorial Highways

For necessary expenses in carrying out the provisions of title 23, United States Code, sections 152, 153, 215, and 402, $6,600,000, to remain available until expended. 6,600,000

National Scenic and Recreational Highway

(Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 148, $14,000,000, to remain available until expended, of which $9,000,000 shall be derived from the Highway Trust Fund. *14,000,000 (liquidation of contract authorization)*

Access Highways to Public Recreation Areas on Certain Lakes

For necessary expenses not otherwise provided, to carry out the provisions of 23 U.S.C. 155, $6,525,000, together with unobligated balances appropriated under "access highways to public recreation areas on certain lakes" contained in Public Law 95-85, to remain available until September 30, 1983. 6,525,000

Federal-Aid Highways (Liquidation of Contract Authorization) (Trust Fund)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $7,500,000,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended. *7,500,000,000 (liquidation of contract authorization)*

Carpool and Vanpool Projects

For necessary expenses in carrying out the provisions of section 126(d) of Public Law 95-599, $1,000,000, to be derived from the Highway Trust Fund and to remain available until expended. 1,000,000

[*Total, Federal Highway Administration, $44,075,000.*]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), $85,876,000, of which $26,963,500 shall be derived from the Highway Trust Fund: *Provided,* That not to exceed $38,477,500 85,876,000 shall remain available until expended, of which $11,395,000 shall be derived from the Highway Trust Fund.

STATE AND COMMUNITY HIGHWAY SAFETY (INCLUDING LIQUIDATION OF CONTRACT AUTHORIZATION)

For necessary expenses of State and community highway safety
programs authorized by 23 U.S.C. 154, 402, 406 and 407, to remain
available until expended, $38,593,000, of which $10,000,000 shall be $38,593,000
available for transportation systems management, and of which
$26,000,000 shall be derived from the Highway Trust Fund; and for
payment of obligations incurred in carrying out the provisions of 23
U.S.C. 402 and 406, to remain available until expended, $163,800,000, *163,800,000*
to be derived from the Highway Trust Fund. *liquidation of contract authorization)*

[*Total, National Highway Traffic Safety Administration, $124,469,000.*]

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration,
not otherwise provided for, $7,970,000. 7,970,000

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not
otherwise provided for, $27,250,000, of which $7,600,000 shall remain 27,250,000
available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development,
$50,000,000, to remain available until expended: *Provided*, That there 50,000,000
may be credited to this appropriation, funds received from State and
local governments, other public authorities, private sources and
foreign countries for expenses incurred for engineering, testing and
development.

RAIL SERVICE ASSISTANCE

For necessary expenses for rail service assistance authorized by
section 5 of the Department of Transportation Act, as amended, and
for necessary administrative expenses in connection with Federal
rail assistance programs not otherwise provided for, $90,000,000, 90,000,000
together with $9,423,000 for the Minority Business Resource Center, 9,423,000
as authorized by title IX of Public Law 94-210, and $25,000,000 for 25,000,000
railroad restructuring assistance authorized by title V of Public Law
94-210 as amended, to remain available until expended: *Provided*,
That none of the funds provided under this Act shall be available for
the planning or execution of a program making commitments to
guarantee new loans under the Emergency Rail Services Act of 1970,
as amended, in excess of $20,000,000 of contingent liability for loan *20,000,000*
principal in fiscal year 1981. *(limitation on new loan guarantees)*

[*Total, Rail Service Assistance, $124,423,000.*]

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of Public Law 94-210, as amended, and
title I of Public Law 95-599, $350,000,000, to remain available until 350,000,000
expended: *Provided*, That, notwithstanding any other provisions of

law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further,* That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if he determines such action would serve a public purpose: *Provided further,* That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $881,000,000, to remain available until expended, of which $650,000,000 shall be for operating losses incurred by the Corporation, $18,000,000 for the payment of capital and operating expenses incurred from rail services provided under section 403(b) of the Rail Passenger Service Act, as amended, $11,000,000 for labor protection costs authorized by 45 U.S.C. 565, and $202,000,000 for capital improvements: *Provided,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the President of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1981: *Provided further,* That the incurring of any obligation or commitment by the Corporation for capital improvements not expressly provided for in an appropriation act or prohibited by this Act shall be deemed a violation of 31 U.S.C. 665. $881,000,000

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation in fiscal year 1982 for capital improvements, $166,000,000, to remain available until expended. 166,000,000 (*FY 1982*)

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passenger, or mail, when deemed necessary for the benefit and development of industries or travel in the area served and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided,* That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager and five officers at not to exceed the salaries prescribed for members of the Senior Executive Service.

PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, operations and maintenance, $10,640,000, to remain available until expended. 10,640,000

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That the aggregate principal amount of guarantees and commitments to guarantee obligations under section 511 of Public Law 94-210, as amended, shall not exceed $770,000,000.

$770,000,000 (limitation on loan guarantees)

RAIL LABOR ASSISTANCE

For payment of benefits under section 509 of the Regional Rail Reorganization Act of 1973, as amended, $7,500,000, together with $1,500,000 for new career training assistance under section 119 of the Rock Island Transition and Employment Assistance Act, to remain available until expended.

7,500,000
1,500,000

[Total Federal Railroad Administration, $1,626,283,000.]

[Fiscal year 1981 .... $1,460,283,000.]

[Fiscal year 1982 .... 166,000,000.]

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.); 23 U.S.C., chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $22,200,000.

22,200,000

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For necessary expenses for research and training, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $65,500,000: *Provided*, That $63,500,000 shall be available for research, development, and demonstrations, $1,000,000 shall be available for university research and training and not to exceed $1,000,000 shall be available for managerial training as authorized under the authority of said Act.

65,500,000

URBAN DISCRETIONARY GRANTS

For necessary expenses for urban discretionary grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until September 30, 1984, $2,190,000,000: *Provided*, That none of these funds shall be available to retrofit any existing fixed rail transit system to comply with regulations issued pursuant to section 504 of the Rehabilitation Act of 1973: *Provided further*, That none of the funds provided by this Act shall be used to enforce the provisions of 43 F.R. 235, page 57145, with respect to any project contract entered into after the date of enactment of this Act unless obligated pursuant to the provisions of section 401, Public Law 95-599: *Provided further*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which

2,190,000,000

will result in the expenditure of Federal financial assistance, shall only be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations.

NON-URBAN FORMULA GRANTS

For necessary expenses for public transportation projects in areas other than urbanized areas as defined for the purposes of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $72,500,000, to remain available until expended.

$72,500,000

URBAN FORMULA GRANTS

For necessary expenses for urban formula grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $1,455,000,000, to remain available until expended: *Provided*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance, shall only be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluation.

1,455,000,000

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. 142(c) and of obligations incurred for projects substituted for Interstate System segments withdrawn prior to enactment of the Federal-Aid Highway Act of 1976, $1,500,000,000, to remain available until expended: *Provided*, That none of these funds shall be made available for the establishment of depreciation reserves or reserves for replacement accounts: *Provided further*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

1,500,000,000 (liquidation of contract authorization)

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

For necessary expenses for conducting one waterborne transportation demonstration project, $10,000,000 to remain available until expended.

10,000,000

INTERSTATE TRANSFER GRANTS

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) for fiscal year 1981, $800,000,000, to remain available until expended: *Provided*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

800,000,000

[*Total, Urban Mass Transportation Administration, $4,615,200,000.*]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the Corporation except as hereinafter provided.

Limitation on Administrative Expenses

Not to exceed $1,460,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided,* That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902), and $15,000 for services as authorized by 5 U.S.C. 3109.

$1,460,000
(limitation)

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $31,420,000, of which not to exceed $12,291,000 shall remain available until expended for expenses for conducting research and development and not to exceed $3,082,000 shall remain available until expended for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674).

31,420,000

Cooperative Automotive Research

For necessary expenses to discharge the functions of a cooperative automotive research program for conducting basic automotive research, $12,000,000, to remain available until expended: *Provided,* That no additional funds shall be expended thereafter, unless authorized by Congress: *Provided further,* That the amount of funds obligated during the period ending 6 months after the date of enactment of this section shall not exceed $6,000,000: *Provided further,* That the Department of Transportation, in cooperation with the Department of Commerce, Department of Defense, National Science Foundation, National Aeronautics and Space Administration, Environmental Protection Agency, and Department of Energy, report to the Congress within 6 months of enactment of this Act its assessment of current Federal automotive and other surface transportation research and development and its analysis of options for the Federal management structure, areas of research, including applied research, detailed objectives, and funding requirements for a cooperative automotive research program: *Provided further,* That it is also the intention of the Congress that an authorization bill with positive or negative recommendations be reported out by the appropriate committees within said period.

12,000,000

[*Total, Research and Special Programs Administration, $43,420,000.*]

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,657,000, together with $8,085,000 derived from funds available under 23 U.S.C. 104(a) for payment of obligations.

$13,657,000
8,085,000
(by transfer)

[Total, title I, Department of Transportation:

[New budget (obligational) authority	*[1] $11,108,252,764.]*
[Advance Appropriation for FY 1982	*(166,000,000).]*
[By transfer	*8,085,000.]*
[Limitations	*192,742,000.]*
[Limitations on loan guarantees	*770,000,000.]*
[Limitations on new loan guarantees	*420,000,000.]*
[Limitation on working capital fund	*56,843,000.]*
[Appropriations to liquidate contract authorizations	*9,790,300,000.]*
[Appropriations for debt reduction	*233,935.]*

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $18,200,000, of which not to exceed $300 may be used for official reception and representation expenses. 18,200,000

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed $5,000 for official reception and representation expenses, $28,419,000. 28,419,000

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 and section 419 of the Federal Aviation Act of 1958, as amended, and the Airline Deregulation Act of 1978, as is payable by the Board, $86,300,000, to remain available until expended. 86,300,000

[Total, Civil Aeronautics Board, $114,719,000.]

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $82,400,000: *Pro-* 82,400,000

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[1] Does not reflect reduction of $3,894,000 for consultant services shown on page 341 under "General Provisions."

vided, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

Payments for Directed Rail Service

None of the funds provided under this Act shall be available for the execution of programs the obligations for which can reasonably be expected to be in excess of $10,000,000 for directed rail service under 49 U.S.C. 11125 or any other legislation. *$10,000,000 (limitation on obligations)*

[*Total, Interstate Commerce Commission, $82,400,000.*]

PANAMA CANAL COMMISSION

Operating Expenses

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $25,000 for official reception and representation expenses; operation of guide services; residence for the administrator, contingencies of the administrator, and to employ services as authorized by law (5 U.S.C. 3109); maintaining and altering facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use; and for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that have accrued thereafter, including accounts payable for capital projects, $370,324,000, to be derived from the Panama Canal Commission Fund: *Provided*, That of the funds appropriated by this section not to exceed $495,000 shall be available for the hire of passenger motor vehicles; not to exceed $776,000 shall be available for the hire of aircraft; not to exceed $136,000 shall be available for uniforms or allowances; not to exceed $272,000 shall be available for operation of guide services; not to exceed $60,000 shall be available for maintenance of a residence for the Administrator; not to exceed $25,000 shall be available for contingencies of the Administrator; not to exceed $520,000 shall be available to employ services as authorized by law (5 U.S.C. 3109); and not to exceed $3,724,000 shall be available for maintaining and altering facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use. There may be credited to this appropriation, funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects and funds received from officers and employees of the Commission and/or commercial insurors of Commission employees for payment to other United States Government agencies for expenditures made for services provided to Commission employees and their dependents by such other agencies. To the extent that the resources of the Fund are not adequate to provide the amount of budget authority provided above, the Commission may incur obligations in advance of adequate receipts in the Fund. 370,324,000

Capital Outlay

For acquisition, construction, and replacement of improvements, facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed thirty-one passenger motor vehicles of which nineteen are for replacement only;

to employ services authorized by law (5 U.S.C. 3109); for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that have accrued thereafter; to improve facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use, $21,350,000, to be derived from the Panama Canal Commission Fund and to remain available until expended: *Provided,* That of the funds appropriated by this section not to exceed $16,226,000 shall be available for navigation projects; not to exceed $1,648,000 shall be available for utilities projects; not to exceed $800,000 shall be available for housing improvements; and not to exceed $2,676,000 shall be available for general support projects. To the extent that the resources of the Fund are not adequate to provide the amount of budget authority provided above, the Commission may incur obligations in advance of adequate receipts in the Fund. $21,350,000

Reimbursement of General Fund

For reimbursement to the General Fund of the Treasury from the Panama Canal Commission Fund, the total outlays in fiscal year 1980 from accounts 9501201 Panama Canal Commission Operating Expenses and 95X1201 Panama Canal Commission Capital Outlay, but in no case less than $350,000,000. The reimbursement shall be made within 30 days after submission by the General Accounting Office of the report on audit of the Panama Canal Commission accounts as required by section 1313 of the Panama Canal Act of 1979. *−350,000,000 (reimbursement of General Fund)*

[*Total, Panama Canal Commission, $391,674,000.*]

DEPARTMENT OF THE TREASURY

Office of the Secretary

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $25,000,000. *25,000,000 (investment)*

UNITED STATES RAILWAY ASSOCIATION

Administrative Expenses

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, $29,000,000, of which not to exceed $4,000 may be available for official reception and representation expenses. 29,000,000

Payments for Purchase of Conrail Securities

For acquisition of series A preferred stock issued by the Consolidated Rail Corporation, to remain available until expended, $185,000,000. 185,000,000

[*Total, United States Railway Association, $214,000,000.*]

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $65,910,000: *Provided*, That these funds may be disbursed pursuant to terms and conditions that the Secretary of Transportation may establish.

$65,910,000

[*Total, title II, related agencies:*
[*New budget (obligational) authority* .... *$886,903,000.*]
[*Limitations on obligations* .... *10,000,000.*]

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. None of the funds provided in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $700,000,000 in fiscal year 1981 for grants-in-aid for airport planning, noise compatibility planning and programs, and development.

700,000,000 (limitation on obligations)

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $28,000,000 in fiscal year 1981 for "Highway-related safety grants".

28,000,000 (limitation on obligations)

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $150,405,000 in fiscal year 1981 for "State and Community Highway Safety": *Provided*, That none of the funds under State and Community Highway Safety shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures.

150,405,000 (limitation on obligations)

SEC. 305. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 306. Funds appropriated under this Act for expenditure by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 307. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18.

SEC. 308. None of the funds provided under this Act shall be made available under section 5 of the Urban Mass Transportation Act of 1964, as amended, to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, (3) allow applicants to continue to use preferential fare systems incorporating the offering of a free return ride upon payment of the generally applicable full fare where any such applicant's existing fare collection system does not reasonably permit the collection of half fares, and (4) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

SEC. 309. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 310. None of the funds provided under or included in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $8,750,000,000 for "Federal-Aid Highways" in fiscal year 1981: *Provided*, That this limitation shall not apply to obligations for emergency relief authorized by 23 U.S.C. 125: *Provided further*, for replacement of the West Seattle bridge in the State of Washington, $50,000,000 to be made available from obligations authorized by 23 U.S.C. 125 on August 4, 1978: *Provided further*, That this limitation shall not become effective if subsequent legislation containing an obligation limitation on "Federal-Aid Highways" for fiscal year 1981 is enacted into law by September 30, 1980: *Provided further*, That notwithstanding any other provisions of law, the Secretary of Transportation shall, not later than 60 days after date of enactment of this Act, designate under 23 U.S.C. 103(e)(1) as a route on the National System of Interstate and Defense Highways 3.03 miles in the State of Missouri extending I-170 southward from I-70 to tie into U.S. 40 and 6.25 miles in the State of Alabama connecting I-10 and I-65 in the vicinity of Mobile-Prichard: *Provided further*, That there shall be no obligation constraints placed upon ongoing emergency projects funded under the Discretionary Bridge Replacement Fund or the Emergency Relief Fund.

$8,750,000,000
(limitation
on obligations)

(a) For fiscal year 1981, the Secretary of Transportation shall control the obligation of the limitation imposed by the above allocation according to the following formula: 80 per centum in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State for fiscal year 1981 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year; the remaining 20 per centum not so allocated, in the order in which States having obligated all such sums so allocated submit projects on or after August 1, 1981, to the Secretary of Transportation for his approval and in the amounts for such projects.

(b) Notwithstanding subsection (a), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1981, revise a distribution of the 80 per centum made under subsection (a) if a State will not obligate the amount distributed during fiscal year 1981 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1981; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

SEC. 311. Obligations for the Great River Road shall include preliminary engineering and the planning or execution of projects for the acquisition of areas of archeological, scientific, or historical importance and of necessary easements for scenic purposes, the construction or reconstruction of roadside rest areas, bicycle trails, and scenic viewing areas, the reconstruction and rehabilitation of existing road segments, and the construction of new route segments. No such funds, however, shall be used for constructing new segments until 60 per centum of the Great River Road in each State is completed: *Provided*, That such completion may be waived if the Administrator determines that circumstances in such State prevent such completion: *Provided further*, None of the funds provided under this Act shall be available for the planning or execution of programs for the Great River Road, the obligations for which are in excess of $37,500,000 in fiscal year 1981.

$37,500,000 (limitation on obligations)

SEC. 312. None of the funds provided under this Act shall be available for constructing an extension of the Dulles airport access highway prior to an agreement with the Commonwealth of Virginia under which that Commonwealth assumes responsibility for maintenance and operation of such extension.

SEC. 313. None of the funds provided in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1981 for the "Offshore Oil Pollution Compensation Fund".

60,000,000 (limitation on obligations)

SEC. 314. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 315. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under sections 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 316. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 317. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation.

SEC. 318. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 319. No part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 320. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department, agency, or establishment (as defined in 31 U.S.C. chapter 1, subchapter I, section 2) or any major administrative subdivision thereof during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than 45 days after the close of each quarter of the fiscal year, the head of each department, agency, or establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department, agency, or establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the director shall submit a report to the Committees on Appropriations on the results and impact of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

SEC. 321. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

SEC. 322. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 323. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following amounts: Department of Transportation, $3,894,000.

–$3,894,000 *(reduction)*

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

SEC. 324. None of the funds in this Act may be used for the planning or execution of programs to compel local transit authorities to purchase wheelchair lifts to comply with section 504 of the Rehabilitation Act of 1973, except—

(1) to the extent which would be required under the amendment contained in section 118 of S. 2720 (96th Congress, Federal Public Transportation Act of 1980), as passed by the Senate on June 25, 1980, or

(2) where such authorities have elected to purchase such lifts.

This section shall be effective only until modified by subsequent legislation.

SEC. 325. None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 326. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 percent.

SEC. 327. None of the funds provided in this Act shall be available for interstate highway I–69 between Charlotte and Lansing, Michigan, for a period of 90 days after the date of enactment of this Act.

SEC. 328. None of the funds in this Act shall be used to mandate any reduction under the Washington National Airport Policy of the **number of certificated air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, until April 26, 1981.**

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1981."

[*Total, title III, general provisions:*

[*New budget (obligational) authority*	*−$3,894,000.*]
[*General provisions (limitations on obligations)*	*9,725,905,000.*]

Approved October 9, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96–1193 (Comm. on Appropriations) and No. 96–1400 (Comm. of Conference)
SENATE REPORT No. 96–932 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 31, considered and passed House.
Sept. 18, considered and passed Senate, amended.
Sept. 30, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report and concurred in House amendments.

Grand total, titles I, and II, and III:		
New budget (obligational) authority (net)	$11,991,261,764	
Appropriations for 1981 (net)	(11,825,261,764)	
Advance appropriation for 1982	(166,000,000)	
By transfer	*(8,085,000)*	
Limitations	*(192,742,000)*	
Limitations on obligations	*(9,735,905,000)*	
Limitations on loan guarantees	*(770,000,000)*	
Limitations on new loan guarantees	*(420,000,000)*	
Limitation on working capital fund	*(56,843,000)*	
Total, new budget (obligational) authority, Department of Transportation and Related Agencies Appropriation Act, 1981 (net)		$11,991,261,764

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Transportation for such fiscal year:

Permanent appropriations:		
Federal funds (p. 1910)	$7,000,000	
Trust funds (pp. 1922–1923)	9,301,150,000	
Advance appropriations made in legislative acts during fiscal year 1979 (95th Congress, 2d session) of fiscal year 1981:		
Department of Transportation: Federal Highway Administration (Public Law 95–599) (pp. 1968–2029 and pp. 2404–2406, 1978–1979 volume)	5,615,000,000	
Subtotal additions		14,923,150,000

Deduct advanced appropriations for fiscal year 1982 and amounts for independent agencies transferred to General Government totals:

Advance appropriation for fiscal year 1982 made in the foregoing act for the Federal Railroad Administration, Grants to the National Railroad Passenger Corporation (p. 330)	$166,000,000	
General Government:		
Civil Aeronautics Board (p. 334)	114,719,000	
Interstate Commerce Commission (p. 334–335)	82,400,000	
National Transportation Safety Board (p. 334)	18,200,000	
Panama Canal Commission (pp. 335–336)	391,674,000	
United States Railway Association (p. 336)	214,000,000	
Washington Metropolitan Area Transit Authority (p. 337)	65,910,000	
Subtotal, deductions		−1,052,903,000
Grand total, Department of Transportation		25,861,508,764

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1981

96th Congress, H.R. 7583

[NOTE.—The following bill is a copy of H.R. 7583 as passed the House of Representatives August 20, 1980. Funding of items in the bill at rates provided in the House-passed version, and with certain adjustments as noted, is provided for the fiscal year ending September 30, 1981 under sec. 101(a)(4) (and sec. 101(d) with respect to the Council on Wage and Price Stability) of Public Law 96-536, approved December 16, 1980, Further Continuing Appropriations, 1981. (See pp. 379-386 for text of further continuing resolution and pp. 2069-2075 for the related table VIII.)]

A BILL

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $15,000 for official reception and representation expenses; $33,500,000 of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, and of which $1,620,000 shall be for repairs and improvements to Treasury buildings and shall remain available until expended. $33,500,000

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvement of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; and not to exceed $80,000 for official reception and representation expenses; $23,500,000 to be available only upon enactment into law of authorizing legislation. 23,500,000

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including purchase (not to exceed eight for police-type use) and hire of passenger motor vehicles; not to exceed $60,000 for expenses for student athletic and related activities; participation in firearms matches; repairs; and services as authorized by 5 U.S.C. 3109; $13,400,000.

$13,400,000

Bureau of Government Financial Operations

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations, $188,000,000.

188,000,000

PAYMENTS TO THE GOVERNMENTS OF GUAM, VIRGIN ISLANDS, AND AMERICAN SAMOA

For payment, in accordance with section 407 of the Tax Reduction and Simplification Act of 1977, to the Government of the Virgin Islands, $2,000,000, and to the Government of American Samoa, $172,881, to remain available until expended.

2,000,000
172,881

[*Total, Bureau of Government Financial Operations, $190,172,881.*]

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms including purchase (not to exceed three hundred of which two hundred and fifty shall be for replacement only, for police-type use) and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; $144,300,000: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed $300,000 shall be available for research and development of an explosives identification and detection device.

144,300,000

United States Customs Service

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of three hundred passenger motor vehicles for replacement only, including two hundred and ninety for police-type use; operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1954 (22 U.S.C. 401), $472,000,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 for research and studies shall remain available until expended: *Provided*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 without the express written consent of the Commissioner of Customs: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1980: *Provided further*, That none of the funds provided or made available herein shall be available to the United States Customs Service to promulgate or implement any rule or regulation, the effect of which, prohibits the importation of goods from the Republic of China which do not bear the name "Taiwan". $472,000,000

Bureau of the Mint

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, $60,500,000. 60,500,000

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $196,625,000. 196,625,000

Internal Revenue Service

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, management services, and centrally directed legal, technical, and internal audit and security operations; including purchase (not to exceed seventy for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $157,000,000. 157,000,000

TAXPAYER SERVICE AND RETURNS PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns; revenue accounting; providing assistance to taxpayers; statistical reporting; and hire of passenger motor vehicles (31 U.S.C. 638a(a)); $811,000,000. 811,000,000

Examinations and appeals

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; and hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $853,000,000. 853,000,000

INVESTIGATIONS AND COLLECTIONS

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed three hundred and ninety-five for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); securing unfiled tax returns; collecting unpaid accounts; employee plans; exempt organizations; and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $536,500,000. $536,500,000

[*Total, Internal Revenue Service, $2,357,500.*]

PAYMENT WHERE ENERGY CREDIT EXCEEDS LIABILITY FOR TAX

For necessary expenses to carry out the energy credit provisions of the Energy Tax Act of 1978 (Public Law 95-618), $900,000. 900,000

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed two hundred and twelve for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments which may be provided without reimbursement; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be necessary to perform protective functions; the conducting and participation in firearms matches; $157,000,000 of which not to exceed $3,500,000 shall remain available until expended, for payment to State and local governments for protection of permanent and observer foreign diplomatic missions, pursuant to Public Law 94-196 including costs of providing protection for motorcades and at other places associated with a visit qualifying under section 202(7) of title 3, United States Code; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided,* That approval is obtained in advance from the House and Senate Committees on Appropriations: *Provided further,* That funds appropriated herein shall be available for repairs and alterations of the Beltsville, Maryland, facility and for research and development.

157,000,000

[*Total, title I, Department of the Treasury, new budget (obligational) authority, $3,649,397,881.*]

GENERAL PROVISIONS—TREASURY DEPARTMENT

SEC. 101. Appropriations in this Act to the Treasury Department shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. None of the funds appropriated by this title shall be used in connection with the study of or implementation of the withholding of any tax on interest or dividend income.

SEC. 104. (a) None of the funds appropriated by this Act may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

(b) None of the funds appropriated by this Act may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 105. (a) None of the funds appropriated by this title may be used to impose or collect—

(1) any interest under section 6601(a) of the Internal Revenue Code of 1954; or

(2) any addition to tax under section 6653(a) of such Code;

with respect to any portion of an underpayment which is attributable to information, advise, or an interpretation, given in writing to the taxpayer by an officer or employee of the Internal Revenue Service acting in his official capacity.

(b)(1) Paragraph (1) of subsection (a) shall apply only for the period ending on the 30th day after the date of notice and demand by the Secretary of the Treasury or his delegate for payment of an amount of underpayment.

(2) Subsection (a) shall not apply to any information, advise, or interpretation—

(A) which is received by the taxpayer on or before the date of the enactment of this Act; or

(B) with respect to which there is a failure by the taxpayer to provide adequate and accurate information.

SEC. 106. None of the funds appropriated by this title may be used to carry out the proposed revenue procedure 4830-01-M of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (44 FR 9451 through 9455, February 13, 1979, FR Document 79-4801), or the proposed revenue procedure 4830-01 of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (43 FR 37296 through 37298, August 22, 1978, FR Document 78-23515), or parts thereof.

SEC. 107. None of the funds appropriated by this title may be used to carry out any revenue ruling of the Internal Revenue Service which rules that a taxpayer is not entitled to a charitable deduction for general purpose contributions which are used for educational purposes by a religious organization which is an exempt organization as described in section 170(c)(2) of the Internal Revenue Code of 1954.

SEC. 108. None of the funds appropriated by this title shall be available to disqualify any politically nonpartisan organization from any exemption under section 501(c)(3) of the Internal Revenue Code of 1954 by reason that such organization publishes or distributes voters guides relating to any political campaign.

This title may be cited as the "Treasury Department Appropriation Act, 1981".

TITLE II

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, $1,593,217,000: *Provided*, That no funds appropriated herein shall be available for implementing special bulk third-class rates for "qualified political committees" authorized by Public Law 95-593, other than the National, State, or congressional committee of a major or minor party as defined in Public Law 92-178, as amended.

$1,593,217,000

This title may be cited as the "Postal Service Appropriation Act, 1981".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 701 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

250,000

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the Office of Administration, $12,000,000 including services authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

12,000,000

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105, and other personal services as authorized by 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $17,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $20,373,000.

20,373,000

None of the funds appropriated or otherwise made available in this Act shall be obligated or expended to calculate or transmit, pursuant to section 2a of title 2 of the United States Code, the number of Representatives in Congress to which each State shall be entitled under the twentieth decennial census.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, at the White House and official entertainment expenses of the President, $3,156,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114. $3,156,000

Official Residence of the Vice President

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and not to exceed $60,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $168,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities. 168,000

Special Assistance to the President

SALARIES AND EXPENSES

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109n and 3 U.S.C. 106, including hire of passenger vehicles, $1,531,000. 1,531,000

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $2,171,000. 2,171,000

Domestic Policy Staff

SALARIES AND EXPENSES

For necessary expenses of the Domestic Policy Staff, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107, and other personal services as authorized by 3 U.S.C. 107, $2,927,000. 2,927,000

National Security Council

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, $3,668,000. 3,668,000

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $32,000,000. $32,000,000

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109, $2,500,000. 2,500,000

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000 1,000,000

This title may be cited as the "Executive Office Appropriations Act, 1981".

[*Total, title III, new budget (obligational) authority, Executive Office of the President and Funds appropriated to the President, $81,744,000.*]

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), $1,100,000. 1,100,000

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959, as amended (73 Stat. 703-706), $1,750,000, of which not to exceed $2,500 may be used for meals at Commission meetings. 1,750,000

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306, $190,000. 190,000

Committee for Purchase From the Blind and Other Severely Handicapped

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles, $500,000. $500,000

Federal Election Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $9,283,000. 9,283,000

Contributions to International Buffer Stocks

For the United States contribution, pursuant to the International Natural Rubber Agreement, 1979, for the acquisition of natural rubber for the buffer stock, $88,000,000, to remain available until expended. 88,000,000

General Services Administration

FEDERAL BUILDINGS FUND

Limitations on Availability of Revenue

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,598,019,000 of which (1) not to exceed $15,795,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Acquisition and Improvements of United States Postal Service Properties, $15,792,000: *Provided,* That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1982, and remain in the Federal Buildings Fund, except funds for projects as to which funds have been obligated in whole or in part prior to such date; (2) not to exceed *15,792,000 (limitation)*

$180,000,000, which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows except each project may be increased by an amount not to exceed 10 centum:

$180,000,000 (limitation)

Repairs and Alterations:

- California:
  - Los Angeles, Courthouse, $900,000
  - Pasadena, Federal Center, $9,864,000
- District of Columbia:
  - Department of Agriculture South, $2,545,000
  - New Post Office, 12th and Pennsylvania, $1,892,000
  - General Services Administration Regional Office Building, $4,000,000
  - Health, Education, and Welfare North, $3,934,000
  - International Trade Center $1,300,000
  - Department of Justice, $1,740,000
  - Lafayette, $864,000
  - Old Post Office, $747,000
  - Mary E. Switzer, Federal Building, $3,928,000
- Florida:
  - Miami, Post Office, Courthouse, $2,670,000
  - Tallahassee, Post Office, Courthouse, $961,000
  - Tampa, Federal Building, Courthouse, Post Office, $2,008,000
- Georgia:
  - Savannah, Federal Building, Courthouse, $1,363,000
- Illinois:
  - Chicago, Federal Building, 536 S. Clark Street, $550,000
- Kentucky:
  - Lexington, Post Office, Courthouse, $1,500,000
  - Louisville, Post Office, Courthouse, Customhouse, $800,000
- Louisiana:
  - Baton Rouge, Federal Building, Courthouse, $700,000
  - New Orleans, Hale Boggs Federal Building, Courthouse, $1,425,000
- Maryland:
  - Suitland, Federal Building #3, $1,392,000
- Missouri:
  - Kansas City, Courthouse, 811 Grand Avenue, $735,000
- New Jersey:
  - Newark, Federal Office Building, 20 Washington Place, $560,000
- New York:
  - New York, Federal Office Building, 201 Varick Street, $5,661,000
  - New York, Customhouse, One Bowling Green, $7,192,000
- Texas:
  - Dallas, Earle Cabell Federal Building, Courthouse, $900,000
  - Houston, Federal Building, Courthouse, 515 Rusk Avenue, $2,446,000
- Virginia:
  - Arlington, Pentagon, $2,969,000
  - McLean, CIA Headquarters, $2,274,000

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1982, and remain in the Federal Buildings Fund, except funds for projects as to which funds have been obligated in whole or in part prior to such date; (3) not to exceed $108,374,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $680,000,000 for rental of space; (5) not to exceed $536,500,000 for real property operations, and (6) not to exceed $77,353,000 for program direction and centralized services: *Provided*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration shall be available for expenses in connection with any project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1981, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,598,019,000, shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

$108,374,000 (limitation)
680,000,000 (limitation)
536,500,000 (limitation)
77,353,000 (limitation)

[*Total, Federal Buildings Fund (limitations), ($1,598,019,000).*]

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, and other supply management activities as authorized by law, including services authorized by 5 U.S.C. 3109, $131,000,000. 131,000,000

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

OPERATING EXPENSES

For necessary expenses for transportation and public utility activities as authorized by law, including services as authorized by 5 U.S.C. 3109, $14,500,000. 14,500,000

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, including acceptance and utilization of voluntary and uncompensated services,

$83,000,000, of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended. $83,000,000

Records Declassification

For expenses necessary for the review and declassification of documents, the Information Security Oversight Office, and related records management activities, pursuant to 44 U.S.C. 2104, 2108, and 2904 and implementing provisions of Executive Order 12065, directives issued pursuant thereto, and other applicable authorities, including expenses not otherwise provided for, and acceptance and utilization of voluntary and uncompensated services, $3,000,000. 3,000,000

[*Total, National Archives and Records Service, $86,000,000.*]

Automated Data and Telecommunications Service

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out Government-wide responsibilities relating to automated data management, telecommunications and related activities, as authorized by law, including services as authorized by 5 U.S.C. 3109, $13,000,000. 13,000,000

Federal Telecommunications Fund

To increase the capital of the Federal Telecommunications Fund, established by section 110 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 757), $2,500,000. 2,500,000

[*Total, Automated Data and Telecommunications Service, $15,500,000.*]

Federal Property Resources Service

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess property; the disposal of surplus property; the utilization survey, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus property; the rehabilitation of personal property; the national defense stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h); the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166); including services as authorized by 5 U.S.C 3109 and reimbursement for security guard services, $45,000,000, of which $6,915,000 shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 1-5), and of which $19,292,000 for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile shall remain available through fiscal year 1981. 45,000,000

National Defense Stockpile Transaction Fund

For acquistion of strategic and critical materials and for transportation related to such acquisition $100,000,000 shall be derived from moneys received in the National Defense Stockpile Transaction Fund established by section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), and to remain available until fiscal year 1985. $100,000,000

[*Total, Federal Property Resources Activities, $145,000,000.*]

General Management and Administration

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services, not otherwise provided for, $110,000,000: *Provided*, That not to exceed $2,500 shall be available for reception and representation expenses: *Provided further*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686). 110,000,000

Office of Inspector General

For necessary expenses of the Office of Inspector General, $21,250,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the government, including payment for recovery of stolen government property. 21,250,000

Indian Trust Accounting

For expenses necessary to provide accounting, records management, and other support incident to adjudication of Indian Tribal claims by the United States Court of Claims, $2,800,000: *Provided*, That none of these funds shall be available for transfer to any other account. 2,800,000

Allowances and Office Staff for Former Presidents

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $716,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

Expenses, Presidential Transition

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note), $3,000,000. 3,000,000

Public Services

For necessary expenses of management and operation of the Business Service Centers and Federal Information Centers, including services authorized by 5 U.S.C. 3109, $7,250,000. 7,250,000

Working Capital Fund

To increase the Working Capital Fund established by the Act of May 3, 1945, (40 U.S.C. 293), $750,000. 750,000

[*Total, General Activities, $145,050,000.*]
[*Total, General Services Administration, $537,050,000.*]

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129): and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administration Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97-72 contained in the Request for Proposal CDPA 74-14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949.

SEC. 4. None of the funds appropriated by this Act may be used to purchase any manual typewriter manufactured in the German Democratic Republic (East Germany), the Union of Soviet Socialist Republics, the Polish People's Republic, the Socialist Republic of Czechoslovakia, the People's Republic of Hungary, the Socialist Republic of Romania, the People's Republic of Bulgaria, the Socialist Federal Republic of Yugoslavia, the People's Socialist Republic of Albania, the People's Republic of China, the Republic of Cuba, the Socialist Republic of Vietnam, Democratic Kampuchea (Cambodia), the Lao People's Democratic Republic (Laos), the Socialist People's Libyan Arab Jamahiriya (Libya), the Democratic People's Republic of Korea (North Korea), the People's Democratic Republic of Yemen (South Yemen), the Republic of Iraq, and the Republic of Afghanistan.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act of 1978; including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; including not more than $1,135,000 for the conduct of research and demonstration projects; and advances or reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $121,500,000, together with not to exceed $37,785,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of this appropriation shall be available for the salaries and expenses of the Legal Examining Unit of the Office of Personnel Management, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

$121,500,000
37,785,000
(limitation)

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $757,617,000, to remain available until expended.

757,617,000

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service retirement and disability funds, $2,784,767,000: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service retirement and disability fund.

2,784,767,000

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

For grants to improve State and local personnel administration, as authorized by the Intergovernmental Personnel Act of 1970, $20,000,000, to remain available until expended.

20,000,000

[*Total, Office of Personnel Management:*
[*New budget (obligational) authority* .... *$3,683,884,000.*]
[*Limitation* .... *(37,785,000).*]

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out functions of the Merit Systems Protection Board; pursuant to Reorganization Plan No. 2 of 1978; and the Civil Service Reform Act of 1978; including services as authorized by 5 U.S.C. 3109; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $1,500 for official reception and representation expenses, $15,000,000, together with not to exceed $255,000 for current fiscal year administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

15,000,000
255,000
(limitation)

Office of Special Counsel

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Office of Special Counsel; pursuant to Reorganization Plan No. 2 of 1978; and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $4,250,000. $4,250,000

[*Total, Merit Systems Protection Board* .... *$19,250,000.*]
[*Limitation* .... *(255,000).*]

Federal Labor Relations Authority

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Federal Labor Relations Authority; pursuant to Reorganization Plan No. 2 of 1978; and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere, not to exceed $1,500 for official reception and representation expenses: $14,000,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109. 14,000,000

[*Total, Federal personnel activities* .... *$3,717,134,000.*]
[*Limitations* ....*(38,040,000).*]

United States Tax Court

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $10,427,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge. 10,427,000

This title may be cited as the "Independent Agencies Appropriations Act, 1981".

[*Total, title IV, Independent Agencies:*
[*New budget (obligational) authority* .... *$4,365,434,000.*]
[*Limitations* .... *(1,636,059,000).*]
[*Grand total, titles I, II, III, and IV:*
[*New budget (obligational) authority* .... *$9,689,792,881.*]
[*Limitations* .... *(1,636,059,000).*]

TITLE V—GENERAL PROVISIONS

This Act

Sec. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 502. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

Sec. 503. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

Sec. 504. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Sec. 505. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 506. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Sec. 507. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services, or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulation, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

Sec. 508. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

SEC. 509. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the United States Customs Service to any other agency of the Federal Government.

SEC. 510. No part of any of the funds appropriated by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. No part of any of the funds appropriated by this Act may be used to impose any income tax on any American hostage held in Iran on the date of enactment of this Act or the spouse of such hostage, with respect to the earned income (within the meaning of section 43(c)(2) of the Internal Revenue Code of 1954) of such hostage which is attributable to the period of time within which such hostage was held in Iran.

SEC. 602. Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $5,000 except station wagons for which the maximum shall be $5,400: *Provided*, that these limits may be exceeded by not to exceed $1,700 for police-type vehicles, and by not to exceed $3,600 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, Laos, Cambodia, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled into the United States between January 1, 1975, and the date of enactment of this Act: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 606. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841) shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia: services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 607. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 608. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 609. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

SEC. 610. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 611. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted.

SEC. 613. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1981.

SEC. 614. (a) No part of any of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act, may be used to pay the salary or pay of any individual in any office or position in an amount which exceeds the rate of salary or basic pay payable for such office or position on September 30, 1980, by more than the overall average percentage increase in the General Schedule rates of basic pay, as a result of any adjustments which take effect during such fiscal year under section 5343 of title 5, United States Code, if such adjustment is granted pursuant to a wage survey (but only with respect to prevailing rate employees described in section 5342(a)(2)(A) of that title).

(b) The limitations on the availability of funds imposed by this section shall not restrict the payment of any rate of basic pay which does not exceed $4.62 per hour, if such rate of basic pay would be payable were it not for this section.

(c) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Sec. 615. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unles such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

Sec. 616. In the case of any agency which has, for the period beginning on October 1, 1980, and ending on July 31, 1981, obligated less than 80 per centum of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, the amount of funds which shall be available to such agency and which may be apportioned to such agency under section 3679 of the Revised Statutes of the United States (31 U.S.C. 665) for the period beginning August 1, 1981, and ending September 30, 1981, shall be reduced by an amount equal to 80 per centum of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, reduced by the amount of funds obligated by such agency under this Act during the period beginning on October 1, 1980, and ending on July 31, 1981.

Sec. 617. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, precedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect on the date of the enactment of this Act into law.

Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion or the administrative expenses in connection with any health plan under the Federal Employees Health Benefit Program which provides any benefits or coverage for abortions under such negotiated plans after the last day of the contracts currently in force.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1981".

Passed the House of Representatives August 20, 1980.

Legislative History

House Report: No. 96-1090 (Comm. on Appropriations)
Senate Report: No. 96-955 (Comm. on Appropriations)
Congressional Record: Vol. 126 (1980):
Aug. 20, considered and passed the House.

Grand total:

Title I, Treasury Department	$3,649,397,881
Title II, Postal Service	1,593,217,000
Title III, Executive Office of the President	81,744,000
Title IV, Independent Agencies	4,365,434,000
Total new budget (obligational) authority, Treasury, Postal Service and General Government Appropriations Act, 1981 [1]	[1] $9,689,792,881

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[1] The annual Treasury, Postal Service, and General Government Appropriation Bill, 1981 (H.R. 7583) was not enacted into law. Funding of activities and projects in H.R. 7583 is provided under Sec. 101(a)(1) of Public Law 96-536, Further Continuing Appropriations, 1981 (p. 379).

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1981 provided under Sec. 101(a)(1) of Public Law 96-536, Further Continuing Appropriations, 1981, the following additional amounts are available for the fiscal year:

Permanent appropriations:	
Federal Funds (pp. 1910-1912)	$91,011,672,000
Trust Funds (pp. 1923-1926)	38,738,191,000
Advance appropriations made during fiscal year 1980 (96th Congress, 1st Session) for fiscal year 1981:	
Corporation for Public Broadcasting (p. 14, 1979-80 volume)	162,000,000
Department of Agriculture Appropriation Act, 1981:	
Commodity Futures Trading Commission (p. 114)	17,966,000
Energy and Water Development Appropriation Act, 1981:	
Appalachian Regional Commission (p. 167)	3,192,000
Appalachian Regional Development Programs (p. 167)	339,300,000
Delaware River Basin Commission (p. 167)	385,000
Interstate Commission on the Potomac River Basin (pp. 167-168)	55,000
Nuclear Regulatory Commission (p. 168)	447,520,000
Nuclear Safety Oversight Commission (p. 168)	1,500,000
Susquehanna River Basin Commission (p. 168)	312,000
Tennessee Valley Authority (p. 169)	287,563,000
Water Resources Council (p. 169)	24,777,000
Department of HUD-Independent Agencies Appropriation Act, 1981:	
American Battle Monuments Commission (p. 191)	8,967,000
Consumer Products Safety Commission (p. 192)	43,000,000
Environmental Protection Agency (pp. 192-193)	4,752,876,000
Executive Office of the President (pp. 193-194)	5,962,000
Federal Emergency Management Agency (pp. 194-195)	1,218,937,000
General Services Administration—Consumer Information Center (p. 195)	1,409,000
National Aeronautics and Space Administration (pp. 195-196)	5,541,200,000
National Commission on Air Quality (p. 196)	2,000,000
National Consumer Cooperative Bank (pp. 196-197)	35,700,000
National Institute of Building Sciences (p. 197)	625,000
National Science Foundation (pp. 197-198)	1,076,100,000
Neighborhood Reinvestment Corporation (p. 198)	12,713,000
Selective Service System (pp. 198-199)	27,137,000
Reduction applied to above agencies pursuant to section 412 of Public Law 96-526 (pp. 206, 209)	−180,193,000
Department of Treasury—	
Payments to State and Local Government Fiscal Assistance Trust Fund (p. 199)	4,569,949,000
Office of Revenue Sharing, salaries and expenses (p. 199)	6,518,000
New York City Loan Guarantee Program, administrative expenses (p. 199)	922,000
Investment in National Consumer Cooperative Bank (p. 199)	89,000,000
Reduction applied to above agencies pursuant to section 412 of Public Law 96-526 (pp. 206, 209)	−1,833,000
Veterans Administration (pp. 199-203)	20,810,526,000
Department of Interior and Related Agencies Appropriations Act, 1981:	
Advisory Council on Historic Preservation (p. 236)	1,523,000
Commission of Fine Arts (p. 236)	285,000
Federal Inspector for the Alaska Pipeline (p. 237)	21,483,000
Franklin Delano Roosevelt Memorial Commission (p. 236)	30,000
Holocaust Memorial Council (p. 237)	722,000
National Capitol Planning Commission (p. 236)	2,270,000
National Foundation on the Arts and Humanities (pp. 235-236)	309,859,000
Navajo and Hopi Relocation Commission (p. 233)	2,680,000
Pennsylvania Avenue Development Corporation (pp. 236-237)	31,612,000
Smithsonian Institution (pp. 233-234)	163,253,000
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1981:	

Action (p. 267)	$158,047,000	
Community Services Administration (p. 267)	541,500,000	
Corporation for Public Broadcasting (pp. 267-268) –172,000,000 for 1983	....	
Federal Mediation and Conciliation Service (p. 268)	25,919,000	
Federal Mine Safety and Health Review Commission (p. 268)	4,617,000	
National Commission on Libraries and Information Science (p. 268)	691,000	
National Labor Relations Board (p. 268)	116,635,000	
National Mediation Board (p. 268)	4,780,000	
Occupational Safety and Health Review Commission (p. 269)	7,860,000	
President's Commission on Ethical Problems in Medicine (p. 269)	1,500,000	
Railroad Retirement Board (p. 269)	350,000,000	
Department of State, Justice, Commerce, and the Judiciary Appropriation Act, 1981:		
Arms Control and Disarmament Agency (p. 314)	18,500,000	
Board for International Broadcasting (pp. 314-315)	99,700,000	
Commission on Civil Rights (p. 315)	11,853,000	
Commission on Security and Cooperation in Europe (p. 315)	450,000	
Commission on Wartime Relocation and Internment of Civilians (p. 315)	1,000,000	
Department of the Treasury: Chrysler Corporation Loan Guarantee Program (p. 315)	1,320,000	
Equal Employment Opportunity Commission (p. 315)	140,000,000	
Federal Communications Commission (pp. 315-316)	77,626,000	
Federal Maritime Commission (p. 316)	12,000,000	
Federal Trade Commission (p. 316)	71,000,000	
International Communication Agency (pp. 316-317)	447,915,000	
International Trade Commission (p. 317)	16,715,000	
Japan-United States Friendship Trust Fund (p. 317)	1,998,000	
Legal Services Corporation (pp. 317-318)	321,300,000	
Marine Mammal Commission (p. 318)	734,000	
Office of the Special Representative for Trade Negotiations (p. 318)	9,100,000	
Securities and Exchange Commission (p. 318)	76,350,000	
Select Commission on Immigration and Refugee Policy (p. 318)	550,000	
Small Business Administration (pp. 318-319)	965,645,000	
United States Metric Board (p. 319)	2,708,000	
Department of Transportation and Related Agencies Act, 1981:		
National Transportation Safety Board (p. 334)	18,200,000	
Civil Aeronautics Board (p. 334)	114,719,000	
Interstate Commerce Commission (pp. 334-335)	82,400,000	
Panama Canal Commission (pp. 335-336)	391,674,000	
United States Railway Association (p. 336)	214,000,000	
Washington Metropolitan Area Transit Authority (p. 337)	65,910,000	
Further Continuing Appropriations, 1981:		
Executive Office of the President:		
Council on Wage and Price Stability (p. 380)	9,447,000	
General Services Administration: Allowances and Office Staff for Former Presidents (p. 384)	823,000	
Department of the Treasury; Claims and Judgments (p. 384)	218,299	
Small Business Administration; Disaster loans (p. 384)	600,000,000	
Panama Canal Commission: Capital outlay (p. 384)	10,210,000	
Subtotal additions		$174,585,279,299
Grand total, Treasury, Postal Service and General Government		184,275,072,180

INTERNATIONAL MONETARY FUND APPROPRIATIONS, 1981

Public Law 96-544

96th Congress, H.J. Res. 601

December 17, 1980

JOINT RESOLUTION

Making an appropriation for the International Monetary Fund for the fiscal year ending September 30, 1981.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

United States Quota, International Monetary Fund

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,202.5 million Special Drawing Rights (approximately $5,537,839,000), to remain available until expended, and balances equivalent to the current SDR value of the United States quota in the Fund shall be merged with this appropriation. Amounts equivalent to the United States reserve position in the Fund shall be credited to this appropriation. Amounts available in this account may be transferred to the Fund by the Secretary of the Treasury to meet United States obligations in the Fund in an amount not to exceed at any time the United States quota in the Fund. The amounts provided for valuation adjustments of Fund holdings of United States dollars shall continue to be available for this purpose and shall be available for transfers to this appropriation account for the purpose of such adjustments. In the administration of these funds it shall be the policy of the United States:

$5,537,839,000

(1) that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund;

(2) that the United States Executive Director of the Fund shall promptly notify the Fund of such policy;

(3) that in the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support; and

(4) that upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.

Approved December 17, 1980.

LEGISLATIVE HISTORY

HOUSE REPORT No. 96-1263 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 Sept. 17, 25, considered and passed House.
 Dec. 13, considered and passed Senate.

CONTINUING APPROPRIATIONS, 1981

Public Law 96-369

96th Congress, H.J. Res. 610

October 1, 1980

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1981, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981;

District of Columbia Appropriation Act, 1981;

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981;

Department of the Interior and Related Agencies Appropriation Act, 1981;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981;

Military Construction Appropriation Act, 1981;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981;

Department of Transportation and Related Agencies Appropriation Act, 1981; and

Treasury, Postal Service, and General Government Appropriation Act, 1981.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity

shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979, and except for title III of the Agriculture, Rural Development, and Related Agencies Appropriations Act, the programs in which shall continue at the rate of operations as provided for in the House-passed appropriation bill for fiscal year 1981.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96-787), and in accordance with associated agreements stated in the Joint Explanatory Statement of the Committee of Conference, accompanying H.R. 4473, except that for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of $280,000,000: *Provided*, That not more than $105,700,000 of this amount shall be for AID/Washington Operating Expenses. $280,000,000

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the Legislative Branch Appropriation Act, 1981, as passed the House of Representatives, July 21, 1980, except section 309 of H.R. 7593 shall be deemed not to be applicable to the General Accounting Office; and the provisions of section 306 of H.R. 7593 shall apply to any appropriation, fund or authority made available for the period October 1, 1980, through December 15, 1980, by this or any other Act. Notwithstanding any other provision of this joint resolution except section 102, and notwithstanding section 110 of this joint resolution, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy:

Provided, however, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the current rate: *Provided,* That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

activities of the Council on Wage and Price Stability;

activities of the Attorney General in connection with assistance for Joint State and Joint State and Local Law Enforcement Agencies;

activities of the Economic Development Administration including salaries and expenses;

activities of the Regional Action Planning Commissions;

activities of the United States Travel Service including the Assistant Secretary for Tourism;

activities of the Judiciary under the heading "Pretrial Services Agencies";

activities of the Department of Housing and Urban Development under the heading "Annual contributions for assisted housing";

activities of the National Aeronautics and Space Administration under the heading "Research and development";

activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;

activities for support of nursing research under section 301 of the Public Health Service Act;

activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act;

activities under the Community Mental Health Centers Act;

activities under title IV, part A, subparts 2 and 3, title III and title VII of the Comprehensive Employment and Training Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of $200,000,000; and

activities for support of State Medicaid Fraud Control Units at the matching rate specified in section 1903(a)(6) of the Social Security Act, notwithstanding the limitations on eligible quarters contained therein.

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

activities under title IV of the Federal Mine Health and Safety Act of 1977;

activities under the Social Security Act;

retirement pay and medical benefits for commissioned officers of the Public Health Service;

activities under title IV, part B, of the Higher Education Act;

notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds";

activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund";

Veterans Administration "Compensation and pensions"; and Veterans Administration "Readjustment benefits".

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to carry out the breeder reactor demonstration project or project alternative approved by Congress in authorizing legislation, and for no other purpose, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Notwithstanding section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672, activities of the Department of State to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding section 101(a) of this joint resolution, $1,850,000,000 shall be available to continue the low income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report 96-1244, except that the sum of $50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980 in volume 45, No. 106, Federal Register, pages 36810-36838, such payments to be the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any non-formula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided*, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $750, except this $750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

(i) Such amounts as may be necessary for projects and activities provided for in the Energy and Water Development Appropriation Act, 1981 (H.R. 7590), at a rate of operations, and to the extent and in the manner provided for in such Act as adopted by the House of Representatives and the Senate on September 24, 1980, notwithstanding section 102(c) of this joint resolution: *Provided*, That appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

(j) Funds available under the provisions of this section for child nutrition programs of the Department of Agriculture may be used to pay valid claims submitted in fiscal year 1981 for meals served in September, 1980.

(k) Such amounts as may be necessary to continue activities of the National Health Service Corps under section 338(a) of the Public

Health Service Act at a rate not to exceed the fiscal year 1981 budget estimate.

(l) Such amounts as provided in H.R. 8105, entitled the Department of Defense Appropriation Act, 1981, as passed the House of Representatives, September 16, 1980, and under the authority and conditions provided in the Department of Defense Appropriation Act, 1980.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) December 15, 1980, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. Any appropriation for the fiscal year 1981 required to be apportioned pursuant to section 665 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 665 of title 31, United States Code.

SEC. 107. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 108. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported within forty-eight hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 111. Such amounts as may be necessary for projects or activities provided for in the Military Construction Appropriation Act, 1981 (H.R. 7592), at a rate of operations and to the extent and in the manner provided for in the conference report (H. Rept. No. 96-1433) filed in the House of Representatives on September 29, 1980, notwithstanding section 102(c) of this joint resolution.

SEC. 112. Of the additional amount appropriated under Public Law 96-304, to the Department of Agriculture, Forest Service for "Forest Management, Protection and Utilization", $15,000,000 for emergency activities caused by the eruption of Mount St. Helens in Washington State shall remain available for obligation until expended. $15,000,000

SEC. 113. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 114. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

(1) for the period from October 1, 1980, until the next applicable wage survey adjustment becomes effective, rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1980, plus 75 percent of the difference between that rate and the rate which would be payable were it not for the limitation contained in section 613 of Public Law 96-74; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1981, a rate which exceeds as a result of a wage survey adjustment the rate payable on September 30, 1980, by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1981.

(b) For the purpose of subsection (a) of this section, the rate payable to any employee, who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1980, shall be determined under regulations prescribed by the President.

(c) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(d) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 115. Notwithstanding the provisions of section 101, activities of the Department of Energy to initiate preimplementation of standby gasoline rationing plans, as authorized by the Emergency Energy Conservation Act of 1979, shall be funded at not to exceed an annual rate for obligations of $42,677,000.

SEC. 116. Notwithstanding any other provision of this joint resolution there is appropriated $1,383,000,000, to remain available until expended, for strategic petroleum reserve petroleum acquisition as authorized by the Energy Policy and Conservation Act of 1975 (Public Law 94-163) and the Energy Security Act (Public Law 96-294). $1,383,000,000

SEC. 117. Notwithstanding any other provision of this joint resolution, the amount available for the Postal Service shall not exceed $1,250,000,000. [1]*(1,250,000,000)*

SEC. 118. Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code, or other method of obtaining a revised estimate of the population, of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. If the President decides to conduct a special census, it may be conducted solely at Federal expense.

SEC. 119. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which shall be coordinated with the General Services Administration and the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.

SEC. 120. Should it be necessary, such amounts as may be required for Expenses, Presidential Transition, notwithstanding any other provision of this joint resolution, but at a rate of operations not in excess of the amount contained in H.R. 7583 as passed by the House of Representatives.

SEC. 121. Notwithstanding any other provision of this joint resolution, for the purposes of Public Law 96-304 and Public Law 96-126 relating only to cooperative agreements and feasibility studies, the term "alternative fuels" as defined in Public Law 96-126, includes gaseous, liquid, or solid fuels and chemical feedstocks derived from heavy oil resources which cannot technically or economically be produced under applicable price and tax policy using conventional crude oil recovery and refining techniques, and innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production: *Provided*, That obligations for energy feasibility studies and cooperative agreements for direct combustion, except for direct combustion of urban waste, shall not exceed $30,000,000, to be derived from the $300,000,000 appropriated for energy feasibility studies and cooperative agreements in Public Law 96–304: *Provided further,* That funding made available in the Energy Security Reserve account in Public Law 96–304 shall not exceed $17,522,000,000 when used for the purposes authorized under title I of the Energy Security Act (Public Law 96–294) and shall not exceed $1,270,000,000 when used for the purposes authorized under title II of such Act: *Provided further,* That funds obligated for biomass energy feasibility studies and cooperative agreements under the Alternative Fuels Production account in Public Law 96–304 shall apply to the title II limitation, and all other funds obligated for such studies and agreements shall apply to the title I limitation: *Provided further,* That of the $1,500,000,000 made available for "alternative fuels production" in Public Law 96–126 for purchase commitments and price guarantees, up to $500,000,000 shall be available instead to supplement the default reserve for loan guarantees established by such law: *Provided further,* That the indebtedness guaranteed or committed to be guaranteed under the supplemented reserve shall not exceed the aggregate of up to $3,000,000,000.

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[1] Funding in the amount of $1,[illegible]33,217,000 subsequently provided in the Treasury, Postal Service, and General Government Appropriations Bill, 1981 (See page 348, this volume).

SEC. 122. Notwithstanding any other provision of this resolution: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than $1,229,000,000 of new obligations shall be available.

[1] *($1,229,000,000)*

SEC. 123. No funds appropriated by this Act may be used to implement or enforce provisions of any regulation or ruling with respect to section 280A of the Internal Revenue Code of 1954 which relate to—

(1) the rental of a dwelling unit to a member of the family of a taxpayer,

(2) the determination of the principal place of business of the taxpayer, or

(3) the circumstances under which use of the dwelling unit for repairs and maintenance constitutes personal use by the taxpayer.

SEC. 124. Notwithstanding any other provision of this joint resolution, none of the funds contained herein may be made available for implementing requirements imposed by section 2002(a)(9) of the Social Security Act or by any regulations promulgated by the department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

SEC. 125. Notwithstanding any other provisions of this joint resolution, funding for emergency energy conservation services under the Community Services Administration shall be continued at a level not lower than that provided in fiscal year 1980.

SEC. 126. Notwithstanding any other provision of this joint resolution, the activities of the Solar Energy and Energy Conservation Bank shall be funded at a rate not to exceed the annual rate provided for in H.R. 7631 as passed by the Senate.

Approved October 1, 1980.

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[1] For informational purposes only. Funding in the amount of $729,000,000 subsequently provided under Sec. 118 of Public Law 96-536, Further Continuing Appropriations, 1981 (see page 384, this volume).

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1327 (Comm. on Appropriations) and No. 96-1443 (Comm. of Conference).

CONGRESSIONAL RECORD. Vol. 126 (1980):
- Sept. 18, considered and passed House.
- Sept. 26, 29, considered and passed Senate, amended.
- Oct. 1, House and Senate agreed to conference report and resolved amendments in disagreement.

Grand total, new budget (obligational) authority, continuing appropriations, 1981	**$1,678,000,000**

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing joint resolution:

Department or establishment	Amount
Agency for International Development	$280,000,000
Department of Agriculture	15,000,000
Department of Energy	1,383,000,000
Postal Service	[1] *(1,250,000,000)*
Department of Labor	[2] *(1,229,000,000)*
Total, new budget (obligational) authority	1,678,000,000

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[1] Funding in the amount of $1,593,217,000 subsequently provided in the Treasury, Postal Service, and General Government Appropriations Bill, 1981 (see p. 348).

[2] Funding in the amount of $729,000,000 subsequently provided under Sec. 118 of Public Law 96-536, Further Continuing Appropriations, 1981 (see p. 384, this volume).

FURTHER CONTINUING APPROPRIATIONS, 1981

Public Law 96-536

96th Congress, H.J. Res. 644

December 16, 1980

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1981, and for other purposes.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981; and[1] *($84,558,823,000)*

Treasury, Postal Service, and General Government Appropriation Act, 1981.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity [2]*(9,689,792,881)* shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the rate permitted by the action of the House, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable

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[1] See pp. 243-273 for text of the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriation Bill, 1981 (H.R. 7998), as passed the House, and pp. 2037-2043 for the related table VIII showing specific items and amounts.

[2] Reflects funding for activities in the Treasury, Postal Service, and General Government Appropriation Bill, 1981 (H.R. 7583). See pp. 343-363 for text of H.R. 7583 as passed the House, and pp. 2063-2066 for the related table VIII showing specific items and amounts.

appropriation Act of 1980, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91-672, the amendments made by sections 201 and 501 of Public Law 95-118, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as are necessary to carry out the rates and terms agreed to in the Conference Report 96-1536 as reported and agreed to December 13, 1980, for section 101(b) of H.J. Res. 637. [1]*($5,540,820,665)*

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed the House of Representatives, July 21, 1980, and the provisions of H.R. 7593 shall be effective as if enacted into law; except that the provisions of section 309 of H.R. 7593 shall not apply to the General Accounting Office, and the last proviso under the heading "Government Printing Office, Office of Superintendent of Documents, Salaries and Expenses" in H.R. 7593 shall not apply, and the provisions of section 306 (a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through June 5, 1981, by this or any other Act. Notwithstanding section 102(c) of this joint resolution, for mileage of Members, as authorized by law, $210,000. [2]973,528,600 210,000

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the rate for fiscal year 1980: *Provided*, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

activities of the Council on Wage and Price Stability; 9,447,000

activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol; [3]214,202,000 [4]11,639,000

[*Total, new budget (obligational) authority:*

[*Legislative Branch* .... *$1,199,579,600.*]

[*Executive Office of the President*.................................... *9,447,000.*]

activities of the National Health Service Corps under section 338(a) of the Public Health Service Act;

activities for support of nursing research under section 301 of the Public Health Service Act;

activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act including authority to guarantee new loans under the Health Education Assistance Loans (HEAL) program;

activities under the Community Mental Health Centers Act;

activities of the National Arthritis Advisory Board and the National Diabetes Advisory Board; and activities under title IV, part A, subparts 2 and 3, and titles VII and VIII of the Comprehensive Employment and Training Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of $200,000,000.

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[1] See pp. 173-184 for text of the Foreign Assistance and Related Programs Appropriations Bill, 1981 (H.R. 7854), as reported by the Committee on Appropriations, House of Representatives, and pp. 2021-2024 for the related table VIII showing specific items and amounts.

[2] See pp. 275-290 for text of the Legislative Branch Appropriation Bill, 1981 (H.R. 7593), as passed the House of Representatives on July 21, 1980, and pp. 2044-2048 for the related table VIII showing specific items and amounts.

[3] Reflects amount for Senate items which are disbursed by the Secretary of the Senate. The Legislative Branch Appropriation Bill, 1981 (H.R. 7593) as passed the House of Representatives on July 21, 1980 *excluded* funding for these items since, traditionally each body of Congress determines its own housekeeping requirements and the other concurs without intervention—see table VIII on pp. 2073-2074 for breakout of $214,202,000 for Senate items.

[4] Includes amounts for the following Senate items under the Architect of the Capitol which, by tradition, were excluded from H.R. 7593 as passed the House on July 21, 1980: Senate office buildings, $11,433,000; and Senate garage, $206,000 (see table VIII on p. 2074).

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

activities under title IV of the Federal Mine Health and Safety Act of 1977;

activities under the Social Security Act;

retirement pay and medical benefits for commissioned officers of the Public Health Service;

activities under title IV, part B, of the Higher Education Act; Notwithstanding paragraph 1393(a) of the Education Amendments of 1980, paragraph 446 of such amendments shall be effective on July 1, 1981;

notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds"; and

activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund".

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to continue the breeder reactor demonstration project, or such project alternative as may be approved by Congress in authorizing legislation, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding any other provision of law, amounts appropriated to the State and Local Government Fiscal Assistance Trust Fund shall be available for payments to units of local government in accordance with the provisions and conditions set forth in the State and Local Fiscal Assistance Act of 1972, as amended and as further amended by H.R. 7112 as enacted by the Congress, for a one-year entitlement period beginning October 1, 1980, but at not to exceed an annual rate for operations of $4,566,700,000.

(i) Notwithstanding any other provision of this joint resolution: There is appropriated an additional amount of $46,700,000, to remain $46,700,000 available until expended, for Department of Energy, Operating Expenses, Atomic Energy Defense Activities, and an additional amount of $65,300,000, to remain available until expended, for 65,300,000 Department of Energy, Plant and Capital Equipment, Atomic Energy Defense Activities, such amounts to be merged with and subject to the same provisions as amounts previously provided for such Activities in Public Law 96-367, Energy and Water Development Appropriation Act, 1981; section 120(b) of the Water Resources Development Act of 1976 (90 Stat. 2924) is amended by striking out "for the fiscal years ending September 30, 1978, and September 30, 1979,"; and appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

[*Total, Department of Energy, $112,000,000.*]

(j) Notwithstanding section 101(a) of this joint resolution, not to exceed $1,850,000,000 shall be available for an annual rate for operations to continue the low-income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report 96–1244, except that the sum of $50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980, in volume 45, numbered 106, Federal Register, pages 36810–36838, such payments to be, to the maximum extent possible, the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided*, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $750, except this $750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

(k) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (H.R. 7591), to the extent and in the manner provided for in such Act as enacted by the Congress.

(l) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the District of Columbia Appropriation Act, 1981 (H.R. 8061), to the extent and in the manner provided for in such Act as enacted by the Congress.

(m) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (H.R. 7631), to the extent and in the manner provided for in such Act as enacted by the Congress.

(n) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1981 (H.R. 7724) to the extent and in the manner provided for in such Act as enacted by the Congress.

(o) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584),[1] *($9,131,756,000)* to the extent and in the manner provided for in such Act as enacted by the Congress, except section 606 of such Act.

(p) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Defense Appropriation Act, 1981 (H.R. 8105) to the extent and in the manner provided for in such Act as enacted by the Congress.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 5, 1981, whichever first occurs.

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[1] See pp. 299–322 for text of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Bill, 1981 (H.R. 7584) as enacted by the Congress, and pp. 2050–2057 for the related table VIII showing specific items and amounts.

June 5, 1981 [1]

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 107. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims or rape or incest when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy; *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 110. Funds contained in Public Law 95-205 for carrying out section 525 of the Education Amendments of 1976 shall remain available through September 30, 1982.

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[1] Amended by section 401 of the Supplemental Appropriations and Rescissions Act, 1981 (Public Law 97-12) to September 30, 1981 (see volume for 97th Cong., 1st Sess.).

SEC. 111. Notwithstanding any other provision of this joint resolution, there is appropriated such amounts as are required for allowances and office staff for the former President pursuant to 3 U.S.C. 102 note: *Provided*, That the aggregate amount to be expended for the Allowances and Office Staff for Former Presidents account shall not exceed $823,000: *Provided further*, That such amounts as are necessary may be expended under Operating Expenses, National Archives and Records Service for the provision of a temporary repository and essential archival processing of Presidential materials. $823,000 *(indefinite)*

SEC. 112. Notwithstanding any other provision of this joint resolution, there is appropriated for settlement of claims against the Coast Guard pursuant to section 646 of title 14, United States Code, $198,523.41 and for settlement of claims by the Seneca Nation of Indians pursuant to section 10 of the Act of August 31, 1964 (78 Stat. 738), $19,774.95. 218,299

SEC. 113. Notwithstanding the provisions of section 101(a) of this joint resolution, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,000, except station wagons, for which the maximum shall be $6,400: *Provided*, That these limits may be exceeded by not to exceed $1,700 for police-type vehicles, and by not to exceed $3,600 for special heavy duty vehicles: *Provided further*, That preference should be given for the purchase of American made vehicles.

SEC. 114. The Administrator of the Small Business Administration, pursuant to section 4(c)(5)(A) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed $600,000,000 for the purpose of providing Disaster Loans in addition to the amount provided for such purpose in H.R. 7584 as adopted by the House of Representatives on November 21, 1980, and to transfer an amount not to exceed $10,000,000 to "Salaries and Expenses". 600,000,000 *(indefinite)*

SEC. 115. Notwithstanding any other provision of this joint resolution, there is hereby appropriated an additional amount for capital outlay, Panama Canal Commission, of $10,210,000 for navigation projects to be derived from the Panama Canal Commission Fund and to remain available until expended: *Provided*, That all such funds be derived solely from tolls and other charges for services provided by the Panama Canal Commission. 10,210,000

SEC. 116. None of the funds appropriated by this joint resolution may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

None of the funds appropriated by this joint resolution may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 117. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 118. Notwithstanding any other provision of this joint resolution, or Public Law 96-369: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than $729,000,000 of new budget authority shall be available during fiscal year 1981; notwithstanding subpart (4) of part A of title 729,000,000

IV of the Comprehensive Employment and Training Act, new budget authority for the youth employment and training program under subpart (3) of part A of title IV of that Act shall be at the annual rate of $746,000,000. $746,000,000

[Total, Department of Labor, $1,475,000,000.]

SEC. 119. None of these funds may be used for the purpose of publishing in the Federal Register, implementing or enforcing the proposed Conditions of Participation for Skilled Nursing Facilities (SNF's) or Intermediate Care Facilities (ICF's) which were first published as proposed in the Federal Register on July 14, 1980, prior to receipt of revised cost estimates by the Department and the final draft of a General Accounting Office evaluation of the impact of the proposed regulations, and in no case, prior to January 12, 1981.

Approved December 16, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1484 accompanying H.J. Res. 637 (Comm. on Appropriations) and No. 96-1536 accompanying H.J. Res. 637 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Dec. 3, H.J. Res. 637 considered and passed House.

Dec. 10, 11, H.J. Res. 637 considered and passed Senate, amended.

Dec. 12, House disagreed to Senate amendments.

Dec. 13, House agreed to conference report; concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report, and insisted on its amendment No. 7; House agreed to further conference; H.J. Res. 644 considered and passed House.

Dec. 16, Senate further insisted on its amendment No. 7 to H.J. Res. 637; H.J. Res. 644 considered and passed Senate, amended; House agreed to Senate amendment with an amendment; Senate agreed to House amendment.

Total, new budget (obligational) authority, further continuing appropriations, 1981 (net) .... [1]3,407,277,899

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[1] Excludes amounts for four regular appropriation bills funded in this continuing resolution but reflected with the text of each of those four bills which are printed in their entirety elsewhere in this volume. See footnotes 1, 2, 3, and 8 in the following tabulation for the appropriation bills and amounts involved.

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing joint resolution:

Department or establishment	Amount
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1981 (H.R. 7998)	[1]$84,558,823,000
Treasury, Postal Service, and General Government Appropriations Act, 1981 (H.R. 7583)	[2]9,689,792,881
Foreign Assistance and Related Programs Appropriations Act, 1981 (H.R. 7854)	[3]5,540,820,665
Legislative Branch:	
Title I—Congressional Operations:	
Senate	[4]214,202,000
House of Representatives	[5]338,519,700
Joint items	45,340,900
Office of Technology Assessment	11,000,000
Congressional Budget Office	12,386,000
Architect of the Capitol (except Library buildings and grounds)	[6]58,401,000
Library of Congress Congressional Research Service	28,656,000
Government Printing Office: Congressional printing and binding	82,400,000
Total, title I, Congressional Operations	790,905,600

See footnotes at end of table, p. 386.

Department or establishment	Amount
Legislative Branch—Continued:	
Title II—Other Agencies:	
Botanic Garden	$1,588,000
Library of Congress (except Congressional Research Service)	151,797,000
Architect of the Capitol: Library buildings and grounds	5,183,000
Copyright Royalty Tribunal	456,000
Government Printing Office (except Congressional printing and binding)	39,650,000
General Accounting Office	210,000,000
Total, title II, Other Agencies	408,674,000
Total, Legislative Branch	[7] 1,199,579,600
Executive Office of the President	9,447,000
Department of Energy	112,000,000
Departments of State, Justice, Commerce, and the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584)	[8] 9,131,756,000
General Services Administration	823,000
Department of the Treasury: Claims and judgments	218,299
Small Business Administration	600,000,000
Panama Canal Commission	10,210,000
Department of Labor	1,475,000,000
Grand total, new budget (obligational) authority, Further Continuing Appropriations, 1981	112,328,470,443
LESS amounts for appropriation acts having separate extended bill and table VIII's in this volume:	
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1981 (H.R. 7998) (see pp. 243-273 and pp. 2037-2043)	−84,558,823,000
Treasury, Postal Service, and General Government Appropriations Act, 1981 (H.R. 7583) (see pp. 343-363 and pp. 2063-2066)	−9,689,792,881
Foreign Assistance and Related Programs Appropriations Act, 1981 (H.R. 7854) (see pp. 173-184 and pp. 2021-2024)	−5,540,820,665
Departments of State, Justice, Commerce, and the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584) (see pp. 299-322 and pp. 2050-2057)	−9,131,756,000
Net total, new budget (obligational) authority, Further Continuing Appropriations, 1981	3,407,277,899

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[1] Although new budget (obligational) authority is provided in this continuing resolution (Public Law 96-536) for programs and activities in H.R. 7998, which was not enacted into law, a separate extended bill and table VIII for H.R. 7998 are included in this volume on pp. 243-273 and pp. 2037-2043.

[2] Although new budget (obligational) authority is provided in this continuing resolution (Public Law 96-536) for programs and activities in H.R. 7583, which was not enacted into law, a separate extended bill and table VIII for H.R. 7583 are included in this volume on pp. 343-363 and pp. 2063-2066.

[3] Although new budget (obligational) authority is provided in this continuing resolution (Public Law 96-536) for programs and activities in H.R. 7854, which was not enacted into law, a separate extended bill and table VIII for H.R. 7854 are included in this volume on pp. 173-184 and pp. 2021-2024.

[4] Reflects amounts for operations of the Senate. These items were excluded from the Legislative Branch Appropriations Bill, 1981 (H.R. 7593) as passed the House on July 21, 1980, in accordance with long-standing custom wherein each body of Congress determines its own housekeeping needs and the other concurs without intervention (see table VIII on pp. 2044-2048 for specific items and amounts).

[5] Includes $210,000 for Mileage of Members excluded from H.R. 7593 and provided for separately in this continuing resolution (see p. 380).

[6] Includes $11,639,000 for Senate items (Senate office buildings, $11,433,000; and Senate garage, $206,000) jurisdictionally under the Architect of the Capitol. These two items, by tradition, were excluded from the Legislative Branch Appropriations Bill, 1981 (H.R. 7593) as passed the House on July 21, 1980 (see footnote 4 above).

[7] Consists of $973,528,600 in the Legislative Branch Appropriations Act, 1981 (H.R. 7593) as passed by the House on July 21, 1980; and the following items in this continuing resolution (Public Law 96-536): $210,000 for Mileage of Members of the House of Representatives; $214,202,000 for Senate items disbursed by the Secretary of the Senate and $11,639,000 for two Senate items jurisdictionally under the Architect of the Capitol (see footnotes 4 and 6 above).

[8] Although new budget (obligational) authority is provided in this continuing resolution (Public Law 96-536) for programs and activities in H.R. 7584, which was not enacted into law, a separate extended bill and table VIII for H.R. 7584 are included in this volume on pp. 299-322 and pp. 2050-2057.

RESCISSIONS AND DEFERRALS REPORTS

96th Congress, 2d Session - - - - - - House Document No. 96–370

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS SEPTEMBER 1980

COMMUNICATION

FROM

THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF SEPTEMBER 1, 1980, PURSUANT TO SECTION 1014(e) OF PUBLIC LAW 93–344

SEPTEMBER 16, 1980.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
59–012 O WASHINGTON : 1980

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 10, 1980.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

Sincerely,

JAMES T. MCINTYRE, Jr.,
Director.

Enclosures.

Identical letter sent to the President of the Senate.

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS, SEPTEMBER 1, 1980

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of September 1, 1980 of 59 rescission proposals and 73 deferrals contained in the first twelve special messages of FY 1980. These messages were transmitted to the Congress on October 1, November 15, December 26, 1979, January 28, February 20, March 4, April 16, May 13, May 20, June 18, July 30, and August 27, 1980.

Rescissions (table A and attachment A)

Congressional action has been completed on all FY 1980 rescission proposals. Table A summarizes the status of rescissions proposed by the President as of September 1, 1980, while Attachment A shows the history and status of each rescission proposed during FY 1980.

Deferrals (table B and attachment B)

As of September 1, 1980, $2,645.0 million in 1980 budget authority was being deferred from obligation and another $10.0 million in 1980 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President as of September 1, 1980, while Attachment B shows the history and status of each deferral reported during FY 1980.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Registers of:

Friday, October 5, 1979 (Vol. 44, No. 195, Part IX).
Tuesday, November 20, 1979 (Vol. 44, No. 225, Part III).
Monday, December 31, 1979 (Vol. 44, No. 251, Part VII).
Thursday, January 31, 1980 (Vol. 45, No. 22, Part X).
Tuesday, February 26, 1980 (Vol. 45, No. 39, Part V).
Monday, March 10, 1980 (Vol. 45, No. 48, Part VI).
Wednesday, April 23, 1980 (Vol. 45, No. 80, Parr III).
Friday, May 16, 1980 (Vol. 45, No. 97, Part IX).
Friday, May 23, 1980 (Vol. 45, No. 102, Part V).
Friday, June 20, 1980.(Vol. 45, No. 121, Part IX).
Friday, August 1, 1980 (Vol. 45, No. 150, Part XII).
Thursday, September 4, 1980 (Vol, 45, No. 173, Part VII).

TABLE A.—*Status of 1980 rescission proposals*

	Amount (millions)
Rescissions proposed by the President	[1] $1, 618. 1
Accepted by the Congress	[2] (550. 8)
Rejected by the Congress	[3] (1,067. 3)

[1] This amount is net of a $6.4 million reduction proposed in a Department of Health, Education, and Welfare rescission (R80-2A).

[2] Of the $638.1 million identified in attachment A (page 7) as rescinded by the Congress in action on the Administration's proposals, $87.3 million exceeded the amounts proposed for rescission. This amount excludes the $87.3 million not proposed by the Administration.

[3] Of the $1,515.9 million identified in attachment A (page 7) as made available, $346.4 million proposed for rescission on April 16, 1980 was subsequently rescinded. (An additional $4.4 million proposed for rescission on May 20, 1980 was also accepted by the Congress.) In addition, funds related to a $97.8 million rescission proposal (R80-36) were not withheld.

TABLE B.—*Status of 1980 deferrals*

	Amount (millions)
Deferrals proposed by the President	$10, 523. 6
Routine Executive releases (−$1,870.4 million) and adjustments (−$501.6 million) through Sept. 1, 1980	−2, 372. 0
Overturned by the Congress	−5, 496. 6
Currently before the Congress	[1] 2, 655. 0

[1] This amount includes $10.0 million in outlays for a Department of the Treasury deferral (D80-23A) and three Department of Energy deferrals (D80-51A, D80-52A, and D80-53A).

ATTACHMENT A

STATUS OF RESCISSIONS—FISCAL YEAR 1980 (AS OF SEPT. 2, 1980)

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amount previously considered by Congress	Amount currently before the Congress	Date of message	Amount rescinded	Amount made available	Date made available
DEPARTMENT OF AGRICULTURE							
Science and Education Administration:							
Cooperative research: BA	R80-5	2,500		Apr. 16, 1980	3,000	[1] 2,500	June 5, 1980
Extension activities: BA	R80-6	1,500		do		1,500	Do.
Farmers Home Administration:							
Rural water and waste disposal grants: BA	R80-7	75,000		do	10,000	[3] 75,000	Do.
Rural development planning grants: BA	R80-8	2,000		do	1,000	[3] 2,000	Do.
Soil Conservation Service:							
Watershed and flood prevention operations: BA	R80-9	20,000		do	2,000	[3] 20,000	Do.
Resource conservation and development: BA	R80-10	4,000		do		4,000	Do.
Total BA		105,000			16,000	105,000	
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration: Coastal energy impact fund: BA	R80-11	50,000		Apr. 16, 1980	35,400	[3] 50,000	Do.
DEPARTMENT OF ENERGY							
Atomic energy defense activities:							
Operating expenses: BA	R80-12	3,400		do	6,400	[1] 3,400	Do.
Plant and capital equipment: BA	R80-4	17,000		Mar. 4, 1980		17,000	Apr. 30, 1980
Energy programs:							
Energy supply R. & D.:							
Operating expenses: BA	R80-13	5,350		Apr. 16, 1980	44,350	[1] 5,350	June 5, 1980
Plant and capital equipment: BA	R80-14	6,150		do	5,150	[2] 6,150	Do.
Uranium enrichment and Operating expenses: BA	R80-15	1,000		do	4,000	[1] 1,000	Do.
Fossil energy research and development: BA	R80-16	22,000		do	17,600	[3] 22,000	Do.
Energy conservation: BA	R80-17	4,000		do	10,000	[4] 4,000	Do.
Economic regulation: BA	R80-18	1,000		do	1,000	[4] 1,000	Do.
Departmental Administration: Departmental administration: BA	R80-19	3,000		do	31,725	[4] 3,000	Do.
Total BA		62,900			120,225	62,900	

See footnotes at end of table.

ATTACHMENT A—Continued

STATUS OF RESCISSIONS—FISCAL YEAR 1980 (AS OF SEPT. 2, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amount previously considered by Congress	Amount currently before the Congress	Date of message	Amount rescinded	Amount made available	Date made available
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration:							
Health services: BA	R80-20[3]	34,900		Apr. 16, 1980	18,500	[2] 34,900	June 5, 1980
Indian health facilities: BA	R80-21[3]	18,000		do		18,000	Do.
National Institutes of Health:							
National Cancer Institute: BA	R80-22[3]	17,000		do		17,000	Do.
National Heart, Lung, and Blood Institute: BA	R80-23[3]	7,000		do		7,000	Do.
National Institute of Dental Research: BA	R80-24[3]	300		do		300	Do.
National Institute of Arthritis, Metabolism, and Digestive Diseases: BA	R80-25[3]	2,500		do		2,500	Do.
National Institute of Neurological and Communicative Disorders and Stroke: BA	R80-26[3]	2,000		do		2,000	Do.
National Institute of Allergy and Infectious Diseases: BA	R80-27[3]	1,500		do		1,500	Do.
National Institute of General Medical Sciences: BA	R80-28[3]	500		do		500	Do.
National Institute of Child Health and Human Development: BA	R80-29[3]	1,000		do		1,000	Do.
National Eye Institute: BA	R80-30[3]	3,200		do		3,200	Do.
National Institute of Environmental Health Sciences: BA	R80-31[3]	500		do		500	Do.
National Institute of Aging: BA	R80-32[3]	500		do		500	Do.
Research resources: BA	R80-33[3]	5,000		do		5,000	Do.
National Library of Medicine: BA	R80-34[3]	500		do		500	Do.
Alcohol, Drug Abuse, and Mental Health Administration: Alcohol, drug abuse, and mental health: BA	R80-35[3]	4,000		do	4,000	[1] 4,000	Do.
Health Resources Administration: Health resources:							
BA	R80-2[3]	104,218		Jan. 28, 1980			
BA	R80-2A	−6,450		Feb. 20, 1980		97,768	Mar. 18, 1980
BA	R80-36[3]	[1] 149,953		Apr. 16, 1980	19,300	[2] 52,185	June 5, 1980
Office of Assistant Secretary for Health: Salaries and expenses: BA	R80-37[3]	12,800		do	18,500	[1] 12,800	Do.
Office of Education:							
Elementary and secondary education: BA	R80-38[3]	135,750		do	130,750	[2] 135,750	Do.
Emergency school aid: BA	R80-39[3]	25,123		do	21,052	[2] 25,123	Do.
Occupational, vocational, and adult education: BA	R80-40[3]	87,500		do		87,500	Do.
Student assistance: BA	R80-41[3]	108,000		do		108,000	Do.
Higher and continuing education: BA	R80-42[3]	44,275		do	16,000	[2] 44,275	Do.
Library resources: BA	R80-43[3]	18,000		do	18,000	[1] 18,000	Do.
Special projects and training: BA	R80-44[3]	11,000		do	5,000	[2] 11,000	Do.
Total BA		788,569			251,102	690,801	

See footnotes at end of table.

ATTACHMENT A—Continued

STATUS OF RESCISSIONS—FISCAL YEAR 1980 (AS OF SEPT. 2, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau account	Rescission No.	Amount previously considered by Congress	Amount currently before the Congress	Date of message	Amount rescinded	Amount made available	Date made available
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Community Planning and Development:							
Community development grants: BA	R80-45	153, 200		Apr. 16, 1980	153, 200	[1] 153, 200	Do.
Rehabilitation loan fund: BA	R80-46	38, 000		do	25, 500	[2] 38, 000	Do.
Total BA		191, 200			178, 700	191, 200	
DEPARTMENT OF THE INTERIOR							
Heritage Conservation and Recreation Service:							
Urban park and recreation grants: BA	R80-47	85, 000		Apr. 16, 1980	15, 000	[2] 85, 000	Do.
Land and water conservation fund: BA	R80-48	251, 000		do		251, 000	Do.
Historic preservation fund: BA	R80-49	16, 500		do		16, 500	Do.
Geological Survey: Exploration of national petroleum reserve—Alaska: BA	R80-3	18, 000		Jan. 28, 1980		18, 000	Mar. 18, 1980
Total BA		370, 500			15, 000	370, 500	
DEPARTMENT OF JUSTICE							
Office of Justice Assistance, Research, and Statistic: Law enforcement assistance: BA	R80-59	12, 439		May 20, 1980	4, 439	8, 000	July 25, 1980
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations: Salaries and expenses: BA	R80-50	322		Apr. 16, 1980	322	[1] 322	June 5, 1980

See footnotes at end of table.

ATTACHMENT A—Continued

STATUS OF RESCISSIONS—FISCAL YEAR 1980 (AS OF SEPT. 2, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amount previously considered by Congress	Amount currently before the Congress	Date of message	Amount rescinded	Amount made available	Date made available
OTHER INDEPENDENT AGENCIES							
Arms Control and Disarmament Agency: Arms control and disarmament activities: BA	R80-51	720		do	720	[1] 720	Do.
Federal Mine Safety and Health Review Commission: Salaries and expenses: BA	R80-52	188		do	188	[1] 188	Do.
International Communication Agency: Special international exhibitions: BA	R80-1	114		Oct. 1, 1979		114	Nov. 15, 1979
Merit Systems Protection Board: Office of the special counsel: BA	R80-53	1,000		Apr. 16, 1980	2,000	[1] 1,000	June 5, 1980
National Alcohol Fuels Commission: Salaries and expenses: BA	R80-58	9		May 13, 1980		9	July 3, 1980
National Science Foundation: Science education activities: BA	R80-54	5,000		Apr. 16, 1980	2,500	[2] 5,000	June 5, 1980
Occupational, Safety, and Health Review Commission: Salaries and expenses: BA	R80-55	100		do	100	[1] 100	Do.
Small Business Administration: Business loan and investment fund: BA	R80-56	19,000		do		19,000	Do.
Water Resources Council: Water resources planning: BA	R80-57	11,000		do	11,431	[1] 11,000	Do.
Total BA		37,131			16,939	37,131	
Total BA		1,618,061			638,127	1,515,854	

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[1] These funds were made available for obligation on June 5, 1980. Subsequently, the funds were rescinded by the 1980 Supplemental Appropriations and Rescission Act (Public Law 96-304), signed into law on July 8, 1980.

[2] These funds were made available for obligation on June 5, 1980. Subsequently, the amount listed in the adjacent column was rescinded by Public Law 96-304 resulting in a like decrease in the amount remaining available.

[3] This rescission proposal was made prior to the formation of the Department of Health and Human Services and the Department of Education on May 7, 1980. At the time this proposal was trasmitted to the Congress. It was reported under the Department of Health, Education, and Welfare.

[4] These funds include $97,768,000 previously proposed for rescission in R80-2A which were not withheld pending congressional action on R80-36.

ATTACHMENT B

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted		Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
		Original request	Subsequent change					
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs: Appalachian regional development programs: BA	D80-48	14,300		Apr. 16, 1980				14,300
International Security Assistance: Economic support fund: BA	D80-1	100,000		Oct. 1, 1979				100,000
Total BA		114,300						114,300
DEPARTMENT OF AGRICULTURE								
Farmers Home Administration: Mutual self-help housing: BA	D80-46	15,000		Feb. 20, 1980	−10,000			5,000
Forest Service:								
Timber salvage sales: BA	D80-2	9,298		Oct. 1, 1979				9,298
Expenses, brush disposal:								
BA	D80-3	32,060		do				
BA	D80-3A		20,643	June 18, 1980				52,703
Restoration of forest lands: BA	D80-4	38		Oct. 1, 1979	−4			34
Total BA		56,396	20,643		−10,004			67,035
DEPARTMENT OF COMMERCE								
General Administration: Participation in U.S. expositions: BA	D80-73	15,814		Aug. 27, 1980				15,814
Economic Development Administration: Local public works program: BA	D80-69	6,447		May 13, 1980	−6,447			
National Oceanic and Atmospheric Administration:								
Construction:								
BA	D80-5	7,000		Oct. 1, 1979				
BA	D80-5A		39,459	Jan. 28, 1980				46,459
Coastal zone management:								
BA	D80-6	20,000		Oct. 1, 1979				
BA	D80-6A		(1)	Nov. 15, 1979				20,000
Promote and develop fishery products and research: BA	D80-7	2,400		Oct. 1, 1979	−2,400			
Fisheries loan fund:								
BA	D80-8	5,300		Oct. 1, 1979				
BA	D80-8A		(2)	Jan. 28, 1980	−293			5,007
Coastal energy impact fund:								
BA	D80-49	[3] 54,922		Apr. 16, 1980				
BA	D80-49A		500	Aug. 27, 1980				55,422
Total BA		111,883	39,959		−9,140			142,702

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted: Original request	Amount transmitted: Subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
DEPARTMENT OF DEFENSE—MILITARY								
Procurement: Shipbuilding and conversion, Navy: BA	D80-41	997,500		Jan. 28, 1980	−27,500			970,000
Military Construction:								
Military construction, all services:								
BA	D80-9	31,386		Oct. 1, 1979				
BA	D80-9A		[4] 355,780	Jan. 28, 1980				
BA	D80-9B		(5)	July 30, 1980	−382,645		26,194	30,715
Family Housing, Defense: Family housing, Defense: BA	D80-42	18,651		Jan. 28, 1980				18,651
Various Activities:								
Various accounts:								
BA	D80-50	[6] 801,700		Apr. 16, 1980				
BA	D80-50A		112,900	May 20, 1980	−728,400			186,200
Total BA		1,849,237	468,680		−1,138,545		26,194	1,205,566
DEPARTMENT OF DEFENSE—CIVIL								
Cemeterial Expenses, Army: Salaries and expenses: BA	D80-71	113		June 18, 1980				113
Wildlife Conservation, Military reservations:								
Wildlife conservation, all services:								
BA	D80-10	595		Oct. 1, 1979				
BA	D80-10A		114	Dec. 26, 1979	−86			623
Total BA		708	114		−86			736

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted		Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
		Original request	Subsequent change					
DEPARTMENT OF ENERGY								
Atomic Energy Defense activities:								
Operating expenses:								
BA	D80-51			Apr. 16, 1980				
O	D80-51A		[7] 1,000	May 20, 1980				1,000
Energy programs:								
Energy supply R. & D.—operating expenses:								
BA	D80-52			Apr. 16, 1980				
O	D80-52A		[7] 2,500	May 20, 1980				2,500
Fossil energy construction: BA	D80-11	50,000		Oct. 1, 1979	−50,000			
Departmental Administration:								
Departmental administration:								
BA	D80-53			Apr. 16, 1980				
O	D80-53A		[7] 1,000	May 20, 1980				1,000
Total BA		50,000			−50,000			
Total O			4,500					4,500
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Alcohol, Drug Abuse, and Mental Health Administration: Construction and renovation, St. Elizabeths Hospital: BA.	D80-12 [8]	23,314		Oct. 1, 1979				23,314
Office of Assistant Secretary for Health: Special foreign currency program: BA	D80-43 [8]	10,000		Jan. 28, 1980				10,000
Office of Education: Student assistance: BA	D80-54 [8]	140,000		Apr. 16, 1980			[9] −140,000	
Social Security Administration: Limitation on administrative expenses: BA	D80-47 [8]	5,000		Feb. 20, 1980				5,000
Human Development Services:								
White House Conferences—Aging, Families, and Children:								
BA	D80-13 [8]	4,649		Oct. 1, 1979				
BA	D80-13A		(10)	Feb. 20, 1980	−3,174		1,604	3,079
Total BA		182,963			−3,174		−138,396	41,393
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing programs: Troubled projects operating subsidy: BA	D80-55	10,000		Apr. 16, 1980				10,000

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted		Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
		Original request	Subsequent change					
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management: Oregon and California grant lands: BA	D80-44	1,134		Jan. 28, 1980				1,134
Heritage Conservation and Recreation Service: Land and water conservation fund: BA.	D80-14	30,000		Oct. 1, 1979				30,000
National Park Service: Construction: BA	D80-56	15,500		Apr. 16, 1980		[11] −15,500		
Geological Survey: Payments from proceeds, sale of water: BA	D80-15	39		Oct. 1, 1979				39
Bureau of Mines:								
Drainage of anthracite mines:								
BA	D80-16	1,137		do				
BA	D80-16A		328	Jan. 28, 1980	−500			965
Total BA		47,810	328		−500	−15,500		32,138
DEPARTMENT OF JUSTICE								
Legal Activities: Fees and expenses of witnesses: BA	D80-45	1,181		Jan. 28, 1980	−1,181			
Federal Prison System:								
Buildings and facilities:								
BA	D80-17	22,853		Oct. 1, 1979				
BA	D80-17A		14,888	Nov. 15, 1979				
BA	D80-17B		12,610	Jan. 28, 1980	−28,214			22,137
Office of Justice Assistance, Research, and Statistics:								
Law enforcement assistance:								
BA	D80-70	13,396		May 13, 1980				
BA	D80-70A		6,000	May 20, 1980	−19,396			
Total BA		37,430	33,498		−48,791			22,137
DEPARTMENT OF LABOR								
Employment and Training Administration:								
Employment and training assistance: BA	D80-57	190,760		Apr. 16, 1980	−27,500			163,260
Temporary employment assistance: BA	D80-58	203,000		do				203,000

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted		Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
		Original request	Subsequent change					
DEPARTMENT OF STATE								
International Organizations and Conferences:								
Contributions to international peacekeeping activities:								
BA	D80-32	10, 000		Nov. 15, 1979				
BA	D80-32A		2, 000	Jan. 28, 1980	−12, 000			
Other:								
Emergency refugee and migration assistance fund:								
BA	D80-19	5, 650		Oct. 1, 1979				
BA	D80-18A		19, 350	Jan. 28, 1980	−25, 300		1, 194	894
Total BA		15, 650	21, 350		−37, 300		1, 194	894
DEPARTMENT OF TRANSPORTATION								
Coast Guard: Acquisition, construction, and improvements: BA	D80-59	33, 800		Apr. 16, 1980				33, 800
Federal Aviation Administration:								
Construction, Metropolitan Washington airports: BA	D80-60	4, 000		do				4, 000
Civil supersonic aircraft development termination: BA	D80-19	5, 004		Oct. 1, 1979	−5, 000			4
Facilities and equipment (airport and airway trust fund):								
BA	D80-20	138, 211		do				
BA	D80-20A		166, 081	Jan. 28, 1980				304, 292
Federal Highway Administration:								
Federal aid highways:								
BA	D80-33	495, 789		Nov. 15, 1979	−495, 789			
BA	D80-61	1, 659, 000		Apr. 16, 1980		[13] −1, 659, 000		
Federal Railroad Administration:								
Railroad research and development: BA	D80-62	3, 800		do				3, 800
Northeast corridor improvement program: BA	D80-63	75, 000		do				75, 000
Urban Mass Transportation Administration:								
Urban mass transportation fund:								
BA	D80-21	393, 076		Oct. 1, 1979			[14] −393, 076	
BA	D80-64	7, 875		Apr. 16, 1980		[13] −7, 875		
BA	D80-72	166, 245		June 18, 1980		[13] −166, 245		
Total BA		2, 981, 800	166, 081		−500, 789	−1, 833, 120	−393, 076	420, 896

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted		Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
		Original request	Subsequent change					
DEPARTMENT OF THE TREASURY								
Office of the Secretary: Investment in national consumer cooperative bank: BA	D80-38	12,550		Dec. 26, 1979				12,550
Office of Revenue Sharing:								
State and local government fiscal assistance fund								
BA	D80-22	79,548		Oct. 1, 1979				
BA	D80-22A		34,245	Dec. 26, 1979	−2,322		302	111,773
O	D80-23	2,735		Oct. 1, 1979				
O	D80-23A		[16] 13,850	Feb. 20, 1980	−13,273		2,173	5,485
Bureau of the Mint:								
Construction of mint facilities								
BA	D80-24	3,230		Oct. 1, 1979				
BA	D80-24A		2,500	Jan. 28, 1980				5,730
Total BA		95,328	36,745		−2,322		302	130,053
Total O		2,735	13,850		−13,273		2,173	5,485
ENVIRONMENTAL PROTECTION AGENCY								
Construction grants:								
BA	D80-65	3,636,254		Apr. 16, 1980				
BA	D80-65A		[16] 11,694	May 20, 1980		[17] −3,647,948		
OTHER INDEPENDENT AGENCIES								
District of Columbia: Loans for capital outlay: BA	D80-39	8,130		Dec. 26, 1979				8,130
Federal Emergency Management Agency: Emergency planning, preparedness, and mobilization: BA.	D80-25	80		Oct. 1, 1979				80
Foreign Claims Settlement Commission: Payment of Vietnam prisoner of war claims: BA.	D80-26	1,800		do	−940			860
General Services Administration: Federal buildings fund: BA	D80-66	25,000		Apr. 16, 1980	−25,000			
International Communication Agency:								
Salaries and expenses: BA	D80-34	2,000		Nov. 15, 1979				2,000
Special foreign currency program:								
BA	D80-35	1,600		do				
BA	D80-35A		137	Jul. 30, 1980				1,737
Acquisition and construction of radio facilities: BA	D80-27	10,973		Oct. 1, 1979				10,973
National Consumer Cooperative Bank: Self-help development fund: BA	D80-40	8,000		Dec. 26, 1979				8,000

See footnotes at end of table.

ATTACHMENT B—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1980 (AS OF SEPT. 3, 1980)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted: Original request	Amount transmitted: Subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Sept. 1, 1980
National Science Foundation: Research and related activities: BA	D80-67	18,000		Apr. 16, 1980	−2,000			16,000
National Commission on Social Security:								
Salaries and expenses:								
BA	D80-29	250		Oct. 1, 1979				
BA	D80-29A		145	Dec. 26, 1979				395
Navajo and Hopi Indian Relocation Commission: Salaries ane dxpenses: BA	D80-30	5,300		Oct. 1, 1979				5,300
Railroad Retirement Board: Regional rail transportation protective account: BA	D80-36	1,000		Nov. 15, 1979	−1,000			
Smithsonian Institution: Construction: BA	D80-68	19,000		Apr. 16, 1980				19,000
National Alcohol Fuels Commission:								
Salaries and expenses:								
BA	D80-28	250		Oct. 1, 1979				
BA	D80-28A		500	Jan. 28, 1980	−9			741
President's Commission on Pension Policy: Salaries and expenses: BA	D80-37	700		Nov. 15, 1979				700
Tennessee Valley Authority: Tennessee Valley Authority fund: BA	D80-31	17,000		Oct. 1, 1979				17,000
Total BA		119,083	782		−28,949			90,916
Total BA		9,702,602	799,874		−1,857,100	−5,496,568	−503,782	2,645,026
Total O		2,735	18,350		−13,273		2,173	9,985

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[1] This supplementary report was transmitted solely to expand the application of this deferral to include funds appropriated in fiscal year 1980 as well as balances carried forward from previous years.

[2] This supplementary report was transmitted solely to change the justification for deferring the funds.

[3] This deferral action was taken in conjunction with a rescission proposal (R80-11).

[4] This amount includes the effect of releases totalling $18,270 thousand made prior to the transmittal of the supplementary report.

[5] This supplementary report was transmitted solely to reflect a change in justification involving the delay of an additional construction project.

[6] These deferral items were transmitted to the Congress in a consolidated deferral report which listed the individual items as D80-50.1 through 50.34.

[7] This supplementary report was transmitted solely to make a technical correction to the original report by reflecting a delay of expenditures (outlays) rather than a delay of obligations (BA).

[8] This deferral was made prior to the formation of the Department of Health and Human Services and the Department of Education on May 7, 1980. At the time this item was transmitted to the Congress, it was reported under the Department of Health, Education, and Welfare.

[9] This amount was rescinded by the 1980 Supplemental Appropriations and Rescission Act, Public Law 96-304.

[10] This supplementary report was transmitted to expand the application of this deferral.

[11] The Senate disapproved this deferral (S. Res. 464) on Aug. 1, 1980.

[12] This supplementary report includes the effect of releases totalling $8,000 thousand and adjustments of $5,582 thousand made prior to the transmittal of the report.

[13] This release was required pursuant to Chapter XIII of Public Law 96-304.

[14] Congressional action on the 1980 transportation and related agencies appropriation bill (Public Law 96-131) rescinded these funds.

[15] This amount includes the effect of releases totalling $2,691 thousand made prior to the transmittal of the supplementary report.

[16] This amount includes the effect of a release totalling $12,456 thousand made prior to the transmittal of the supplementary report.

[17] A release of $400 million was required on July 8 pursuant to Chapter VII of Public Law 96-304. The Senate disapproved the remainder of this deferral ($3,247,948,114)—S. Res. 470—on Aug. 1, 1980.

97th Congress, 1st Session - - - - - - - House Document No. 97-7

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS JANUARY 1981

COMMUNICATION

FROM

THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF JANUARY 1, 1981, PURSUANT TO SECTION 1014(e) OF PUBLIC LAW 93-344

JANUARY 13, 1981.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
79-012 O WASHINGTON : 1981

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 9, 1981.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

Sincerely,

JAMES T. MCINTYRE, JR.,
Director.

Enclosures.

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

JANUARY 1, 1981

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of January 1, 1981 of 26 deferrals contained in the first two special messages for FY 1981. These messages were transmitted to the Congress on October 1, and December 2, 1980.

DEFERRALS (TABLE A AND ATTACHMENT A)

As of January 1, 1981, $2,737.8 million in 1981 budget authority was being deferred from obligation and another $6.7 million in 1981 obligations was being deferred from expenditure. Attachment A shows the history and status of each deferral reported during FY 1981.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on the deferrals covered by the cumulative report are printed in the Federal Registers of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195).
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236).

TABLE A.—*Status of 1981 deferrals*

	Amount (millions)
Deferrals proposed by the President	$4, 236. 1
Routine Executive releases (−1,491.6 million) and adjustments (-0-) through January 1, 1981	−1, 491. 6
Overturned by the Congress	-0-
Currently before the Congress [1]	2, 744. 5

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[1] This amount includes $6.7 million in outlays for a Department of the Treasury deferral (D81-19A).

Attachment.

ATTACHMENT A

STATUS OF DEFERRALS—FISCAL YEAR 1981 (AS OF JAN. 3, 1981)

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted original request	Amount transmitted subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Jan. 1, 1981
FUNDS APPROPRIATED TO THE PRESIDENT								
International Security Assistance:								
Foreign military credit slaes: BA	D81-23	$659,250		Dec. 2, 1980	−$409,250			$250,000
Economic support fund: BA	D81-24	1,984,500		do	−690,880			1,293,620
DEPARTMENT OF AGRICULTURE								
Forest Service								
Timber salvage sales: BA	D81-1	16,481		Oct. 1, 1980				16,481
Expenses, brush disposal: BA	D81-2	37,342		do				37,342
Total BA		53,823						53,823
DEPARTMENT OF COMMERCE								
General Administration: Participation in U.S. expositions: BA	D81-3	2,867		Oct. 1, 1980				2,867
National Oceanic and Atmospheric Administration: Construction: BA	D81-4	10,230		do	−5,230			5,000
Total BA		13,097			−5,230			7,867
DEPARTMENT OF DEFENSE—MILITARY								
Procurement: Procurement activities: BA	D81-5	139,700		Oct. 1, 1980	−107,900			31,800
Research, development, test, and evaluation: R.D.T. & E. activities: BA	D81-6	46,500		do				46,500
Military Construction:								
Military construction (medical facilities): BA	D81-25	111,300		Dec. 2, 1980				111,300
Military construction, all services:								
BA	D81-7	6,983		Oct. 1, 1980				
BA	D81-7A		600,344	Dec. 2, 1980	−237,537			369,790
Family Housing, Defense: Family housing, Defense: BA	D81-8	18,651		Oct. 1, 1980	−18,651			
Total BA		323,134	600,344		−364,088			559,390
DEPARTMENT OF DEFENSE—CIVIL								
Wildlife Conservation, Military Reservations: Wildlife conservation, all services: BA	D81-9	667		Oct. 1, 1980	[1] −136			531

See footnotes at end of table.

ATTACHMENT A—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1981 (AS OF JAN. 3, 1981)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted original request	Amount transmitted subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Jan. 1, 1981
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse and Mental Health Administration: Construction and renovation, St. Elizabeths Hospital: BA	D81-10	10,698		do				10,698
Office of Assistant Secretary for Health: Special foreign currency program: BA	D81-11	8,000		do				8,000
Human Development Services: White House Conference on Children and Youth: BA	D81-12	562		do				562
Total BA		19,260						19,260
DEPARTMENT OF THE INTERIOR								
Heritage Conservation and Recreation Service: Land and water conservation fund: BA	D81-13	$30,000		Oct. 1, 1980				$30,000
Geological Survey: Payments from proceeds, sale of water: BA	D81-14	41		do				41
Bureau of Mines: Drainage of anthracite mines: BA	D81-15	765		do				765
Total BA		30,806						30,806
DEPARTMENT OF JUSTICE								
Federal Prison System: Buildings and facilities: BA	D81-16	15,750		Oct. 1, 1980				15,750
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration: Facilities and equipment (Airport and airway trust fund):								
BA	D81-17	133,823		do				
BA	D81-17A		[1]240,603	Dec. 2, 1980				374,426
DEPARTMENT OF THE TREASURY								
Office of revenue Sharing: State and local government fiscal assistance fund:								
BA	D81-18	111,773		Oct. 1, 1980	−$1,095			110,678
O	D81-19	5,485		do				
O	D81-19A		5,209	Dec. 2, 1980	−3,956			6,738
Bureau of the Mint: Construction of mint facilities: BA	D81-20	5,730		Oct. 1, 1980				5,730
Total BA		117,563			−1,095			116,408
Total O		5,485	5,209		−3,956			6,738

See footnotes at end of table.

ATTACHMENT A—Continued

STATUS OF DEFERRALS—FISCAL YEAR 1981 (AS OF JAN. 3, 1981)—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted original request	Amount transmitted subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Cumulative adjustments	Amount deferred as of Jan. 1, 1981
OTHER INDEPENDENT AGENCIES								
Federal Emergency Management Agency: Emergency planning, preparedness, and mobilization: BA.	D81-21	80		Oct. 1, 1980				80
Tennessee Valley Authority: Tennessee Valley Authority fund:								
BA	D81-22	17,000		do	−17,000			
BA	D81-26	15,800		Dec. 2, 1980				15,800
Total BA		32,880			−17,000			15,880
Total BA		3,384,493	840,947		−1,487,679			2,737,761
Total O		5,485	5,209		−3,956			6,738

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[1] This amount was released before the special message containing the deferral was transmitted to the Congress.

DEFERRAL RESOLUTIONS

96TH CONGRESS
2D SESSION

S. RES. 464

[Report No. 96-873]

Disapproving deferral of budget authority relating to the Cumberland Gap Tunnel.

IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, JUNE 12), 1980

Mr. HUDDLESTON submitted the following resolution; which was referred jointly to the Committees on Appropriations, the Budget, and Environment and Public Works by unanimous consent pursuant to the order of January 30, 1975

JULY 28 (legislative day, JUNE 12), 1980

Reported by Mr. ROBERT C. BYRD, from the Committee on Appropriations, with amendments

AUGUST 1 (legislative day, JUNE 12), 1980

Considered and agreed to

RESOLUTION

Disapproving deferral of budget authority relating to the Cumberland Gap Tunnel.

Resolved, That the Senate disapproves the proposed deferral of $15,500,000 of budget authority relating to the Cumberland Gap Tunnel (deferral D80-56), as set forth in the message transmitted by the President to the Congress on April 16, 1980, under section 1013 of the Impoundment Control Act of 1974.

96TH CONGRESS
2D SESSION

S. RES. 470

[Report No. 96-872]

Disapproving the proposed deferral of budget authority for EPA grants for waste treatment works.

IN THE SENATE OF THE UNITED STATES

JUNE 19 (legislative day, JUNE 12), 1980

Mr. NELSON (for himself and Mr. HATFIELD) submitted the following resolution; which was referred jointly by unanimous consent to the Committees on Appropriations, the Budget, and Environment and Public Works pursuant to the order of January 30, 1975

JULY 28 (legislative day, JUNE 12), 1980

Reported by Mr. PROXMIRE, from the Committee on Appropriations, with amendments

AUGUST 1 (legislative day, JUNE 12), 1980

Considered and agreed to

RESOLUTION

Disapproving the proposed deferral of budget authority for EPA grants for waste treatment works.

Resolved, That the Senate disapproves the deferral of $3,247,948,114 of budget authority for Environmental Protection Agency grants for waste treatment works (authorized under section 201 of the Federal Water Pollution Control Act) set forth in the special message transmitted by the President to the Congress on May 20, 1980, under section 1013 of the Impoundment Control Act of 1974.

AGRICULTURE ACTS

Public Law 96-213
96th Congress

94 STAT. 119

An Act

Mar. 18, 1980
[H.R. 3398]

To adjust target prices for the 1980 and 1981 crops of wheat and feed grains; to extend the disaster payment programs for the 1980 crops of wheat, feed grains, upland cotton, and rice; and to authorize the Secretary of Agriculture to require that producers of wheat, feed grains, upland cotton, and rice not exceed the normal crop acreage for the 1980 and 1981 crops.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Adjustment Act of 1980".

Agricultural Adjustment Act of 1980.
7 USC 1421 note.

TARGET PRICES FOR THE 1980 AND 1981 CROPS OF CORN AND WHEAT

SEC. 2. Section 105A(b)(1) of the Agricultural Act of 1949 is amended by— 7 USC 1444c.

(1) in the third sentence of subparagraph (B), striking out "through 1981 crops" and inserting in lieu thereof "crop"; and

(2) adding at the end of subparagraph (B) two new sentences as follows: "The established price for corn shall be $2.35 per bushel in the case of the 1980 crop. For the 1981 crop, the established price shall be not less than the established price for the 1980 crop, adjusted upward to reflect such changes in the cost of producing corn as the Secretary finds necessary and appropriate for the purpose of establishing and maintaining a fair and equitable relationship between loan rates, established prices, and production costs for corn and competing commodities.".

SEC. 3. Section 107A(b)(1) of the Agricultural Act of 1949 is amended by striking out the fourth sentence of subparagraph (B) and adding at the end thereof two new sentences as follows: "The established price for wheat shall be $3.63 per bushel in the case of the 1980 crop. For the 1981 crop, the established price shall be not less than the established price for the 1980 crop, adjusted upward to reflect such changes in the cost of producing wheat as the Secretary finds necessary and appropriate for the purpose of establishing and maintaining a fair and equitable relationship between loan rates, established prices, and production costs for wheat and competing commodities.". 7 USC 1445b.

EXTENSION OF DISASTER PAYMENT PROGRAMS

SEC. 4. (a) Section 101(h)(4) of the Agricultural Act of 1949 is amended by— 7 USC 1441.

(1) in subparagraph (B), striking out "1978 and 1979 crops of rice" and inserting in lieu thereof "1978, 1979, and 1980 crops of rice"; and

(2) in subparagraph (C), striking out "1978 and 1979 crops of rice" and inserting in lieu thereof "1978, 1979, and 1980 crops of rice".

(b) Section 103(f)(5) of the Agricultural Act of 1949 is amended by— 7 USC 1444.

94 STAT. 120

(1) in subparagraph (A), striking out "1978 and 1979 crops of upland cotton" and inserting in lieu thereof "1978, 1979, and 1980 crops of upland cotton"; and

(2) in subparagraph (B), striking out "1978 and 1979 crops of upland cotton" and inserting in lieu thereof "1978, 1979, and 1980 crops of upland cotton".

7 USC 1444c.

(c) Section 105A(b)(2) of the Agricultural Act of 1949 is amended by—

(1) in subparagraph (A), striking out "1978 and 1979 crops of feed grains" and inserting in lieu thereof "1978, 1979, and 1980 crops of feed grains"; and

(2) in subparagraph (B), striking out "1978 and 1979 crops of feed grains" and inserting in lieu thereof "1978, 1979, and 1980 crops of feed grains".

7 USC 1445b.

(d) Section 107A(b)(2) of the Agricultural Act of 1949 is amended by—

(1) in subparagraph (A), striking out "1978 and 1979 crops of wheat" and inserting in lieu thereof "1978, 1979, and 1980 crops of wheat"; and

(2) in subparagraph (B), striking out "1978 and 1979 crops of wheat" and inserting in lieu thereof "1978, 1979, and 1980 crops of wheat".

LIMITATIONS ON DISASTER PAYMENTS

7 USC 1308.

SEC. 5. Effective for the 1980 and 1981 crops, section 101 of the Food and Agriculture Act of 1977 is amended by—

(1) in subsection (1), inserting "(excluding disaster payments)" after "payments";

(2) inserting after subsection (1) a new subsection (2) as follows:

7 USC 1421 note.
7 USC 1281.

"(2) Beginning with the 1980 crop year, the total amount of disaster payments that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949, as amended, and the Agricultural Adjustment Act of 1938, as amended, for wheat, feed grains, upland cotton, and rice for any crop year shall not exceed $100,000.";

(3) redesignating subsections (2), (3), and (4) as subsections (3), (4), and (5), respectively; and

(4) in subsection (3), as redesignated by clause (3) of this section, striking out "disaster loss or".

NORMAL CROP ACREAGE

7 USC 1309.

SEC. 6. Effective for the 1980 and 1981 crops, section 1001 of the Food and Agriculture Act of 1977 is amended to read as follows:

"NORMALLY PLANTED ACREAGE AND TARGET PRICES

Loans, purchases, and payments, eligibility.

7 USC 1421 note.

"SEC. 1001. (a) Notwithstanding any other provision of law, effective for one or more of the 1980 and 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary of Agriculture may require, as a condition of eligibility for loans, purchases, and payments under the Agricultural Act of 1949, that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary, adjusted as deemed necessary by the Secretary to be fair and equitable among producers. The acreage for any farm normally planted to crops designated by the Secretary shall be reduced by any set-aside or diverted acreage.

94 STAT. 121

"(b) Notwithstanding any other provision of law—

Established price, increase.

"(1) Whenever the Secretary, for one or more of the 1980 and 1981 crops of wheat, feed grains, upland cotton, and rice, requires that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary in accordance with subsection (a) of this section, the Secretary may increase the established price for any such commodity by the amount the Secretary determines appropriate to compensate producers for not exceeding the acreage on the farm normally planted to crops designated by the Secretary and participation in any required set-aside with respect to such commodity.

"(2) In determining the amount of any increase in the established price for any commodity under this subsection, the Secretary shall take into account changes in the cost of production resulting from not exceeding the acreage on the farm normally planted to crops designated by the Secretary and participation in any required set-aside with respect to such commodity.

"(3) If the established price is increased for any commodity under this subsection, the Secretary may increase the established price for any other commodity in such amount as the Secretary determines necessary for effective operation of the program.

"(4) The Secretary shall adjust any increase in the established price under this subsection to reflect, in whole or in part, any land diversion payments for the commodity for which an increase is determined.

1980 crop, loans, purchases and payments.

"(c) Notwithstanding any other provision of this section, producers of the 1980 crop of any commodity who exceed the acreage on the farm normally planted to crops designated by the Secretary may receive loans and purchases and, in the case of commodities for which there is an established price, payments based on the established price for the commodity as determined under the applicable provisions of the Agricultural Act of 1949 in effect on the date preceding the date of enactment of the Agricultural Adjustment Act of 1980.".

7 USC 1421 note.
Ante, p. 119.

Approved March 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-228, pt. 1 (Comm. on Agriculture), No. 96-228, pt. 2 (Comm. on Appropriations), and No. 96-789 (Comm. of Conference).
SENATE REPORT No. 96-446 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 8, considered and passed House.
Dec. 20, considered and passed Senate, amended.
Vol. 126 (1980): Mar. 4, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 12 (1980): Mar. 18, Presidential statement.

Public Law 96-220
96th Congress

94 STAT. 129

An Act

To extend the Emergency Agricultural Credit Adjustment Act of 1978, and for other purposes.

Mar. 30, 1980
[S. 2269]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emergency Agricultural Credit Adjustment Act of 1978, extension.
7 USC prec. 1961 note.

SECTION 1. The Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1)(A) amending clause (C) of section 202 to read as follows:

"(C) is not able to obtain sufficient credit elsewhere due to economic stresses, such as a general tightening of agricultural credit or an unfavorable relationship between production costs and prices received for agricultural commodities."; and

Definition.

(B) in the last sentence of section 202, striking out "and" and inserting immediately before the period at the end of the sentence a semicolon and the following: "and the term 'able to obtain sufficient credit elsewhere' means able to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or

Declination of credit, written indication.

near which the applicant resides for loans for similar purposes and periods of time. For the purpose of determining whether an applicant under this title is not able to obtain sufficient credit elsewhere, the Secretary shall require at least one written indication of declination of credit, from a legally organized lending institution within reasonable proximity to the applicant, that specifies the reasons for the declination: *Provided,* That for loans in excess of $300,000, the Secretary shall require at least two such written declinations: *Provided further,* That for loans of $300,000 or less, the Secretary may waive the requirement of this sentence if the Secretary determines that it would impose an undue burden on the applicant";

7 USC prec. 1961 note.

(2) in section 203(a)(1), inserting before the comma at the end thereof a colon and the following: "*Provided,* That no loan may be insured or guaranteed under this title for the purpose of refinancing outstanding indebtedness on farm or home real estate unless such real estate was purchased by the applicant at least one year prior to the date of the loan application";

Loan review. 7 USC prec. 1961 note.

(3) in section 205(d), adding at the end thereof a new sentence as follows: "For purposes of carrying out the agreements required under clause (2) of the preceding sentence, not later than three years after the loan is insured, and not later than at the end of every two-year period thereafter for the term of the loan, the Secretary shall review the loan; and if, based on such review, the Secretary determines that the borrower is able to obtain a loan from a credit source specified in clause (2) at reasonable rates and terms for loans for similar purposes and periods of time, the borrower shall, on request by the Secretary, apply for and accept such loan pursuant to the terms of the agreement and clause (2).";

94 STAT. 130

7 USC prec. 1961 note.

(4) at the end of section 205, adding a new subsection (e) as follows:

"(e) No loan that is for more than $300,000 may be insured under this title, unless the Secretary determines that the applicant is not able to obtain from a private or cooperative lending agency a loan guaranteed by the Secretary under this title sufficient to finance the applicant's actual needs at reasonable rates and terms.";

7 USC prec. 1961 note.

(5) in section 207(c), striking out "$4,000,000,000" and inserting in lieu thereof "$6,000,000,000";

7 USC prec. 1961 note.

(6) in section 211, striking out "May 15, 1980" and inserting in lieu thereof "September 30, 1981"; and

(7) adding at the end thereof a new section 212 as follows:

"STUDY AND REPORT

7 USC prec. 1961 note.

"SEC. 212. (a) The Secretary shall conduct a comprehensive study of the operation and effectiveness of the program of financial assistance authorized under this title. The study shall include, but shall not be limited to, an examination and analysis of the following items:

"(1) the effect of loans insured or guaranteed under this title on the overall financial condition of borrowers and their ability to maintain viable agricultural production operations;

"(2) the implementation and effect of the provisions of this title requiring, as a condition of eligibility, that loan applicants not be able to obtain sufficient credit elsewhere;

"(3) the loan repayment delinquency rate and the percentage of borrowers who subsequently are able to obtain credit from other sources and repay the loans extended to them under this title;

"(4) the use under this title of loan guarantees as compared with insured loans;

"(5) the purposes for which loans are actually insured or guaranteed under this title in relation to the purposes specified in section 203, and an evaluation of the family farm preference established under section 203(b);

Ante, p. 129.
7 USC prec. 1961 note.

"(6) the methods of servicing loans and encouraging the repayment of loans insured or guaranteed under this title; and

"(7) the need for extending beyond September 30, 1981, the authority for insuring and guaranteeing loans under this title.

Report to Congress.

"(b) The Secretary shall complete the study required under this section and submit a report to Congress by March 31, 1981. Any recommendations by the Secretary for extending the authority to insure and guarantee loans under this title shall contain an evaluation of possible alternatives, such as (1) the merger of the program of financial assistance authorized under this title with the farm ownership and operating loan programs authorized under the Consolidated Farm and Rural Development Act, and (2) the combination of all farm loan programs into a single program.".

7 USC 1921 note.

Effective dates.
7 USC prec. 1961 note.
Regulations.

SEC. 2. The provisions of sections 1(5), 1(6), and 1(7) of this Act shall become effective on the date of enactment of this Act. The other provisions of section 1 of this Act shall become effective upon promulgation by the Secretary of Agriculture of regulations implementing such provisions within a reasonable time after the date of enactment of this Act, but in no event shall such provisions become effective later than October 1, 1980.

94 STAT. 131

Approved March 30, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-782 accompanying H.R. 6291 (Comm. on Agriculture) and No. 96-854 (Comm. of Conference).
SENATE REPORT No. 96-591 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Mar. 4, considered and passed Senate.
  Mar. 5, H.R. 6291 considered and passed House; passage vacated and S. 2269, amended, passed in lieu.
  Mar. 26, Senate agreed to conference report.
  Mar. 27, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 14:
  Mar. 30, Presidential statement.

Public Law 96-234
96th Congress

94 STAT. 333

An Act

To encourage greater participation in the farmer-held reserve program for corn and wheat, and for other purposes.

Apr. 11, 1980
[S. 2427]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Corn and wheat, farmer-held reserve program.

FARMER-HELD RESERVE PROGRAM

7 USC 1445e.

SECTION 1. Section 110 of the Agricultural Act of 1949 is amended by—

(1) redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) inserting after subsection (b) a new subsection (c) as follows:

Price support loans.

"(c) Notwithstanding any other provision of law, the Secretary may, to the extent the Secretary determines such action necessary in order to encourage producers to store corn and wheat for extended periods of time under the terms and conditions of the program authorized by this section, make price support loans under this section on the 1979 crops of corn and wheat (at the same level of support as provided by this Act) to any producer of corn or wheat who did not (1) file a timely agreement to participate in the 1979 set-aside program for the commodity and (2) comply with the requirements of the 1979 set-aside program for the commodity.".

SALE OF COMMODITY CREDIT CORPORATION STOCKS OF CORN FOR USE IN MAKING ALCOHOL FOR MOTOR FUEL

SEC. 2. Section 110(e) of the Agricultural Act of 1949, as redesignated by section 1(1) of this Act, is amended by—

(1) striking out "and" at the end of clause (1);

(2) striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and "and"; and

(3) adding at the end thereof a new clause (3) as follows: "(3) sales of corn when sold at not less than the release level under the extended loan program for use in the production of alcohol for motor fuel at facilities that (A) begin operation after January 4, 1980, and (B), whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn.".

FARM STORAGE FACILITY LOAN PROGRAM

15 USC 714b.

SEC. 3. Section 4(h) of the Commodity Credit Corporation Charter Act is amended by—

(1) striking out "$50,000" both places it occurs and inserting in lieu thereof "$100,000"; and

94 STAT. 334

(2) striking out "the size of such facility for which a loan is obtained shall be based upon the amount of space required to store the quantity of the commodity estimated to be produced by the borrower during a two-year period;".

Approved April 11, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-633 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Mar. 26, considered and passed Senate.
Apr. 1, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 15:
Apr. 11, Presidential statement.

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94 STAT. 357

Public Law 96-249
96th Congress

An Act

May 26, 1980
[S. 1309]

To amend the Food Stamp Act of 1977 to improve food stamp program fiscal accountability through reductions in inaccurate eligibility and benefit determinations; to improve the system of deductions; to increase the specific dollar limitations on appropriations for the fiscal years 1980 and 1981 food stamp programs; and for other purposes.

Food Stamp Act Amendments of 1980.
7 USC 2011 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Stamp Act Amendments of 1980".

TITLE I—REDUCTION IN FOOD STAMP ERROR AND FRAUD AND REVISION OF DEDUCTIONS

MEALS IN SHELTERS FOR BATTERED WOMEN AND CHILDREN

7 USC 2012.

SEC. 101. (a) Section 3 of the Food Stamp Act of 1977 is amended by—

93 Stat. 392.

(1) striking out in clause (1) of subsection (g) "and (7)" and inserting in lieu thereof "(7), and (8)";

(2) striking out in subsection (g) "and (7)" and inserting in lieu thereof "(7)";

(3) inserting immediately before the period at the end of subsection (g) the following: ", and (8) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served, by such shelters";

(4) inserting in the last sentence of subsection (i) after "section 1616(e) of the Social Security Act," the following: "temporary residents of public or private nonprofit shelters for battered women and children,"; and

42 USC 1382e.

(5) striking out in clause (2) of subsection (k) "and (7)" and inserting in lieu thereof "(7), and (8)".

(b) Section 10 of the Food Stamp Act of 1977 is amended as follows:

93 Stat. 392.
7 USC 2019.

(1) inserting after "purchased" a comma;

(2) striking out the comma immediately after "residents"; and

(3) inserting after "programs" the following: ", public and private nonprofit shelters that prepare and serve meals for battered women and children".

EXCLUDING ENERGY ASSISTANCE PAYMENTS FROM INCOME

SEC. 102. Section 5(d) of the Food Stamp Act of 1977 is amended by—

7 USC 2014.

(1) striking out "and" before "(10)"; and

(2) inserting before the period at the end thereof the following: ", and (11) any payments or allowances made under any Federal, State, or local laws for the purpose of providing energy assistance".

94 STAT. 358

CONSUMER PRICE INDEX

SEC. 103. Section 5(e) of the Food Stamp Act of 1977 is amended by inserting "for all urban consumers" after "Consumer Price Index" each time those words appear.

93 Stat. 390.
7 USC 2014.
Post, p. 369.

DEPENDENT CARE DEDUCTIONS FOR WORKING ADULTS

SEC. 104. Effective October 1, 1981, section 5(e) of the Food Stamp Act of 1977 is amended by—

(1) in the fourth sentence, amending clause (1) to read as follows: "(1) a dependent care deduction for the actual cost of payments necessary for the care of a dependent regardless of the dependent's age, the maximum allowable level of which shall be $90 per month, per household, when such care enables a household member to accept or continue employment, or training or education that is preparatory for employment, and";

(2) in the fourth sentence, striking out everything after "March 31" down to the period at the end of the sentence; and

(3) in clause (B), striking out "that for the excess shelter expense deduction contained in clause (2) of the preceding sentence" and inserting in lieu thereof the following: "described in clause (1) of the preceding sentence".

EXPANDED MEDICAL DEDUCTIONS FOR THE ELDERLY

SEC. 105. Effective October 1, 1981, section 5(e)(A) of the Food Stamp Act of 1977 is amended by—

(1) inserting "or their spouses" before ", exclusive of special diets, "; and

(2) striking out "$35" and inserting in lieu thereof "$25".

MEDICAL DEDUCTION FOR THE BLIND AND DISABLED IN CERTAIN AREAS

SEC. 106. Effective October 1, 1981, section 5(e) of the Food Stamp Act of 1977 is amended by:

(1) in the fourth and last sentences, inserting "and blindness" after each time "disability" appears; and

(2) in the fourth and last sentences, striking out "title II" each time that it appears and inserting in lieu thereof: "titles I, II, X, XIV, and XVI".

RETROSPECTIVE ACCOUNTING

7 USC 2014.

SEC. 107. Section 5(f) of the Food Stamp Act of 1977 is amended to read as follows:

"(f) Household income for those households that by contract for other than an hourly or piecework basis, or by self-employment, derive their annual income in a period of time shorter than one year, shall be calculated by the State agency for the purpose of determining household eligibility by being averaged over a twelve-month period. For those households that receive nonexcluded income of the type specified in subsection (d)(3) of this section, such income shall be calculated by being averaged over the period for which it is provided. State agencies shall elect and use one of the following two methods in calculating income for all other households:

"(1) taking into account the income reasonably anticipated to be received by the household in the certification period for which eligibility is being determined and the income that has been received by the household during the thirty days preceding the filing of its application for food stamps so that the State agency may reasonably ascertain the income that is and will be actually available to the household for the certification period; or

94 STAT. 359

"(2) using income received in a previous month as the basis, in accordance with standards prescribed by the Secretary, except for the month of application and subsequent months specified by the Secretary for newly applying households (other than households reapplying within thirty days after the end of a prior certification period). In addition, the Secretary shall make modifications or exceptions to this method of income calculation with respect to households experiencing sudden and significant losses of income (including households experiencing losses of income of $50 per month or more) or the addition of a new member, households in immediate need in accordance with the provisions of section 11(e)(9) of this Act, migrant farmworker households, and other classes of households if the Secretary determines that this method of income calculation would be impracticable to administer or would cause serious hardship for such households. In promulgating regulations governing the method of income calculation described in this subsection, the Secretary shall consult with the Secretary of Health and Human Services so that, wherever feasible, and consistent with the purposes of the applicable Acts, households receiving income under title IV-A of the Social Security Act shall have income calculated on a consolidated and comparable basis.".

7 USC 2020.

Regulations, consultation with Secretary of Health and Human Services.

42 USC 601.

VEHICLE USE BY HANDICAPPED HOUSEHOLD MEMBERS

7 USC 2014.

SEC. 108. The second sentence of section 5(g) of the Food Stamp Act of 1977 is amended by—

(1) inserting after "other than one used to produce earned income" the following: "or that is necessary for transportation of a physically disabled household member"; and

(2) striking out "or to transport disabled household members".

STATE OPTION ON ADMINISTRATIVE FRAUD HEARINGS

93 Stat. 391.
7 USC 2015.

SEC. 109. Section 6(b) of the Food Stamp Act of 1977 is amended by inserting after the first sentence thereof a new sentence as follows: "Each State agency shall proceed against such alleged fraudulent activity either by way of administrative fraud hearings in accordance with clause (1) of this subsection or by referring such matters to appropriate legal authorities for civil or criminal action in accordance with clause (2) of this subsection, or both.".

PERIODIC REPORTING

Sec. 110. Section 6(c) of the Food Stamp Act of 1977 is amended by striking out everything after the first sentence and inserting in lieu thereof the following: 7 USC 2015.

"(1) State agencies that elect to use a system of retrospective accounting in accordance with section 5(f)(2) of this Act shall require certain categories of households to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary. Other State agencies, which have received the approval of the Secretary, may also require such categories of households to file periodic reports. Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency, on a form designed or approved by the Secretary, changes in income or household circumstances which the Secretary deems necessary in order to assure accurate eligibility and benefit determinations.

Ante, p. 358.

94 STAT. 360

"(2) Any household required to file a periodic report under paragraph (1) of this subsection shall, (A) if it is eligible to participate and has filed a timely and complete report, receive its allotment, based on the reported information for a given month, within thirty days of the end of that month unless the Secretary determines that a longer period of time is necessary, (B) have available special procedures that permit the filing of the required information in the event all adult members of the household are mentally or physically handicapped or lacking in reading or writing skills to such a degree as to be unable to fill out the required forms, (C) have a reasonable period of time after the close of the month in which to file their reports on forms approved by the Secretary, and (D) be afforded prompt notice of failure to file any report timely or completely, and given a reasonable opportunity to cure that failure (with any applicable time requirements extended accordingly) and to exercise its rights under section 11(e)(10) of this Act. 7 USC 2020.

"(3) Reports required to be filed under paragraph (1) of this subsection shall be considered complete if, in accordance with standards prescribed by the Secretary, they contain sufficient information to enable the State agency to determine household eligibility and allotment levels. All report forms, including those related to periodic reports of circumstances, shall contain a description, in understandable terms in prominent and bold face lettering, of the appropriate civil and criminal provisions dealing with violations of this Act including the prescribed penalties. The reporting requirements contained in paragraph (1) of this subsection shall be the sole such requirements for reporting changes in circumstances for participating households. In promulgating regulations implementing these reporting requirements, the Secretary shall consult with the Secretary of Health and Human Services, and, wherever feasible, households that receive assistance under title IV-A of the Social Security Act and that are required to file comparable reports under that Act shall be provided the opportunity to file reports at the same time for purposes of both Acts.".

Regulations, consultation with Secretary of Health and Human Services.
42 USC 601.

CONFORMING AMENDMENTS FOR RETROSPECTIVE ACCOUNTING AND PERIODIC INCOME REPORTING

Sec. 111. Section 3(c) of the Food Stamp Act of 1977 is amended to read as follows: 7 USC 2012.

"Certification period."

"(c) 'Certification period' means the period for which households shall be eligible to receive authorization cards. For those households that are required to submit periodic reports under section 6(c)(1) of this Act, the certification period shall be at least six months but no longer than twelve months. For households that are not required to submit periodic reports, the certification period shall be determined as follows:

94 STAT. 361

"(1) In the case of a household all of whose members are included in a federally aided public assistance or general assistance grant, the period shall coincide with the period of such grant.

"(2) In the case of all other households, the period shall be not less than three months: *Provided*, That such period may be up to twelve months for any household consisting entirely of unemployable or elderly or primarily self-employed persons, or as short as circumstances require for those households as to which there is a substantial likelihood of frequent changes in income or household status, and for any household on initial certification, as determined by the Secretary.".

7 USC 2014.

Sec. 112. Section 5(d)(2) of the Food Stamp Act of 1977 is amended by inserting after the second comma the following: "subject to modification by the Secretary in light of section 5(f)(2) of this Act,".

Ante, p. 358.
7 USC 2020.

Sec. 113. Section 11(e)(4) of the Food Stamp Act of 1977 is amended by inserting immediately after "subsection" the following: ": *Provided*, That the timeliness standards for submitting the notice of expiration and filing an application for recertification may be modified by the Secretary in light of sections 5(f)(2) and 6(c) of this Act if administratively necessary".

Ante, pp. 358, 359.

PARTICIPATION BY STRIKERS

7 USC 2015.

Sec. 114. Section 6(d) of the Food Stamp Act of 1977 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) Notwithstanding any other provision of law, a household shall not participate in the food stamp program at any time that any member of such household, not exempt from the work registration requirements of paragraph (1) of this subsection, is on strike as defined in section 501(2) of the Labor Management Relations Act, 1947, because of a labor dispute (other than a lockout) as defined in section 2(9) of the National Labor Relations Act: *Provided*, That a household shall not lose its eligibility to participate in the food stamp program as a result of one of its members going on strike if the household was eligible for food stamps immediately prior to such strike: *Provided further*, That such ineligibility shall not apply to any household that does not contain a member on strike, if any of its members refuses to accept employment at a plant or site because of a strike or lockout: *Provided further*, That such ineligibility shall not apply if the household meets the income qualifications, assets requirements, and work registration requirements, as mandated in subsection (i) of this section.".

29 USC 142.
29 USC 152.

INCOME AND RESOURCES OF INELIGIBLE ALIEN

7 USC 2015.

Sec. 115. Section 6(f) of the Food Stamp Act of 1977 is amended by adding at the end thereof a new sentence as follows: "The income (less a pro rata share) and financial resources of the individual rendered ineligible to participate in the food stamp program under this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which such individual is a member.".

MATCHING OF INCOME INFORMATION AND OTHER VERIFICATION

7 USC 2020.

Sec. 116. Section 11(e)(3) of the Food Stamp Act of 1977 is amended by—

94 STAT. 362

(1) inserting after "section 5(d) of this Act" the following: "(in part through the use of the information, if any, obtained under subsections (h) and (i) of section 16 of this Act)"; and

Post, p. 367.

(2) inserting after "sections 5 and 6 of this Act," the following: "although the State agency may verify prior to certification, whether questionable or not, the size of any applicant household and any factors of eligibility involving households that fall within the State agency's error-prone household profiles as developed by the State agency from the quality control program conducted under section 16 of this Act and as approved by the Secretary,".

7 USC 2025.

PHOTO IDENTIFICATION

SEC. 117. Section 11(e) of the Food Stamp Act of 1977, as amended, is amended by striking out "and" at the end of paragraph (15), and adding at the end thereof a new paragraph (17) as follows:

7 USC 2020.

"(17) that the State agency shall require each household certified as eligible to participate by methods other than the out-of-office methods specified in the last sentence of paragraph (2) of this subsection in those project areas or parts of project areas in which the Secretary, in consultation with the Department's Inspector General, finds that it would be useful to protect the program's integrity, to present a photographic identification card when using its authorization card in order to receive its coupons;".

REPORTING ILLEGAL ALIENS

SEC. 118. Section 11(e) of the Food Stamp Act of 1977, as amended by section 117 of this Act, is amended by adding at the end thereof a new paragraph (18) as follows:

"(18) notwithstanding paragraph (8) of this subsection, for the immediate reporting to the Immigration and Naturalization Service by the State agency of a determination by personnel responsible for the certification or recertification of households that any member of a household is ineligible to receive food stamps because that member is present in the United States in violation of the Immigration and Nationality Act;".

8 USC 1101 note.

COMPUTERIZATION

SEC. 119. Section 11(e) of the Food Stamp Act of 1977, as amended by section 118 of this Act, is amended by inserting "and" at the end of paragraph (18) and adding at the end thereof a new paragraph (19) as follows:

7 USC 2020.

"(19) at the option of the State agency, for the establishment and operation of an automatic data processing and information retrieval system that meets such conditions as the Secretary may prescribe and that is designed to provide efficient and effective administration of the food stamp program.".

STATE COMPLIANCE WITH LAW

SEC. 120. Section 11(g) of the Food Stamp Act of 1977 is amended by—

(1) inserting after "determines" the following: ", upon information received by the Secretary, investigation initiated by the Secretary, or investigation that the Secretary shall initiate upon receiving sufficient information evidencing a pattern of lack of compliance by a State agency of a type specified in this subsection,";

94 STAT. 363

(2) inserting "without good cause" before "to comply";

(3) striking out "or" before "the State plan of operation";

(4) inserting after "section," the following: "or the Secretary's standards for the efficient and effective administration of the program established under section 16(b)(1) of this Act"; and

7 USC 2025.

(5) inserting before the period at the end of the second sentence the following: ", and, whether or not the Secretary refers such matter to the Attorney General, the Secretary shall proceed to withhold from the State such funds authorized under sections 16(a) and 16(c) of this Act as the Secretary determines to be appropriate, subject to administrative and judicial review under section 14 of this Act.".

93 Stat. 391.
7 USC 2025.
Post, p. 364.

7 USC 2025.

Sec. 121. Section 16(b) of the Food Stamp Act of 1977 is amended by striking out the last sentence thereof.

SOCIAL SECURITY OFFICE APPLICATION

7 USC 2020.

Sec. 122. Section 11(i)(2) of the Food Stamp Act of 1977 is amended by striking out "simplified affidavit" and inserting in lieu thereof "simple application".

SPECIAL FINANCIAL AUDIT REVIEW OF HIGH PARTICIPATION STATES

Sec. 123. Section 11 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (l) as follows:

"(l) Whenever the ratio of a State's average food stamp participation in any quarter of a fiscal year to the State's total population in that quarter (estimated on the basis of the latest available population estimates as provided by the Department of Commerce, Bureau of the Census, Series P-25, Current Population Reports (or its successor series)) exceeds 60 per centum, the Office of the Inspector General of the Department of Agriculture shall immediately schedule a financial audit review of a sample of project areas within that State, and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days. Any financial audit review subsequent to the first such review, required under the preceding sentence, shall be conducted at the option of the Office of the Inspector General.".

FORFEITURE OF PROPERTY INVOLVED IN ILLEGAL FOOD STAMP TRANSACTIONS

7 USC 2024.

Sec. 124. Section 15 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The Secretary may subject to forfeiture and denial of property rights any nonfood items, moneys, negotiable instruments, securities, or other things of value that are furnished or intended to be furnished by any person in exchange for coupons or authorization cards in any manner not authorized by this Act or the regulations issued under this Act. Any forfeiture and disposal of property forfeited under this subsection shall be conducted in accordance with procedures contained in regulations issued by the Secretary.".

94 STAT. 364

STATE INCENTIVES FOR REDUCING ERROR

7 USC 2025.

Sec. 125. Section 16(c) of the Food Stamp Act of 1977 is amended by—

(1) striking out "Effective October 1, 1978, the" and inserting in lieu thereof "The";

(2) inserting "(1) effective October 1, 1978," after "such share to";

(3) inserting "(A)" after "State agency whose";

(4) inserting "semiannual" before "cumulative";

(5) striking out "section is less" and inserting in lieu thereof "section are less";

(6) inserting before the period at the end thereof the following: "and (B) whose rate of invalid decisions in denying eligibility as calculated in the quality control program conducted under subsection (d)(1) of this section is less than a nationwide percentage that the Secretary determines to be reasonable;

"(2) effective October 1, 1980, 65 per centum of all such administrative costs in the case of a State agency meeting the standards contained in paragraph (1) of this subsection;

"(3) effective October 1, 1980, 60 per centum of all such administrative costs in the case of a State agency whose cumulative allotment error rate as determined under paragraph (1)(A) of this subsection is greater than 5 per centum but less than 8 per centum or the national standard payment error rate for the base period, whichever is lower, and which also meets the standard contained in paragraph (1)(B) of this subsection; and

"(4) effective October 1, 1980, 55 per centum of all such administrative costs in the case of a State agency whose annual rate of error reduction is equal to or exceeds 25 per centum. No State agency shall receive more than one of the increased federally funded shares of administrative costs set forth in paragraphs (1) through (4) of this subsection".

STATE LIABILITY FOR ERRORS

SEC. 126. Section 16 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (g) as follows:

"(g)(1) The Secretary shall institute an error liability program under which each State agency shall, other than for good cause as determined by the Secretary, pay to the Secretary or have withheld by the Secretary as described in paragraph (4) of this subsection, the amount by which the dollar value equivalent of the State agency's payment error rate, as determined by the Secretary, for each six-month period, exceeds the dollar value equivalent of either—

"(A) the State agency payment error rate for the base period less a national annual rate of error reduction, as determined by the Secretary, taking into account program circumstances and rates of error reduction in comparable Federal or federally assisted public assistance programs, or

"(B) the national standard payment error rate for the base period, whichever is higher.

Definitions.

"(2) As used in this subsection, (A) 'base period' means, for fiscal year 1981, the six months beginning October 1, 1979, and ending March 31, 1980 and, for each fiscal year thereafter, the six months beginning October 1 and ending March 30 of the prior fiscal year; (B) 'payment error rate' means the percentage of all food stamp allotments which are issued in a given period by a State agency to households that fail to meet the eligibility requirements of sections 5 and 6 of this Act, are overissued to eligible households, and are underissued to eligible households; (C) 'national standard payment error rate' means the weighted mean payment error rate for all State agencies; and (D) 'dollar value equivalent' means the value of allotments determined by multiplying a given error rate by the dollar value of all the allotments issued by a State agency during the particular period in question.

94 STAT. 365

7 USC 2014, 2015.

Feasibility study.

"(3) The Secretary shall conduct a study to determine whether it is feasible to include in the calculation of each State agency's payment error rate, and in the calculation of the national standard payment error rate, invalid decisions by each State agency denying eligibility to households that are in fact eligible. If the Secretary determines that such a change in the method of calculation is feasible, the Secretary shall implement changes in the method of calculating payment error rates for the purposes described in this section.

Administrative and judicial review.

7 USC 2023.

"(4) If the Secretary makes a claim against a State for payment under paragraph (1) of this subsection, that State may seek administrative and judicial review of such claim under the procedures set forth in section 14 of this Act. If such claim is ultimately determined to be valid or is not contested by the State, it shall be collected by the Secretary and may be collected through State payment, through withholding amounts otherwise payable to the State agency under

31 USC 951 note.

subsection (a) of this section, or through other mechanisms authorized by the Federal Claims Collection Act of 1966.".

DISCLOSURE PROVISIONS

26 USC 6103.

SEC. 127. (a)(1) Subsection (i) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end thereof the following new paragraph:

"(7) DISCLOSURE OF CERTAIN RETURN INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF AGRICULTURE AND TO STATE FOOD STAMP AGENCIES.—

26 USC 1402, 3121, 3401.

"(A) IN GENERAL.—The Commissioner of Social Security may disclose return information from returns with respect to net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), and payments of retirement income which have been disclosed to the Social Security Administration as provided by paragraph (1) or (5) of this subsection—

"(i) upon request, to officers and employees of the Department of Agriculture, and

"(ii) upon written request, to officers and employees of a State food stamp agency.

7 USC 2011 note.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amounts of benefits, under the food stamp program established under the Food Stamp Act of 1977.

94 STAT. 366

7 USC 2012.

"(C) STATE FOOD STAMP AGENCY.—For purposes of this paragraph, the term 'State food stamp agency' means any agency described in section 3(n)(1) of the Food Stamp Act of 1977 which administers the food stamp program established under such Act.".

26 USC 6103.

(2)(A) Subparagraph (A) of section 6103(p)(3) of such Code (relating to records of inspection and disclosure) is amended by striking out "(l)(1) or (4)(B) or (5)" and inserting in lieu thereof "(l)(1), (4)(B), (5), or (7)".

(B) Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by striking out "(l)(3) or (6)" in so much of such paragraph as precedes subparagraph (A) thereof and inserting in lieu thereof "(l)(3), (6), or (7)".

(C) Clause (i) of section 6103(p)(4)(F) of such Code is amended by striking out "(l)(6)" and inserting in lieu thereof "(l)(6) or (7)".

26 USC 7213.

(D) The first sentence of paragraph (2) of section 7213(a) of such Code is amended—

(i) by striking out "or any educational institution" and inserting in lieu thereof "any educational institution, or any State food stamp agency (as defined in section 6103(l)(7)(C))", and

(ii) by striking out "subsection (d), (l)(6), or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l)(6) or (7), or (m)(4)(B)".

Effective date.
26 USC 6103 note.

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

42 USC 503.

(b)(1) Section 303 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d)(1) The State agency charged with the administration of the State law—

"(A) shall disclose, upon request and on a reimbursable basis, to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency any of the following information contained in the records of such State agency—

"(i) wage information,

"(ii) whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual,

"(iii) the current (or most recent) home address of such individual, and

"(iv) whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor, and

"(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to insure that information disclosed under subparagraph (A) is used only for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

Notification to State agency.

"(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.

"State food stamp agency."

7 USC 2012.

"(3) For purposes of this subsection, the term 'State food stamp agency' means any agency described in section 3(n)(1) of the Food Stamp Act of 1977 which administers the food stamp program established under such Act.".

42 USC 504.

(2) Paragraph (2) of section 304(a) of the Social Security Act is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "subsection (b), (c), or (d)".

94 STAT. 367

Effective date.
42 USC 503 note.

(3) The amendments made by this subsection shall take effect on January 1, 1983.

PAYMENT OF CERTAIN LEGAL FEES

7 USC 2025.

Sec. 128. Section 16 of the Food Stamp Act of 1977, as amended by section 126 of this Act, is amended by adding at the end thereof a new subsection (h) as follows:

"(h) Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of officers and employees of the Department of Agriculture may be paid in judicial or administrative proceedings to which such officers and employees have been made parties and that arise directly out of their performance of duties under this Act; and".

COST SHARING FOR COMPUTERIZATION

Sec. 129. Section 16 of the Food Stamp Act of 1977, as amended by section 128 of this Act, is amended by adding at the end thereof a new subsection (i) as follows:

"(i) Effective October 1, 1980, the Secretary is authorized to pay to each State agency an amount equal to—

"75 per centum of the costs incurred by the State agency in the planning, design, development, or installation of automatic data processing and information retrieval systems that the Secretary determines (1) will assist in meeting the requirements of this Act, (2) meet such conditions as the Secretary prescribes, (3) are likely to provide more efficient and effective administration of the food stamp program, and (4) will be compatible with other such systems used in the administration of State plans under the Aid to Families with Dependent Children Program under title IV of the Social Security Act: *Provided*, That there shall be no such payments to the extent that a State agency is reimbursed for such costs under any other Federal program or uses such systems for purposes not connected with the food stamp program: *Provided further*, That any costs

42 USC 601.

matched under this subsection shall be excluded in determining the State agency's administrative costs under any other subsection of this section.".

CONTINUATION OF CASH-OUT PILOT PROJECTS

7 USC 2026.

SEC. 130. Section 17(b)(1) of the Food Stamp Act of 1977 is amended by adding at the end thereof a new sentence as follows: "Any pilot or experimental project implemented under this paragraph involving the payment of the value of allotments in the form of cash to eligible households shall be continued until October 1, 1981, if the State so requests.".

WORKFARE JOB-SEARCH TIME PERIOD

Post, p. 368.

SEC. 131. Section 17(b)(2) of the Food Stamp Act of 1977, as amended, is amended by adding after the phrase "thirty days" in the second sentence the following: "(ten days in at least one pilot project area designated by the Secretary)".

WORKFARE PILOT PROJECT REVISIONS

7 USC 2026.
Ante, p. 367.

SEC. 132. (a) Section 17(b)(2) of the Food Stamp Act of 1977 is amended by striking out everything after "Act," in the last sentence and inserting in lieu thereof the following: "shall issue interim reports no later than October 1, 1979, October 1, 1980, and March 30, 1981, shall issue a final report describing the results of such pilot projects based upon their operation from their commencement through the fiscal year ending September 30, 1981, and shall pay to the agencies or organizations operating such pilot projects 50 per centum of all administrative costs involved in such operation.".

Effective date.
7 USC 2026 note.

(b) The provisions of section 17(b)(2) of the Food Stamp Act of 1977 for the sharing of administrative costs, as added by subsection (a) of this section, shall be effective on the date of enactment of this Act.

STUDY OF CPI

7 USC 2026.

SEC. 133. Section 17 of the Food Stamp Act of 1977, is amended by adding at the end thereof a new subsection (e) as follows:

"(e) The Director of the Congressional Budget Office, in consultation with the Secretary, the Secretary of Commerce, and the Secretary of Labor, shall review the Consumer Price Index and the various alternative consumer price or cost-of-living indices, such as the Personal Consumption Expenditure (PCE) Deflator, to examine the limitations of each statistical alternative and the factors causing the various indices to differ with each other and to reflect inconsistencies with their own prior year indices in measuring the cost-of-living or the rate of inflation. The study shall seek to determine whether the Consumer Price Index is the most accurate indexation base for the food stamp program, or whether an alternative or combination of alternatives may be the more accurate indexation base to reflect consumer prices or changes in the costs of living. The Director of the Congressional Budget Office shall report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, together with such recommendations as the Director deems appropriate, by February 1, 1981.".

Results, report to congressional committees.

USE OF FEDERAL FUNDS TO INTERFERE WITH PROGRAM IMPLEMENTATION

93 Stat. 389.
7 USC 2027.
Post, p. 370.

SEC. 134. Section 18(a) of the Food Stamp Act of 1977 is amended by—

(1) inserting "(1)" immediately after the subsection designation; and

(2) adding at the end thereof a new paragraph (2) as follows: "(2) No funds authorized to be appropriated under this Act or any other Act of Congress shall be used by any person, firm, corporation, group, or organization at any time, directly or indirectly, to interfere with or impede the implementation of any provision of this Act or any rule, regulation, or project thereunder, except that this limitation shall not apply to the provision of legal and related assistance in connection with any proceeding or action before any State or Federal agency or court. The President shall ensure that this paragraph is complied with by such order or other means as the President deems appropriate.". 94 STAT. 369

ANNUAL ADJUSTMENT OF THE THRIFTY FOOD PLAN

SEC. 135. Section 3(o) of the Food Stamp Act of 1977 is amended by— 7 USC 2012.

(1) striking out "and" before "(4)";

(2) inserting "through January 1, 1980," after "(4)"; and

(3) inserting before the period at the end thereof the following: ", (5) on January 1, 1981, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding September 30, and (6) on January 1, 1982, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding September 30 and the subsequent three months ending December 31 as projected by the Secretary in light of the best available data; and, as of every January 1 thereafter, for the nine months ending the preceding September 30 and the subsequent three months ending December 31 as projected by the Secretary in light of the best available data".

ADJUSTMENTS OF DEDUCTIONS

SEC. 136. Section 5(e) of the Food Stamp Act of 1977 is amended by— 93 Stat. 390. 7 USC 2014. *Ante*, p. 358.

(1) striking out the comma after "1978" in the second sentence and inserting "through January 1, 1980," immediately thereafter;

(2) inserting before the period at the end of the second sentence the following: ", and, on January 1, 1981, shall be adjusted to the nearest $5 to reflect such changes for the twelve months ending the preceding September 30; and, on January 1, 1982, shall be adjusted to the nearest $5 to reflect such changes for the twelve months ending the preceding September 30 and the subsequent three months ending December 31 as projected by the Secretary in light of the best available data; and, as of every January 1 thereafter, for the nine months ending the preceding September 30 and the subsequent three months ending December 31 projected by the Secretary in light of the best available data";

(3) striking out "(commencing July 1, 1978)" in clause (2) of the fourth sentence and inserting in lieu thereof "on July 1, 1978, and July 1, 1979" in lieu thereof; and

(4) inserting before the period at the end of the fourth sentence the following: ", on January 1, 1981, adjusted to the nearest $5 increment to reflect such changes for the eighteen-month period ending the preceding September 30, and, on January 1, 1982, adjusted to the nearest $5 to reflect such changes for the twelve months ending the preceding September 30 and the subsequent three months ending December 31 as projected by the Secretary in light of the best available data, and, on every January 1 thereafter, adjusted annually to the nearest $5 increment to reflect such changes for the nine months ending the preceding

September 30 and the subsequent three months ending December 31 projected by the Secretary in light of the best available data".

94 STAT. 370

ADJUSTMENT OF POVERTY GUIDELINES

7 USC 2014.

SEC. 137. Section 5(c) of the Food Stamp Act of 1977 is amended by striking out everything after "forty-eight contiguous States" and inserting a period in lieu thereof.

REDUCTION IN ASSETS LIMITATIONS

SEC. 138. Section 5(g) of the Food Stamp Act of 1977 is amended by striking out "$1,750" and inserting in lieu thereof "$1,500".

RESTRICTION ON STUDENT PARTICIPATION

7 USC 2015.

SEC. 139. Section 6(e) of the Food Stamp Act of 1977 is amended by striking out everything after "(1)" and inserting in lieu thereof the following: "is physically and mentally fit and is between the ages of eighteen and sixty, (2) is enrolled at least half time in an institution of higher education, and (3)(A) is not employed a minimum of twenty hours per week or does not participate in a federally financed work study program during the regular school year or (B) is not the head of a household (or spouse of such head) containing one or more other persons who are dependents of that individual because he or she supplies more than half of their support, or (C) is not so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act, as amended (42 U.S.C. 602).".

SEC. 140. Section 6(d) of the Food Stamp Act of 1977 is amended by striking out everything after "person" in the parenthesis in clause (D) of paragraph (2) and inserting in lieu thereof the following: "enrolled in an institution of higher education shall be ineligible to participate in the food stamp program unless he or she meets the requirements of subsection (e) of this section)".

TITLE II—FOOD STAMP FUNDING

APPROPRIATIONS CEILING

93 Stat. 389.
7 USC 2027.
Ante, p. 368.

SEC. 201. The first sentence of section 18(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out "$6,188,600,000" and inserting "$9,491,000,000" in lieu thereof; and

(2) striking out "$6,235,900,000" and inserting "$9,739,276,000" in lieu thereof.

Approved May 26, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-788 accompanying H.R. 4303 (Comm. on Agriculture) and No. 96-957 (Comm. of Conference).
SENATE REPORTS: No. 96-236 (Agriculture, Nutrition, and Forestry) and No. 96-704 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 125 (1979): July 23, considered and passed Senate (language later inserted in H.R. 4057).
Vol. 126 (1980): May 7, committee amendment in the nature of a substitute considered as an original bill.
May 8, considered and passed House, amended.
May 14, Senate agreed to conference report.
May 15, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 22 (1980): May 27, Presidential statement.

Public Law 96-263
96th Congress

94 STAT. 438

An Act

To amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program.

June 6, 1980
[H.R. 3789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b) of the Soil Conservation and Domestic Allotment Act (70 Stat. 1115, as amended; 16 U.S.C. 590p(b)) is amended—

Soil Conservation and Domestic Allotment Act, amendments.

(1) by deleting the third and fourth sentences of paragraph (1) thereof beginning with "Such contracts may be entered into . . ." and inserting in lieu thereof the following: "Such contracts may be entered into during the period ending not later than September 30, 1991, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind or water erosion by reason of their soil types, terrain, and climatic, soil, topographic, flood, saline, other natural hazards, and other factors. The landowner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic, soil, topographic, flood, saline, and other natural hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes."; and

(2) deleting "$300,000,000" and "$25,000,000" in the proviso in paragraph (7) and inserting in lieu thereof "$600,000,000" and "$50,000,000", respectively.

SEC. 2. This Act shall become effective October 1, 1980.

Effective date.
16 USC 590p note.

Approved June 6, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-755 (Comm. on Agriculture).
SENATE REPORT No. 96-648 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Feb. 21, considered and passed House.
    May 22, considered and passed Senate.

Public Law 96-355
96th Congress

94 STAT. 1171

An Act

To provide for the establishment and coordination of rural development policy, to extend until September 30, 1981, the authorizations for appropriations for title V of the Rural Development Act of 1972, and for other purposes.

Sept. 24, 1980
[S. 670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rural Development Policy Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Development Policy Act of 1980".

7 USC 2201 note.

RURAL DEVELOPMENT POLICY

7 USC 1921 note.

SEC. 2. The Rural Development Act of 1972 (Public Law 92-419; 86 Stat. 657) is amended by adding at the end thereof a new section as follows:

7 USC 2204b.

"SEC. 607. RURAL DEVELOPMENT POLICY.—(a) The Secretary of Agriculture shall provide leadership within the executive branch for, and shall assume responsibility for coordinating, a nationwide rural development program using the services of executive branch departments and agencies, including, but not limited to, the agencies, bureaus, offices, and services of the Department of Agriculture, in coordination with rural development programs of State and local governments.

Review.

"(b) POLICY DEVELOPMENT.—(1) The Secretary shall conduct a systematic review of Federal programs affecting rural areas to (A) determine whether such areas are benefiting from such programs in an equitable proportion to the benefits received by urban areas and (B) identify any factors that may restrict accessibility to such programs in rural areas or limit participation in such programs.

Information gathering.
5 USC 552a note.

"(2) Subject to the Privacy Act of 1974, the Secretary may secure directly from any Federal department or agency information necessary to carry out the Secretary's duties under this section. Upon request of the Secretary under this paragraph, the head of any such Federal department or agency shall furnish such information to the Secretary.

Assessment process.

"(3) The Secretary shall develop a process through which multistate, State, substate, and local rural development needs, goals, objectives, plans, and recommendations can be received and assessed on a continuing basis. Such process may include the use of those rural development experts, advisors, and consultants that the Secretary deems appropriate, as well as the establishment of temporary advisory committees under the terms of the Federal Advisory Committee Act.

5 USC app.

Cooperation with Federal agencies.

"(4) The Secretary may undertake cooperative efforts with other Federal departments and agencies to improve the coordination and effectiveness of Federal programs, services, and actions affecting rural areas. The Secretary may request the heads of other Federal

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departments and agencies to participate in any working groups that the Secretary deems necessary to carry out the purposes of this section.

Hearings and comments.

"(5) The Secretary may hold public hearings and receive comments on any matter that the Secretary determines may have a significant impact on rural development or the economic development of rural communities.

"(c) RURAL DEVELOPMENT STRATEGY.—(1) The Secretary shall prepare a comprehensive rural development strategy based on the needs, goals, objectives, plans, and recommendations of local communities, substate areas, States, and multistate regions, which is designed to—

"(A) maximize the effectiveness, increase the responsiveness, and improve the delivery of Federal programs to rural areas;

"(B) increase the coordination of Federal programs with the development needs, objectives, and resources of local communities, substate areas, States, and multistate regions; and

"(C) achieve the most effective combinations of Federal, State, and local resources to meet the needs of rural areas for orderly growth and development.

"(2) The rural development strategy shall take into account the need to—

"(A) improve the economic well-being of all rural residents and alleviate the problems of low income, elderly, minority, and otherwise disadvantaged rural residents;

"(B) improve the business and employment opportunities, occupational training and employment services, health care services, educational opportunities, energy utilization and availability, housing, transportation, community services, community facilities, water supplies, sewage and solid waste management systems, credit availability, and accessibility to and delivery of private and public financial resources in the maintenance and creation of jobs in rural areas;

"(C) improve State and local government management capabilities, institutions, and programs related to rural development and expand educational and training opportunities for State and local officials, particularly in small rural communities;

"(D) strengthen the family farm system; and

"(E) maintain and protect the environment and natural resources of rural areas.

"(3) The rural development strategy developed under this subsection shall be for the fiscal year ending September 30, 1982, and updated for each fiscal year thereafter.

Hearings and suggestions.

"(4) The Secretary shall hold public hearings and receive such suggestions and recommendations as the Secretary deems appropriate during the preparation of the rural development strategy and the annual updates to the strategy.

Updates, transmittal to congressional committees.

"(5) The rural development strategy and the annual updates to the strategy shall be transmitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry by January 31 of the calendar year immediately preceding the beginning of the appropriate fiscal year.

Budget recommendations and projections.

"(6) The rural development strategy and each annual update of the strategy shall contain an analysis of the budget recommendations of the President for the fiscal year following the transmittal of the strategy or update of the strategy and of all the available budget projections of the President for subsequent fiscal years, and projections regarding the budget that are relevant or essential to the rural development policy and the rural development strategy developed

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under this subsection. Each annual update shall also contain a detailed statement of the findings and conclusions of the Secretary regarding the implementation during the preceding fiscal year of the rural development strategy, including any revisions of the strategy, any recommended legislation to improve the rural development effort of the Federal Government, and an evaluation of and recommendations regarding the rural development information system required under section 306(a)(12) of the Consolidated Farm and Rural Development Act.

7 USC 1926.

"(d) Strategy Implementation.—The Secretary shall ensure the effective implementation of the rural development strategy and maximize coordination of Federal programs affecting rural areas through a systematic effort to—

"(1) improve communication and encourage cooperation among Federal departments and agencies in the administration of rural development programs;

"(2) eliminate conflicts, duplication, and gaps in program coverage, and resolve contradictions and inconsistencies in the objectives, administration, and effects of rural development programs;

"(3) facilitate the sharing or common location of field offices of Federal agencies administering similar or complementary programs and unification of delivery systems, where feasible, to maximize convenience and accessibility of such agencies and programs to rural residents;

"(4) facilitate and expedite joint funding of rural projects through Federal programs;

"(5) correct administrative problems in Federal programs that delay or hinder the effective delivery of services, assistance, or benefits to rural areas; and

"(6) simplify, standardize, and reduce the complexity of applications, reports, and other forms required under Federal rural development programs.".

UNDER SECRETARY OF AGRICULTURE FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

Appointment.
7 USC 2211b.

SEC. 3. (a) There is hereby established in the Department of Agriculture the position of Under Secretary of Agriculture for Small Community and Rural Development to be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Agriculture for Small Community and Rural Development may exercise such functions and perform such duties related to small community and rural development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"Under Secretary of Agriculture for Small Community and Rural Development.".

RURAL DEVELOPMENT ACT REAUTHORIZATION AND AMENDMENTS

SEC. 4. The Rural Development Act of 1972 is amended by—

(1) in section 503(a) (7 U.S.C. 2663(a)), striking out "three" and "1979" and inserting in lieu thereof "five" and "1981", respectively;

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(2) in section 503(c) (7 U.S.C. 2663(c)), striking out "and September 30, 1979" and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981";

7 USC 301 note, 321 note.

(3) in section 503(f) (7 U.S.C. 2663(f)), inserting immediately after the first sentence a new sentence as follows: "In those States that contain more than one institution or university accepting the benefits of the Morrill Act of 1862 or 1890 (or both), including Tuskegee Institute, such annual plan and budget shall be jointly developed by mutual agreement of the chief adminstrative officers of all such institutions or universities.";

(4) in section 507(b) (7 U.S.C. 2667(b)), inserting ", Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands of the United States," after "several States"; and

7 USC 2204a.

(5) in section 603(c), repealing paragraph (2); in paragraph (1), striking out "(1)" after the subsection designation; and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

REVISED STATUTES AMENDMENTS

SEC. 5. Section 526(b) of the Revised Statutes (7 U.S.C. 2204(b)) is amended by—

(1) striking out the first and second sentences thereof;

(2) in the third sentence striking out "and" before "rural industrialization" and inserting before the period at the end thereof the following: ", and technology appropriate to small- and moderate-sized family farming operations, and any other problem that the Secretary may determine has an effect upon the economic development or the quality of life in rural areas".

ELIMINATION OF REPORTS

84 Stat. 1383.

SEC. 6. Section 901 of the Agricultural Act of 1970 (Public Law 91-524, 84 Stat. 1303; 42 U.S.C. 3122) is amended by striking out the last sentence of subsection (b) and repealing subsections (c) through (f).

TECHNICAL ASSISTANCE AND INFORMATION SYSTEM

SEC. 7. Section 306(a) of the Consolidated Farm and Rural Development Act (Public Law 87-128, 75 Stat. 307; 7 U.S.C. 1926(a)) is amended by—

(1) amending paragraph (11) to read as follows:

"(11) The Secretary may make grants, not to exceed $15,000,000 annually, to public bodies or such other agencies as the Secretary may select to provide rural development technical assistance, rural community leadership development, and community and areawide rural development planning.";

(2) redesignating paragraphs (12), (13), and (14) as paragraphs (13), (14), and (15), respectively; and

(3) inserting immediately after paragraph (11) a new paragraph (12) as follows:

"(12)(A) The Secretary shall, in cooperation with institutions eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503–505, as amended; 7 U.S.C. 301–305, 307, and 308), or the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including the Tuskegee Institute and State, substate, and regional planning bodies, establish a system for the dissemination of information and technical assistance on federally sponsored or funded programs. The system shall be for the use of institutions eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503–505, as amended; 7 U.S.C. 301–305, 307, and 308), or the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including the Tuskegee Institute and State, substate, and regional planning bodies, and other persons concerned with rural development.

7 USC 321-326a, 328.

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7 USC 321-326a, 328.

"(B) The informational system developed under this paragraph shall contain all pertinent information, including, but not limited to, information contained in the Federal Procurement Data System, Federal Assistance Program Retrieval System, Catalogue of Federal Domestic Assistance, Geographic Distribution of Federal Funds, United States Census, and Code of Federal Regulations.

"(C) The Secretary shall obtain from all other Federal departments and agencies comprehensive, relevant, and applicable information on programs under their jurisdiction that are operated in rural areas.

Appropriation authorization.

"(D) Of the sums authorized to be appropriated to carry out the provisions of this Act, not more than $1,000,000 per year may be expended to carry out the provisions of this paragraph.".

LIMITATIONS

SEC. 8. No funds are authorized to be appropriated pursuant to sections 4 and 7 of this Act and the amendments made by those sections for the fiscal year ending September 30, 1980, in excess of such amounts as have been appropriated on or before the date of enactment of this Act for such fiscal year.

WEB RURAL WATER DEVELOPMENT PROJECT

Appropriation authorization.

SEC. 9. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year ending September 30, 1981, $1,900,000, which shall be used for initial planning and construction of a rural water treatment and distribution system in portions of, but not limited to, Walworth, Edmunds, Brown, Campbell, Potter, McPherson, Faulk, Hand, Spink, and Day Counties in South Dakota that will furnish water for domestic and other purposes, hereafter referred to in this section as "the WEB Rural Water Development Project", as generally proposed by the WEB Water Development Association, Incorporated, and as described in the special report by the Association of January 1980.

(b) Effective October 1, 1981, there are authorized to be appropriated to the Secretary of the Interior for the further planning and construction of the WEB Rural Water Development Project $68,100,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in development costs incurred after January 1, 1980, as indicated by the engineering cost indices applicable to the types of construction involved herein: *Provided*, That such authorization for appropriations shall not become effective until such time as legislation has been enacted deauthorizing the Oahe Unit, initially authorized by the Act of August 3, 1968 (Public Law 90-435; 82 Stat. 624): *Provided further*, That if such legislation has not been enacted by September 30, 1981, the authorization for appropriations provided for in this subsection shall terminate.

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(c) Any funds appropriated under this section shall remain available until expended.

Transfer of funds.

(d) Any funds appropriated under this section shall be transferred by the Secretary of the Interior to the Secretary of Agriculture when such funds are appropriated. The Secretary of the Interior may enter into cooperative memoranda of understanding with the Secretary of Agriculture as may be required to provide services to carry out the purposes of this section.

7 USC 1921 note.

Grants and loans.

(e) The Secretary of Agriculture shall use any funds transferred under subsection (d) for necessary administrative expenses, and to provide financial assistance to plan and develop the WEB Rural Water Development Project under the terms and conditions of the Consolidated Farm and Rural Development Act and the rules and regulations promulgated by the Department of Agriculture under that Act, except to the extent such Act or rules or regulations promulgated thereunder are inconsistent with the provisions of this section. Such funds shall be made available in a combination of grants and loans that will provide grants for not less than 75 per centum of eligible development costs and such loans as may be necessary to plan and construct the WEB Rural Water Development Project.

EFFECTIVE DATE

7 USC 2204b note.

SEC. 10. The provisions of this Act shall become effective October 1, 1980.

Approved September 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-259 accompanying H.R. 3580 (Comm. on Agriculture).
SENATE REPORT No. 96-187 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): June 14, considered and passed Senate.
    Vol. 126 (1980): Sept. 15, H.R. 3580 considered and passed House, passage vacated and S. 670, amended, passed in lieu.
    Sept. 16, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
    Vol. 16, No. 39 (1980): Sept. 24, Presidential statement.

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94 STAT. 1184

Public Law 96-358
96th Congress

An Act

Sept. 25, 1980
[S. 261]

To provide for the development of State plans for the construction and improvement of subterminal storage and transportation facilities for certain types of agricultural commodities within the State or within a group of States acting together on a regional basis, and to amend the Consolidated Farm and Rural Development Act to authorize loans for the construction and improvement of such facilities, and for other purposes.

Agricultural Subterminal Facilities Act of 1980.
7 USC 3701 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Subterminal Facilities Act of 1980".

FINDINGS

7 USC 3701.

SEC. 2. Congress finds and declares that—

(1) an adequate system for the efficient transient storage and

movement of bulk agricultural commodities is essential to the overall success of the agricultural industry of the Nation, the development of rural areas of the Nation, and the economic stability of the Nation;

(2) the movement and storage of bulk agricultural commodities has been seriously and repeatedly impeded by shortages of transient storage facilities, adequate rail rolling stock, and the deterioration of many railroad track beds and rural highways throughout the United States;

(3) the efficient movement and storage of bulk agricultural commodities may be achieved and facilitated by the joint location at strategic points throughout the United States of transient storage facilities and multimodal terminal facilities constructed especially for the efficient shipment and receipt of agricultural commodities; and

(4) the location of such facilities must be carefully planned to assure maximum benefits to producers of agricultural commodities and unprocessed agricultural products and utilization of the most efficient means of transporting bulk agricultural commodities for domestic and export markets.

DEFINITIONS

7 USC 3702.

SEC. 3. As used in this Act, the term—

(1) "bulk agricultural commodity" means any agricultural commodity that can be transported in bulk and can be temporarily stored in bulk quantities without undergoing processing or packaging. Such term also includes any commodity or product that is used by producers in the production of agricultural commodities and that can be stored or shipped in bulk, such as fertilizer and fuel;

(2) "unprocessed agricultural products" means food, fiber, and other agricultural products that have not been packaged or otherwise prepared for retail sale, including animal products and unfinished cotton, wool, leather, or any other unfinished natural material;

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(3) "Secretary" means Secretary of Agriculture;

(4) "subterminal facility" means any facility that is located in the area of production or consumption of agricultural commodities or any major storage or major export point for such commodities and is located at a place that conveniently serves the needs of producers, purchasers, and consumers of bulk agricultural commodities, and is—

(A) used for the transient storage of bulk agricultural commodities and may include equipment or structures necessary for the transportation, upgrading, receiving, drying, or loading out of such commodities; or

(B) any rail siding, loading, or unloading facility that can accommodate unit railroad trains or multiple car trains and other appropriate transportation modes designed for the transport of bulk agricultural commodities and production materials; and

(5) "region" means two or more States acting together to develop a coordinated regional subterminal facilities plan.

STATE AND REGIONAL PLANS; PLANNING GRANTS

"State plan."
7 USC 3703.

SEC. 4. (a)(1) The Secretary shall, beginning not more than one hundred and eighty days after the effective date of this Act, make financial assistance available to any State that makes application therefor, and that otherwise meets the requirements of this section, for the purpose of assisting such State in the development of a subterminal facilities plan (hereinafter in this Act referred to as the "State plan") for such State. Assistance under this section shall be made available in the form of a grant. No grant may be made to any State unless the Governor of such State or the appropriate agency of such State makes an application therefor as provided in this section.

To the maximum extent practicable, the personnel and resources of the colleges or universities in the State which are eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301-305, 307, and 308), or the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee Institute, shall be utilized in developing the subterminal facilities plan for that State pursuant to this section.

"Regional plan."

(2) The Secretary may also make grants under this section available to two or more States acting together to develop a coordinated regional subterminal facilities plan (hereinafter in this Act referred to as the "regional plan") for such region.

(3) Grants made under this section to any State or region may not exceed 80 per centum of the cost of preparing the State or regional plan.

(4) The State or regional plan shall prescribe in detail the actions such State or region proposes to take in order to (A) facilitate the efficient and competitive movement of bulk agricultural commodities from the points of production within such State or region to major market or export points, (B) provide adequate storage facilities for such commodities between points of production and market, (C) provide adequate receiving, storage, and loading facilities for any bulk agricultural commodity, and (D) assure that such facilities will be located at sites that will result in maximum benefits to local producers.

(5) Each State or regional plan shall include the following:

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(A) an analysis of the marketing, shipping, storage, and production of bulk agricultural commodities produced in that State or region and the short- and long-range projections with respect to the marketing, shipping, storage, and production of such commodities in that State or region;

(B) a determination, on the basis of the analysis and projections required under clause (A) of this paragraph, of the needs of the State or region for subterminal facilities;

(C) an assessment of the use of existing on-farm storage facilities located within the State or region and an assessment of the ways in which subterminal facilities can benefit the continued use of on-farm storage facilities;

(D) an evaluation of the effect of the development of new subterminal facilities on small capacity rural shipping and storage facilities within the State or region;

(E) an evaluation of ways to ensure adequate rail service for subterminal facilities described in clause (D) of this paragraph, including an evaluation of the use and feasibility of contract rates;

(F) an assessment of the ways that subterminal facilities can enhance the operation of small capacity shipping and storage facilities within the State or region;

(G) an assessment of other actions being taken or considered in such State or region for the improvement of agricultural transportation, including an evaluation of the use being made of shuttle or collector trains and combinations of rail and barge service;

(H) an evaluation of the potential benefits of subterminal ownership and leasing arrangements for rail rolling stock (including locomotive power), motor trucks, barge equipment, and other bulk agricultural commodity transport equipment that may help achieve maximum benefits from the operation of subterminal facilities within the State or region;

(I) an assessment of the overall transportation system in the State or region and future plans for that overall system, including the adequacy of highways and bridges; and

(J) consideration of the feasibility and advisability of the ownership and operation of rail branch lines by farmer-owned cooperatives, and the role that such cooperatives might play in any overall planning for the restructuring and rehabilitation of rail service and marketing facilities within the State or region.

Plan review commission.

(b) Funds made available to a State or region under this Act for the purposes of assisting such State or region to develop a plan shall be subject to the condition that the State or region establish a plan review commission composed of local producers, local elevator operators, representatives of affected motor and rail carriers, other interested individuals, and, when appropriate in the judgment of the Secretary, consumers of bulk agricultural commodities used in the production of unprocessed agricultural products. A majority of the members of any plan review commission must be local producers or, when appropriate in the judgment of the Secretary, consumers of bulk agricultural commodities used in the production of unprocessed agricultural products. The plan review commission shall consider the information and analyses developed by the State or region in the development of a State or regional plan and make appropriate recommendations regarding the State or regional plan. The plan review commission shall also make recommendations, based on information developed in the plan, for the most beneficial location of subterminal facilities.

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Applications.

(c) No application for planning assistance authorized pursuant to this section may be submitted by a State or region until the appropriate plan review commission established in accordance with this Act has had the opportunity to make recommendations to the Governor or Governors that a need exists for the development of a State or regional plan, and a majority of the members of such plan review commission concur that such application should be submitted.

Grants, reception conditions.

(d) No State or region may receive a grant under this section unless—

(1) an application therefor has been submitted that complies with the provisions of this Act;

(2) the average annual production of bulk agricultural commodities produced within such State or region, or shipments of such commodities transported into such State or region, meets minimum levels established by the Secretary for a period the Secretary considers appropriate preceding the year in which application for such grant is made;

(3) the Governor of such State or the Governors of the States in such region certify to the Secretary that producers of agricultural commodities have experienced serious storage and transportation problems within such State or region during the three years preceding the year in which application for such grant is made; and

(4) such State or each State within such region has established an adequate plan, as described in section 5(j) of the Department of Transportation Act (49 U.S.C. 1654(j)), for rail service in such State or States, or such State or each State in such region is actively developing such a plan.

(e) Whenever any State or region has submitted a State or regional plan under this section, the Secretary shall approve such plan only if it has been approved by a majority of the members of the appropriate plan review commission established pursuant to this Act, and it meets the other conditions specified in this Act and those prescribed in regulations issued by the Secretary to carry out this Act. When a plan is approved by the Secretary, such plan shall be known as an "approved State plan" or an "approved regional plan", as appropriate.

Appropriation authorization.

(f) To carry out the purposes of this section, there are authorized to be appropriated not to exceed $3,300,000 for each of the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983.

LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end thereof a new subsection (e) as follows:

"(e)(1) The Secretary may also insure and guarantee loans under this section to public, private, or cooperative organizations organized for profit or nonprofit, or to individuals for the purpose of constructing or improving subterminal facilities if—

"(A) the construction or improvement of such facilities is consistent with the appropriate approved State or regional plans and the recommendations of the local plan review commission established pursuant to the Agricultural Subterminal Facilities Act of 1980;

Ante, p. 1184.

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"(B) the Secretary determines that the ownership and operation of such subterminal facilities will result in the efficient and competitive movement of bulk agricultural commodities and will return increased benefits to the local producers served by such facilities; and

"(C) the Secretary determines that the rail carrier designated to provide service to any such facility will be able to provide adequate service.

Stock purchase.

Such loans may be made available for purchase of rail rolling stock (including locomotives), motor trucks, barges, and other bulk agricultural commodities transport equipment to be used in conjunction with the operation of subterminal facilities.

"(2) The Secretary may only insure or guarantee loans under this subsection if the Secretary finds that applicants are unable to obtain credit from commercial lending institutions (including specialized lending institutions established to provide credit to agricultural producers) on reasonable terms and conditions.

"(3) In order to preserve local ownership and control of agricultural transportation facilities, the Secretary shall give preference under this subsection to existing agricultural elevator operators and local producers in areas in which subterminal facilities are proposed to be located.

Amount allocations.

Ante, p. 1184.

"(4)(A) The total amount of loan authority made available for use for the purpose of this subsection for any fiscal year shall be allocated by the Secretary on the basis of need among those States that have approved State or regional plans as defined in the Agricultural Subterminal Facilities Act of 1980. Such allocation shall be based on such formula as the Secretary shall prescribe by regulation.

"(B) Any loan authority available for use in any State in any fiscal year that is not used by such State shall be reallocated, to the extent practicable, among other States eligible for the assistance provided under this section, in accordance with the same formula developed by the Secretary for the initial allocation of loan authority under this subsection.

"Subterminal facility."

"(5) As used in this subsection, the term 'subterminal facility' has the same meaning as provided in the Agricultural Subterminal Facilities Act of 1980.

Regulations.
Ante, p. 1184.

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"(6) Within one hundred and eighty days after the effective date of the Agricultural Subterminal Facilities Act of 1980, the Secretary shall establish such rules and regulations as may be necessary to implement the provisions of this subsection.".

EFFECTIVE DATE

7 USC 3701 note.

SEC. 6. The provisions of this Act shall become effective October 1, 1980.

Approved September 25, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-995 accompanying H.R. 7141 (Comm. on Agriculture).
SENATE REPORT No. 96-159 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 23, considered and passed Senate.
  June 3, H.R. 7141 considered and passed House, passage vacated and S. 261, amended, passed in lieu.
  Sept. 11, Senate concurred in House amendments.

Public Law 96-362
96th Congress

94 STAT. 1198

An Act

To provide for the development of aquaculture in the United States, and for other purposes.

Sept. 26, 1980
[S. 1650]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aquaculture Act of 1980".

National Aquaculture Act of 1980.
16 USC 2801 note.

FINDINGS, PURPOSE, AND POLICY

16 USC 2801.

SEC. 2. (a) FINDINGS.—Congress finds the following:

(1) The harvest of certain species of fish and shellfish exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

(2) To satisfy the domestic market for aquatic food, the United States imports more than 50 per centum of its fish and shellfish, but this dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies.

(3) Although aquaculture currently contributes approximately 10 per centum of world seafood production, less than 3 per centum of current United States seafood production results from aquaculture. Domestic aquacultural production, therefore, has the potential for significant growth.

(4) Aquacultural production of aquatic plants can provide sources of food, industrial materials, pharmaceuticals, and energy, and can assist in the control and abatement of pollution.

(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquacultural technology.

(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many economic, legal, and production factors, such as inadequate credit, diffused legal jurisdiction, the lack of management information, and the lack of reliable supplies of seed stock.

(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

(b) PURPOSE.—It is the purpose of this Act to promote aquaculture in the United States by—

(1) declaring a national aquaculture policy;

(2) establishing and implementing a national aquaculture development plan; and

(3) encouraging aquaculture activities and programs in both the public and private sectors of the economy;

that will result in increased aquacultural production, the coordination of domestic aquaculture efforts, the conservation and enhancement of aquatic resources, the creation of new industries and job opportunities, and other national benefits.

94 STAT. 1199

(c) POLICY.—Congress declares that aquaculture has the potential for augmenting existing commercial and recreational fisheries and for producing other renewable resources, thereby assisting the United States in meeting its future food needs and contributing to the solution of world resource problems. It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States.

DEFINITIONS

16 USC 2802.

SEC. 3. As used in this Act, unless the context otherwise requires—

(1) The term "aquaculture" means the propagation and rear-

ing of aquatic species in controlled or selected environments, including, but not limited to, ocean ranching (except private ocean ranching of Pacific salmon for profit in those States where such ranching is prohibited by law).

(2) The term "aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture and is located in any State. Such term includes, but is not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment used in aquaculture.

(3) The term "aquatic species" means any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant.

(4) The term "coordinating group" means the interagency aquaculture coordinating group established by section 6.

(5) The term "person" means any individual who is a citizen or national of the United States or of any State, any Indian tribe, any institution of higher education, and any corporation, partnership, association or other entity (including, but not limited to, any community development corporation, producer cooperative, or fishermen's cooperative) organized or existing under the laws of any State.

(6) The term "Plan" means the National Aquaculture Development Plan required to be established under section 4.

(7) The term "Secretaries" means the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of the Interior.

(8) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

NATIONAL AQUACULTURE DEVELOPMENT PLAN

16 USC 2803.

SEC. 4. (a) IN GENERAL.—(1) Within eighteen months after the date of the enactment of this Act, the Secretaries shall establish the National Aquaculture Development Plan.

Comments.

(2) In developing the Plan, and revisions thereto under subsection (d), beginning not later than six months after the date of enactment of this Act, the Secretaries shall consult with other appropriate Federal officers, States, regional fishery management councils established under section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852), and representatives of the aquaculture industry. In addition, the Secretaries shall give interested persons and organizations an opportunity to comment during the development of the Plan.

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Advisory committee membership.

Travel expenses.

(3) If the Secretaries deem it to be appropriate, they may establish, and appoint the members of, an advisory committee to assist in the initial development of the Plan. Individuals appointed to the advisory committee shall be knowledgeable or experienced in the principles and practices of aquaculture. The members of the advisory committee (other than officers or employees of the Federal Government), while away from their homes or regular places of business in the performance of services for the advisory committee, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(b) CONTENTS OF PLAN.—The Plan shall—

(1) identify aquatic species that the Secretaries determine have significant potential for culturing on a commercial or other basis;

(2) recommend actions to be taken by the public and private sectors (which may include, but are not limited to, research and development, technical assistance, demonstration, extension education, and training activities) that are necessary to achieve such potential;

(3) address, after taking into account the status of aquaculture regarding the aquatic species concerned—

(A) aquaculture facility design and operation,

(B) water quality management,

(C) use of waste products (including thermal effluents),

(D) nutrition and the development of economical feeds, including natural food sources,

(E) life history, genetics, physiology, pathology, and disease control (including research regarding organisms that may not be harmful to fish and shellfish, but are injurious to humans),

(F) processing and market development,

(G) production management and quality control, and

(H) the development of adequate supplies of seed stock;

(4) include, where appropriate, research programs on the effect of aquaculture on estuarine and other water areas and on the management of such areas for aquaculture;

(5) include, where appropriate, programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture; and

(6) include such other research and development, technical assistance, demonstration, extension education, and training programs as the Secretaries deem necessary or appropriate to carry out this Act.

In formulating the Plan, the Secretaries shall, to the extent practicable, take into account any significant action that (i) has been, or is proposed to be, undertaken by any other Federal department or agency, any State agency, or any person, and (ii) may affect the implementation of the Plan.

(c) ACTIONS AND IMPLEMENTATION.—The Plan shall specify—

(1) with respect to those actions that the Secretaries determine should be undertaken, the period of time within which each such action should be completed, in order to implement the Plan; and

(2) with respect to each such action which of the Secretaries, acting individually, jointly, or collectively, has the responsibility for implementing the action.

The specifications of Secretarial responsibilities under paragraph (2) for implementing actions shall be determined on the basis of—

(A) the responsibilities conferred on the respective Secretaries by law or by any executive action having the effect of law (including, but not limited to, Reorganization Plan Numbered 4 of 1970); and

15 USC 1511 note.

(B) the experience, expertise, and other appropriate resources that the department of each such Secretary may have with respect to the action required under the activity concerned.

Periodic reviews.

(d) REVISION OF PLAN.—The Secretaries shall undertake periodic reviews of the operation and effectiveness of the Plan. If as a result of any such review, or the aquaculture assessment required under subsection (e), the Secretaries determine that—

(1) any aquatic species not currently identified in the Plan has significant potential for aquaculture;

(2) any action specified in the Plan is not being accomplished on a successful and timely basis; or

(3) any action specified in the Plan should be terminated because its objectives have been achieved or its projected benefits do not warrant further support;

the Secretaries shall appropriately amend the Plan.

(e) CONTINUING AQUACULTURE ASSESSMENT.—The Secretaries, through the coordinating group, shall undertake a continuing assessment of aquaculture in the United States for the purpose of maintaining, on a continuing basis—

(1) a complete profile of the aquacultural industry with respect to the incidence, size, and status of commercial aquacultural enterprises;

(2) the identification of the private and public institutions and

organizations involved in aquacultural research, extension, credit, and market development;

(3) the identification of the various aquatic species being cultured and a description of the status of commercial development of each of those species;

(4) to the extent practicable, the identification of aquacultural production regions, species, and markets that have significant potential for development;

(5) a catalog describing all Federal programs and activities that directly or indirectly encourage, support, or assist aquaculture; and

(6) the identification of the economic, physical, legal, institutional, and social constraints that inhibit the development of aquaculture in the United States.

FUNCTIONS AND POWERS OF SECRETARIES

16 USC 2804.

SEC. 5. (a) MANDATORY FUNCTIONS.—In implementing the Plan, the Secretaries shall—

(1) provide advisory, educational, and technical assistance (including training) with respect to aquaculture to interested persons, and in providing such assistance, shall, to the maximum extent practicable, avoid duplication of similar assistance provided by other Federal departments and agencies and by State agencies;

(2) consult and cooperate with interested persons, Federal departments and agencies, State agencies, and regional fishery management councils established under section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852);

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(3) encourage the implementation of aquacultural technology in the rehabilitation and enhancement of publicly owned fish and shellfish stocks (including rehabilitation and enhancement by private nonprofit enterprises), and in the development of private commercial aquacultural enterprises; and

(4) prescribe such regulations as may be necessary to carry out the Plan.

(b) DISCRETIONARY FUNCTIONS.—In implementing the Plan, the Secretaries may—

(1) for the purposes of assessing the biological, technical, and economic feasibility of any aquacultural system—

(A) conduct tests of the system, and, if necessary to demonstrate its feasibility, construct, operate, and maintain developmental aquaculture facilities for testing laboratory results, and

(B) conduct such other tests or analyses as may be necessary;

(2) develop methods to enhance seed stocks of aquatic species; and

(3) conduct such other tests or analyses or take such other actions as the Secretaries deem necessary or appropriate.

(c) INFORMATION SERVICES.—(1) In addition to performing such other required functions under this Act, the Secretaries shall—

(A) establish and maintain an information service for the collection, analysis, and dissemination of scientific, technical, legal, and economic information relating to aquaculture;

(B) conduct appropriate surveys, in coordination with other Federal departments and agencies, of public and private aquacultural activities being conducted in the United States for the purpose of acquiring information on acreages, water use, production, culture techniques, and other relevant matters;

(C) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service;

(D) conduct a continuing study to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study—

(i) an assessment of any adverse effect, by species and by geographical region, on such fisheries, and

(ii) recommended measures to ameliorate any such effect; and

(E) report to Congress on the findings of the study conducted under subparagraph (D) in the biennial status report required under subsection (d).

Report to Congress.

(2) Any production information submitted to the Secretaries under paragraph (1)(B) shall be confidential and may only be disclosed if required under court order. The Secretaries shall prescribe such procedures as may be necessary to preserve such confidentiality. The Secretaries may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or trade secrets of any person who submits such information.

Confidential information disclosure.

(d) Biennial Report.—The Secretaries, through the coordinating group, shall prepare on a biennial basis, and submit to Congress, a report on the status of aquaculture in the United States. Each such report shall contain a description and evaluation of the actions undertaken with respect to the Plan during the reporting period, an explanation of any revisions made to the Plan under section 4(d) during the reporting period, and such other comments and recommendations as the Secretaries deem appropriate. The first report required under this subsection shall be submitted to Congress by September 30, 1981.

Submittal to Congress.

94 STAT. 1203

COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE

Sec. 6. (a) Establishment.—There is established within the Office of Science and Technology Policy an interagency aquaculture coordinating group that shall, subject to subsection (f), operate as a Joint Subcommittee on Aquaculture of the Federal Coordinating Council on Science, Engineering, and Technology (hereinafter in this section referred to as the "Federal Council") established by Executive Order 12039, dated February 24, 1978. The coordinating group shall be composed of the following members or their designees:

"Federal Council."
16 USC 2805.

42 USC 6601 note.
Coordinating group, membership.

(1) The Secretary of Agriculture.
(2) The Secretary of Commerce.
(3) The Secretary of the Interior.
(4) The Secretary of Energy.
(5) The Secretary of Health and Human Services.
(6) The Administrator of the Environmental Protection Agency.
(7) The Chief of Engineers.
(8) The Administrator of the Small Business Administration.
(9) The Administrator of the Agency for International Development.
(10) The Chairman of the Tennessee Valley Authority.
(11) The Director of the National Science Foundation.
(12) The Governor of the Farm Credit Administration.
(13) The heads of such other Federal agencies as are deemed appropriate by the Director of the Office of Science and Technology Policy (hereinafter in this section referred to as the "Director"), after consultation with the coordinating group.

(b) Purpose and Functions.—The purpose of the coordinating group is to increase the overall effectiveness and productivity of Federal aquaculture research, transfer, and assistance programs. In fulfilling this purpose the coordinating group shall—

(1) review the national needs for aquaculture research, transfer, and assistance;

(2) assess the effectiveness and adequacy of Federal efforts to meet those national needs;

(3) undertake planning, coordination, and communication among Federal agencies engaged in the science, engineering, and technology of aquaculture;

(4) collect, compile, and disseminate information on aquaculture;

(5) encourage joint programs among Federal agencies in areas of mutual interest; and

(6) recommend to the Federal Council specific actions on issues, problems, plans, and programs in aquaculture.

(c) CHAIRMAN.—Each of the Secretaries or their designees, on such rotating basis as shall be determined by the Director, shall serve as the chairman of the coordinating group. The term of office of the chairman is two years.

(d) REPORTS.—The coordinating group shall regularly report to the Chairman of the Federal Council on the coordinating group's activities and on recommendations concerning Federal policies and programs related to aquaculture.

94 STAT. 1204 (e) FEDERAL CONSISTENCY.—Each Federal department and agency that has functions or responsibilities with respect to aquaculture or has jurisdiction over any activity that affects, or that may affect, the achievement of the purpose and policy of this Act, shall, in consultation with the coordinating group and to the maximum extent practicable, perform such function, responsibility, or activity in a manner that is consistent with the purpose and policy of this Act.

(f) FUNCTIONS IF FEDERAL COUNCIL TERMINATED.—If at any time after the date of the enactment of this Act, the functions of the Federal Council are by executive action terminated or transferred to an agency other than the Office of Science and Technology Policy, the coordinating group shall carry out its purpose under the direction of the Director. In that event, the recommendations of the coordinating group referred to in subsection (b)(6) and the reports required under subsection (d) shall be made to the Director.

CONTRACTS AND GRANTS

16 USC 2806. SEC. 7. (a) IN GENERAL.—The Secretaries may each carry out any action that such Secretary is responsible for implementing under the Plan through grants to, or contracts with, any person, any other Federal department or agency, any State agency, or any regional commission.

(b) TERMS AND CONDITIONS.—Any contract entered into, or any grant made, under subsection (a) shall contain such terms and conditions as the Secretary concerned shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States. No contract may be entered into, and no grant may be made under subsection (a), for any purpose that is in violation of any applicable State or local law.

(c) LIMITATION.—The amount of any grant made under subsection (a) may not exceed an amount equal to one-half the estimated cost of the project for which the grant is made.

(d) AUDIT.—Each recipient of a grant or contract under this section shall make available to the Secretary concerned and to the Comptroller General of the United States, for purposes of audit and examination, any book, document, paper, or record that is pertinent to the funds received under such grant or contract.

CAPITAL REQUIREMENTS FOR AQUACULTURE

16 USC 2807. SEC. 8. (a) CAPITAL REQUIREMENTS STUDY.—The Secretaries, through the coordinating group, shall conduct within twelve months after the date of enactment of this Act, a study of the capital requirements of the United States aquaculture industry. The study shall—

(1) document and analyze any capital constraints that affect the development of aquaculture in the United States; and

(2) evaluate the role that appropriate Federal financial assistance does or could play in filling gaps in the normal credit market with respect to aquaculture.

The study will identify the capital needs of the United States aquaculture industry, with emphasis on the needs that are not being filled either in normal credit channels or through government programs for direct loans, loan guarantees, disaster loans, and insurance. Upon its completion, the Secretaries shall submit the results of the study to Congress. Submittal to Congress.

(b) CAPITAL REQUIREMENTS PLAN.—Based on the results of the Capital Requirements Study conducted under subsection (a), and within six months of the completion of the study, the Secretaries shall formulate a plan for acting on the study's findings. The plan shall include: (1) those Federal actions, if any, found to be necessary to meet financial needs unmet through normal credit channels and existing Federal programs; and (2) recommendations, if any, for legislative actions. Upon completion, the plan shall be submitted to Congress. Submittal to Congress.

REGULATORY CONSTRAINTS ON AQUACULTURE

SEC. 9. (a) REGULATORY CONSTRAINTS STUDY.—The Secretaries, through the coordinating group, shall conduct, within twelve months after the date of enactment of this Act, a study of the State and Federal regulatory restrictions to aquaculture development in the United States. The study shall— 16 USC 2808.

(1) include a literature review and a descriptive list identifying the parameters of the issue;

(2) identify and list relevant current and pending Federal regulations restricting the development of commercial aquaculture operations;

(3) identify and list relevant current State regulations restricting the development of commercial aquaculture operations in five States selected randomly in five separate geographic regions of the United States;

(4) conduct case studies of ten commercial aquaculture operations in the United States representing a wide range of marine and fresh water species to determine the practical effects of regulatory restrictions on aquaculture; and

(5) develop a flow-chart time line using the information obtained by means of paragraphs (1) through (4) to identify those regulations and restrictions that could have the most detrimental effect in establishing commercial aquaculture operations in the United States.

Upon completion of the study, the Secretaries shall submit its results to Congress. Submittal to Congress.

(b) REGULATORY CONSTRAINTS PLAN.—Based on the results of the Regulatory Constraints Study conducted under subsection (a), and within six months of the study's completion, the Secretaries shall formulate a plan for acting on the study's findings. The plan will contain specific steps the Federal Government can take to remove unnecessarily burdensome regulatory barriers to the initiation and operation of commercial aquaculture ventures. Upon its completion, the Secretaries shall submit the plan to Congress. Submittal to Congress.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 10. For purposes of carrying out the provisions of this Act, there are authorized to be appropriated— 16 USC 2809.

(1) to the Department of Agriculture—

(A) $7,000,000 for fiscal year 1981,

(B) $10,000,000 for fiscal year 1982, and

(C) $12,000,000 for fiscal year 1983;

(2) to the Department of Commerce—

(A) $7,000,000 for fiscal year 1981,

(B) $10,000,000 for fiscal year 1982, and

(C) $12,000,000 for fiscal year 1983; and

94 STAT. 1206

(3) to the Department of the Interior—

(A) $3,000,000 for fiscal year 1981,

(B) $4,000,000 for fiscal year 1982, and

(C) $5,000,000 for fiscal year 1983.

Funds authorized by this section shall be in addition to, and not in lieu of, funds authorized by any other Act.

DISCLAIMER

16 USC 2810.

Sec. 11. Nothing in this Act shall be construed to amend, repeal, or otherwise modify the authority of any Federal officer, department, or agency to perform any function, responsibility, or activity authorized under any other provision of law.

Approved September 26, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-198, Pt. 1 (Comm. on Merchant Marine and Fisheries) and No. 96-198, Pt. 2, (Comm. on Agriculture) both accompanying H.R. 20.
SENATE REPORT No. 96-660 (Comm. on Commerce, Science, and Transportation) and (Comm. on Agriculture, Nutrition and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Apr. 30, considered and passed Senate.
    Sept. 8, H.R. 20 considered and passed House; passage vacated and S. 1650, amended, passed in lieu.
    Sept. 11, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 39:
    Sept. 26, Presidential statement.

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94 STAT. 1312

Public Law 96-365
96th Congress

An Act

Sept. 26, 1980
[S. 1125]

To improve and expand the Federal crop insurance program, and for other purposes.

Federal Crop Insurance Act of 1980.
7 USC 1501 note.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Crop Insurance Act of 1980".**

TITLE I—FEDERAL CROP INSURANCE PROGRAM

CAPITAL STOCK

Appropriation authorization.
7 USC 1504.

Sec. 101. (a) Effective October 1, 1980, section 504(a) of the Federal Crop Insurance Act is amended by striking out "$200,000,000" and inserting in lieu thereof "$500,000,000".

(b) Section 504 of the Federal Crop Insurance Act is amended by adding after subsection (c) a new subsection (d) as follows:

Receipts for payments, cancellation.

"(d) Within thirty days after the date of enactment of the Federal Crop Insurance Act of 1980, the Secretary of the Treasury shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on such date of enactment and such receipts shall cease to be liabilities of the Corporation.".

BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

7 USC 1505.

Sec. 102. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal crop insurance program, the Under Secretary or Assistant Secretary of Agriculture responsible for the farm

credit programs of the Department of Agriculture, one person experienced in the crop insurance business who is not otherwise employed by the Federal Government, and three active farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the three active farmers who are not otherwise employed by the Federal Government, shall ensure that such members are policyholders and are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board.".

Vacancies.

(b) Section 505(b) of the Federal Crop Insurance Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

94 STAT. 1313

5 USC 5332 note.

(c) The second sentence of section 505(c) of the Federal Crop Insurance Act is amended to read as follows: "The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as Directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code when actually employed, and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business.".

GENERAL POWERS FOR THE CORPORATION

7 USC 1506.

SEC. 103. Section 506 of the Federal Crop Insurance Act is amended by—

(1) in subsection (c), striking out "make contracts and";

(2) amending subsection (d) to read as follows:

Post, p. 1316.

"(d) subject to the provisions of section 508(c), may sue and be sued in its corporate name, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. The district courts of the United States, including the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation. The Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business;";

(3) in subsection (f), striking out "free"; and

(4) at the end of subsection (j), striking out the period and inserting in lieu thereof "; and", and adding at the end of section 506 a new subsection (k) as follows:

"(k) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board. State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements.".

USE OF PRIVATE INSURANCE COMPANIES AND OTHER FEDERAL AGENCIES

7 USC 1507.

SEC. 104. Section 507 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (c) to read as follows:

"(c) In the administration of this title, the Board shall, to the maximum extent possible, (1) establish or use committees or associations of producers and make payments to them to cover the administrative and program expenses, as determined by the Board, incurred by them in cooperating in carrying out this title, (2) contract with private insurance companies and reimburse such companies for the administrative and program expenses, as determined by the Board, incurred by them, under terms and provisions and rates of compensation consistent with those generally prevailing in the insurance industry, and (3) encourage the sale of Federal crop insurance 94 STAT. 1314 through licensed private insurance agents and brokers and give the insured the right to renew such insurance for successive terms through such agents and brokers, in which case the agent or broker shall be reasonably compensated from premiums paid by the insured for such sales and renewals recognizing the function of the agent or broker to provide continuing services while the insurance is in effect: *Provided*, That such compensation shall not be included in computations establishing premium rates. The Board shall provide such agents and brokers with indemnification, including costs and reasonable attorney fees, from the Corporation for errors or omissions on the part of the Corporation or its contractors for which the agent or broker is sued or held liable, except to the extent the agent or broker has caused the error or omission."; and

Errors or Omissions, payment.

(2) adding a new subsection (f) as follows:

"(f) The Board should use, to the maximum extent possible, the resources, data, boards, and the committees of (1) the Soil Conservation Service, in assisting the Board in the classification of land as to risk and production capability and in the development of acceptable conservation practices; (2) the Forest Service, in assisting the Board in the development of a timber insurance plan; (3) the Agricultural Stabilization and Conservation Service, in assisting the Board in the determination of individual producer yields and in serving as a local contact point for farmers where the Board deems necessary; and (4) other Federal agencies in any way the Board deems necessary in carrying out this title.".

FEDERAL CROP INSURANCE EXPANSION AND EXTENT OF COVERAGE

7 USC 1508.

SEC. 105. Effective with respect to the 1981 and subsequent crops, subsection (a) of section 508 of the Federal Crop Insurance Act is amended by—

(1) striking out all that follows the subsection designation down through the end of the sixth sentence, which begins, "Reinsurance for private insurance companies . . .", and inserting in lieu thereof the following: "If sufficient actuarial data are available, as determined by the Board, to insure producers of agricultural commodities grown in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board.

Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field. For the purpose of the foregoing sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.";

"Field."

(2) striking out the seventh sentence, which begins, "Any insurance offered against loss in yield . . .", and inserting in lieu thereof the following: "Any insurance offered against loss in yield shall make available to producers protection against loss in yield that covers 75 per centum of the recorded or appraised average yield of the commodity on the insured farm for a representative period (subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms

in the same area, which are subject to the same conditions, may be fair and just). In addition, the Corporation shall make available to producers lesser levels of yield coverage, including a level of coverage at 50 per centum of the recorded or appraised average yield, as adjusted. The Corporation shall not make available to producers any level of coverage in excess of 75 per centum of the recorded or appraised average yield, as adjusted. One of the price elections offered shall approximate (but be not less than 90 per centum of) the projected market price for the commodity involved, as determined by the Board."; and 94 STAT. 1315

(3) striking out the ninth sentence, which begins "Counties selected by the Board . . .".

HAIL AND FIRE INSURANCE CREDIT, PREMIUM SUBSIDY, REINSURANCE, AND SPECIFIC RISK PROTECTION

SEC. 106. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is amended by— 7 USC 1508.

(1) amending subsection (b) to read as follows:

"(b)(1) To fix adequate premiums for insurance at such rates as the Board deems actuarially sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses.

"(2) The producer may elect to have deleted from the Corporation's policy of insurance the coverage against losses caused by hail and fire and to obtain coverage therefor from other than a Federal insurer. Upon notice in writing of such election to the Corporation and submission of evidence of such substitute coverage on the commodities insured by the Corporation in a dollar amount not less than that provided by the Corporation's policy of insurance, the producer's premium, as calculated by the Corporation, shall be reduced by an amount equal to 40 per centum of the prevailing average county hail and fire insurance premium charged by other than Federal insurers for the dollar amount of the coverage provided by the Corporation's policy of insurance, as determined by the Corporation: *Provided*, That the producer's premium shall not be reduced by less than 15 per centum nor more than 30 per centum: *Provided further*, That, notwithstanding the preceding provisions of this sentence, the producer's premium shall not be reduced by an amount that exceeds the premium for the substitute coverage of a dollar amount equal to that provided by the Corporation's policy of insurance. Any premium reduction in excess of the amount of premium that the Corporation determines would have been necessary for the Corporation to charge in order to cover indemnities actually paid by other than Federal insurers for hail and fire coverage deleted from the Corporation's policy of insurance shall be regarded as premium paid by the Corporation.

Premium reduction.

"(3) For the purpose of encouraging the broadest possible participation in the insurance program, 30 per centum of each producer's premium (reduced, where applicable, for hail and fire exclusion, or State or State agency subsidy), as calculated by the Corporation on any coverage under the Corporation's policy of insurance up to a maximum of 65 per centum of the recorded or appraised average yield, as adjusted, shall be paid by the Corporation.

Premium collection.

"(4) The producer's premium, or share thereof, shall be collected at such time or times, and shall be secured in such manner, as the Board may determine.

State or agency of a State, agreements.

"(5) The Board may enter into agreements with any State or agency of a State under which such State or agency may pay to the Corporation additional premium subsidy to further reduce the portion of the premium paid by farmers in such State.

Partial payment, eligibility.

"(6) With respect to any crop insurance covering the 1981 crop of wheat, feed grains, upland cotton, or rice, a producer shall not be eligible for a partial payment of the premium by the Corporation under paragraph (3) of this subsection for such commodity if the 94 STAT. 1316 producer elects to make the acreage of the commodity eligible for payments under the disaster payment provisions for wheat, feed grains, upland cotton, and rice of the Agricultural Act of 1949 (as amended effective for the 1981 crops): *Provided further*, That a producer who is not eligible for a partial payment of premium by the Corporation under this subsection because of the producer's election to make the acreage of the commodity involved eligible for disaster payments in 1981 shall remain eligible to purchase Federal crop insurance on the 1981 acreage of the commodity at the full cost of the premium.";

7 USC 1421 note.

(2) amending subsection (c) to read as follows:

Claims, adjustment and payment.

"(c) To adjust and pay claims for losses under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court for the district in which the insured farm is located: *Provided*, That no suit on such claim may be allowed under this section unless it shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.";

(3) striking out subsection (d), and redesignating subsection (e) as subsection (d); and

(4) striking out subsection (f) and adding new subsections (e), (f), (g), and (h) as follows:

Reinsurance.

Test program.

Operating and adminstrative costs, payment.

Ante, p. 1313.

"(e) And directed, notwithstanding any other provision of this title, to provide reinsurance, to the maximum extent practicable, upon such terms and conditions as the Board may determine to be consistent with subsections (a) and (b) of this section and sound reinsurance principles, to insurers including private insurance companies or pools of such companies, reinsurers of such companies, or State or local governmental entities, including any political subdivisions thereof, that insure producers of any agricultural commodity under a plan or plans acceptable to the Corporation. A test program of such reinsurance shall be made available, to the maximum extent possible, to begin not later than with the 1982 crops. In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance under this subsection to any such insurers, the Corporation shall pay a portion of each producer's premium for such insurance so reinsured. Each such payment shall cover the same per centum of the premium, and be subject to the same restrictions regarding payments of premiums for crop insurance on commodities, as provided in subsection (b) of this section for Federal partial payments of Federal crop insurance premiums. The Corporation shall also pay operating and administrative costs to insurers of policies on which the Corporation provides reinsurance to the same extent that such costs are covered by the Corporation on the Corporation's policies of insurance. Insurers of policies on which reinsurance is provided shall make use of licensed private insurance agents and brokers on the same basis as provided for policies of the Corporation under section 507(c)(3) of this title, except that the provisions for compensating agents and brokers from premiums paid by the insured shall not apply.

94 STAT. 1317

"(f) To provide insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided in this section for production of agricultural commodities in the United States.

"(g) To offer specific risk protection programs including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation programs under such terms and conditions as the Board may determine: *Provided*, That no program may be undertaken if insurance for the specific risk involved is generally available from private companies.

"(h) To include appreciation (including interest charges) as an insurable cost of production in calculating premiums and indemnities in connection with insurance on yields of timber and forests.".

RESEARCH, SURVEYS, AND PILOT PROGRAMS

SEC. 107. (a) Section 506(h) of the Federal Crop Insurance Act is amended to read as follows:

7 USC 1506.

"(h) shall assemble data for the purpose of establishing sound actuarial bases for insurance on agricultural commodities;".

(b) Section 508 of the Federal Crop Insurance Act is amended by adding a new subsection (i) as follows:

Ante, pp. 1315, 1316; *supra*.

"(i) To conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses including, but not limited to, insurance on losses involving reduced forage on rangeland caused by drought and by insect infestation, livestock poisoning and disease, destruction of bees due to the use of pesticides, and other unique problems of special risk related to, but not limited to, fruits, nuts, vegetables, aquacultural species, forest industry needs (including appreciation), and other agricultural products as determined by the Board: *Provided*, That no such programs may be undertaken if insurance protection against such risks is generally available from private companies. Beginning in the 1981 crop year and ending after the 1985 crop year, the Corporation shall also conduct a pilot program of individual risk underwriting of crop insurance in not less than twenty-five counties. Under this pilot program, to the extent that appropriate yield data are available, the Corporation shall make available to producers in such counties crop insurance under this title based on personalized rates and with guarantees determined from the producer's actual yield history. After the completion of any pilot program under this subsection, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report of the operations of the pilot program, including its evaluation of the pilot program and its recommendations with respect to implementing the program on a national basis.".

Crop insurance, availability.

Pilot program evaluation; report. Congressional committees.

DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

SEC. 108. Section 515 of the Federal Crop Insurance Act is repealed.

Repeal. 7 USC 1515.

APPROPRIATIONS FOR OPERATING AND ADMINISTRATIVE EXPENSES

SEC. 109. Effective October 1, 1980, section 516(a) of the Federal Crop Insurance Act is amended to read as follows:

7 USC 1516.

"SEC. 516. (a) There are hereby authorized to be appropriated such sums as may be necessary to cover the operating and administrative costs of the Corporation, including agents' and brokers' commissions, interest on Treasury notes and other obligations, partial premium payments by the Corporation, and the direct cost of loss adjusters for crop inspections and loss adjustments, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine. Expenses in connection with agents' and brokers' commissions, interest on Treasury notes and other obligations, partial premium payments by the Corporation, and the direct cost of loss adjusters for crop inspections and loss adjustments may be paid from premium income and other Corporation funds, and any such payments may be restored by appropriations in subsequent years. The Corporation may not employ more than two hundred additional permanent full-time employees, in excess of the number of full-time employees employed by the Corporation on the effective date of the Federal Crop Insurance Act of 1980, to implement the provisions of this title, except in the case of, and only during, emergencies.".

Appropriation authorization. 7 USC 1516.

94 STAT. 1318

Additional employees.

Ante, p. 1312.

EMERGENCY FUNDING IN CASE OF INSUFFICIENCY

7 USC 1516.

SEC. 110. Effective October 1, 1980, section 516 of the Federal Crop Insurance Act is amended by adding new subsections (c) and (d) as follows:

Indemnity payments to producers.

"(c)(1) If at any time the moneys available to the Federal Crop Insurance Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation may, upon majority vote of its Board of Directors, request the Secretary of Agriculture to use the funds of the Commodity Credit Corporation to make timely payment of indemnities to producers. Upon receiving such a request, the Secretary of Agriculture may use the funds of the Commodity Credit Corporation to meet obligations to indemnify producers for losses under this title. The Secretary's authority to use the funds of the Commodity Credit Corporation for the purposes of this subsection shall expire one year after the date on which the authority is first used.

15 USC 714b.

"(2) The authority to make commitments under this subsection, in excess of funds available to the Commodity Credit Corporation under section 4 of the Commodity Credit Corporation Charter Act and the Act of October 11, 1978 (92 Stat. 1073), shall be effective for any fiscal year only to the extent provided by appropriation Acts.

Notes or other obligations; issuance to Treasury, redemption.

7 USC 1504; *Ante*, p. 1312.

Interest rate determination.

94 STAT. 1319

Notes or other obligations, purchase.

31 USC 774.

"(d) Except as provided in subsection (c), if at any time the moneys available to the Federal Crop Insurance Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation may issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Corporation from moneys available from premiums or the issuance of capital stock under section 504 of this title. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. The borrowing authority provided for in this subsection may be exercised by the Corporation only to such extent or in such amounts as are provided in appropriation Acts.".

AGRICULTURAL COMMODITY

7 USC 1518.

SEC. 111. Section 518 of the Federal Crop Insurance Act is amended to read as follows:

"SEC. 518. 'Agricultural commodity', as used in this title, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, aquacultural species (including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment), or any other agricultural commodity, excluding livestock and stored grain, determined by the Board under subsection (a) or (i) of section 508 of this title, or any one or more of such commodities, as the context may indicate.".

Ante, pp. 1314, 1317.

EFFECTIVE DATE

SEC. 112. Except as otherwise provided in this Act, the provisions of this Act amending the Federal Crop Insurance Act shall become effective on the date of enactment of this Act.

7 USC 1504 note.
7 USC 1501.

TITLE II—DISASTER PAYMENTS

PREVENTED PLANTING DISASTER AND FARM DISASTER PAYMENTS FOR THE 1981 CROPS

SEC. 201. (a) Section 101(h)(4) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of rice, is amended by—

7 USC 1441.

(1) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,";

(2) in subparagraph (C), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,"; and

(3) redesignating subparagraph (D) as subparagraph (E) and inserting immediately after subparagraph (C) a new subparagraph (D) as follows:

94 STAT. 1320

"(D) With respect to the 1981 crop of rice, cooperators on a farm shall not be eligible for disaster payments under this paragraph if the cooperators elect to cover the rice acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act.".

Disaster payments, noneligibility.

Ante, pp. 1315, 1316.

(b) Section 103(f)(5) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of upland cotton, is amended by—

7 USC 1444.

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,";

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,"; and

(3) adding at the end thereof a new subparagraph (C) as follows:

"(C) With respect to the 1981 crop of upland cotton, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the upland cotton acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act.".

Disaster payments, noneligibility.

Ante, pp. 1315, 1316.

(c) Section 105A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of feed grains, is amended by—

7 USC 1444c.

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of feed grains," and

inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,";

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of feed grains," and inserting in lieu thereof "Except as otherwise provided in subparagaph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,"; and

(3) redesignating subparagraph (C) as subparagraph (D) and inserting immediately after subparagraph (B) a new subparagraph (C) as follows:

Disaster payments, noneligibility.

"(C) With respect to the 1981 crop of feed grains, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the feed grain acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act.".

Ante, pp. 1315, 1316.
7 USC 1445b.

(d) Section 107A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of wheat, is amended by—

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,";

94 STAT. 1321

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,"; and

(3) redesignating subparagraph (C) as subparagraph (D) and inserting immediately after subparagraph (B) a new subparagraph (C), as follows:

Disaster payments, noneligibility.

"(C) With respect to the 1981 crop of wheat, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the wheat acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act.".

Ante, pp. 1315, 1316.

NOTICE TO PRODUCERS OF RIGHT TO ELECT SUBSIDIZED CROP INSURANCE OR DISASTER PAYMENTS ON THE 1981 CROPS

7 USC 1508 note.

SEC. 202. The Secretary of Agriculture, after consultation with the Board of Directors of the Federal Crop Insurance Corporation, shall, at least sixty days prior to the beginning of the planting of the 1981 crops of wheat, feed grains, upland cotton, and rice, or thirty days after the date of enactment of this Act, whichever is the later, notify producers of those commodities of their right to elect, with respect to the 1981 crop, between (1) declaring the farm acreage of the respective commodity eligible for disaster payments under the Agricultural Act of 1949, or (2) covering such farm acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act. Such notice shall include a statement of the percent of crop insurance premium that will be paid by the Corporation.

7 USC 1421 note.

Ante pp. 1315, 1316.

Approved September 26, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-430 accompanying H.R. 4119 (Comm. on Agriculture) and No. 96-1272 (Comm. of Conference).
SENATE REPORT No. 96-254 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 10, considered and passed Senate.
Vol. 126 (1980): Feb. 13, H.R. 4119 considered and passed House; passage vacated and S. 1125, amended, passed in lieu.
Sept. 8, Senate agreed to conference report.
Sept. 17, House agreed to conference report.

Public Law 96-468
96th Congress

94 STAT. 2229

An Act

To regulate the feeding of garbage to swine.

OCT. 17, 1980
[H.R. 6593]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Swine Health Protection Act".

Swine Health Protection Act.
7 USC 3801 note.

FINDINGS

7 USC 3801.

SEC. 2. The Congress hereby finds and declares that—

(1) raw garbage is one of the primary media through which numerous infectious or communicable diseases of swine are transmitted;

(2) if certain exotic animal diseases, such as foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular diseases, gain entrance into the United States, such diseases may be spread through the medium of raw or improperly treated garbage which is fed to swine;

(3) African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases, has been confirmed in several countries of the Western Hemisphere, including the Dominican Republic, Haiti, and Cuba;

(4) swine in the United States have no resistance to any of such exotic diseases and in the case of African swine fever there is a particular danger because there are no effective vaccines to this deadly disease;

(5) all articles and animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this Act are necessary to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the people of the United States;

(6) the interstate and foreign commerce in swine and swine products and producers and consumers of pork products could be severely injured economically if any exotic animal diseases, particularly African swine fever, enter this country;

(7) it is impossible to assure that all garbage fed to swine is properly treated to kill disease organisms unless such treatment is closely regulated;

(8) therefore, in order to protect the commerce of the United States and the health and welfare of the people of this country, it is necessary to regulate the treatment of garbage to be fed to swine and the feeding thereof in accordance with the provisions of this Act.

DEFINITIONS

7 USC 3802.

SEC. 3. For purposes of this Act—

(1) the term "Secretary" means the Secretary of Agriculture;

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(2) the term "garbage" means all waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located; and

(3) the term "person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

PROHIBITION OF CERTAIN GARBAGE FEEDING

7 USC 3803.

SEC. 4. (a) No person shall feed or permit the feeding of garbage to swine except in accordance with subsection (b) of this section.

Garbage treatment requirements.

(b) Garbage may be fed to swine only if treated to kill disease organisms, in accordance with regulations issued by the Secretary, at a facility holding a valid permit issued by the Secretary, or the chief agricultural or animal health official of the State where located if such State has entered into an agreement with the Secretary pursuant to section 9 or has primary enforcement responsibility pursuant to section 10 of this Act. No person shall operate a facility for the treatment of garbage knowing it is to be fed to swine unless such person holds a valid permit issued pursuant to this Act. The Secretary may exempt any facility or premises from the requirements of this section whenever the Secretary determines that there would not be a risk to the swine industry in the United States.

Exemption.

ISSUANCE, SUSPENSION, AND REVOCATION OF PERMITS

7 USC 3804.

SEC. 5. (a) Any person desiring to obtain a permit to operate a facility to treat garbage that is to be fed to swine shall apply therefor to (1) the Secretary, or (2) the chief agricultural or animal health official of the State where the facility is located if such State has entered into an agreement with the Secretary pursuant to section 9 or has primary enforcement responsibility pursuant to section 10 of this Act, and provide such information as the Secretary shall by regulation prescribe. No permit shall be issued unless the facility—

(1) meets such requirements as the Secretary shall prescribe to prevent the introduction or dissemination of any infectious or communicable disease of animals or poultry, and

(2) is so constructed that swine are unable to have access to untreated garbage of such facility or material coming in contact with such untreated garbage.

Cease and desist orders or permit revocations.

(b) Whenever the Secretary finds, after notice and opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, that any person holding a permit to operate a facility to treat garbage in any State is violating or has violated this Act or any regulation of the Secretary issued hereunder, the Secretary may issue an order requiring such person to cease and desist from continuing such violations or an order suspending or revoking such permit, or both. Any person aggrieved by an order of the Secretary issued pursuant to this subsection may, within sixty days after entry of such order, seek review of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

Judicial review.

94 STAT. 2231

Second conviction.

(c) The permit of any person to operate a facility to treat garbage in any State shall be automatically revoked, without action of the Secretary, upon the final effective date of the second conviction of such person pursuant to section 7 of this Act.

CIVIL PENALTIES

7 USC 3805.

SEC. 6. (a) Any person who the Secretary determines, after notice and opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, is violating or has violated any provision of this Act or any regulation of the Secretary issued hereunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

Judicial review.

(b) The determination and order of the Secretary with respect thereto imposing a civil penalty under this section shall be final and conclusive unless the person against whom such an order is issued files application for judicial review within sixty days after entry of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

Collection actions by Attorney General.

(c) If any person fails to pay a civil penalty under a final order of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(e) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

CRIMINAL PENALTIES

7 USC 3806.

SEC. 7. (a) Whoever willfully violates any provision of this Act or the regulations of the Secretary issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) Any person who fails to obey any order of the Secretary issued under the provisions of section 5, or such order as modified—

(1) after the expiration of the time allowed for filing a petition in the court of appeals to review such order, if no such petition has been filed within such time; or

(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or

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(3) after such order, or such order as modified, has been sustained by the courts as provided in section 5(b);

shall on conviction be fined not more than $10,000, or imprisoned for not more than one year, or both. Each day during which such failure continues shall be deemed a separate offense.

GENERAL ENFORCEMENT PROVISIONS

7 USC 3807.

SEC. 8. (a) The Attorney General, upon the request of the Secretary, shall bring an action to enjoin the violation of, or to compel compliance with, any provision of this Act or any regulation issued by the Secretary hereunder by any person. Such action shall be brought in the appropriate United States district court for the judicial district in which such person resides or transacts business or in which the violation or omission has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found.

Premises, access.

(b) Any person subject to the provisions of this Act shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to his premises or facility and opportunity to examine the premises or facility, the garbage there at, and books and records thereof, to copy all such books and records and to take reasonable samples of such garbage.

15 USC 46, 48-50.

(c) For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 6 and 8 through 10 of the Federal Trade Commission Act, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this Act and to any person subject to the provisions of this Act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States.

COOPERATION WITH STATES

7 USC 3808.

SEC. 9. In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of this Act and State laws and regulations relating to the feeding of garbage to swine, the Secretary is authorized to enter into cooperative agreements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of this Act and regulations hereunder. The Secretary is further authorized to coordinate the administration of this Act and regulations with such State laws and regulations whenever feasible: *Provided*, That nothing herein shall affect the jurisdiction of the Secretary under any other Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions upon such cooperation.

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STATE PRIMARY ENFORCEMENT RESPONSIBILITY

7 USC 3809.

SEC. 10. (a) For purposes of this Act, a State shall have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine and the feeding thereof during any period for which the Secretary determines that such State—

(1) has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of this Act and the regulations hereunder: *Provided*, That the Secretary may not require a State to have laws that are more stringent than this Act;

(2) has adopted and is implementing adequate procedures for the effective enforcement of such State laws and regulations; and

(3) will keep such records and make such reports showing compliance with paragraphs (1) and (2) of this subsection as the Secretary may require by regulation.

Except as provided in subsection (c), the Secretary shall not enforce this Act or the regulations hereunder in any State which has primary enforcement responsibility pursuant to this section.

Notification of inadequate enforcement or administration.

(b) Whenever the Secretary determines that a State having primary enforcement responsibility pursuant to this section does not have adequate laws or regulations or is not effectively enforcing such laws or regulations, the Secretary shall notify the State. Such notice shall specify those aspects of the administration or enforcement of the State program that are determined to be inadequate. The State shall have ninety days after receipt of the notice to correct any deficiencies. If after that time the Secretary determines that the State program remains inadequate, the Secretary may terminate, in whole or in part, the State's primary enforcement responsibility under this Act.

(c) Nothing in this section shall limit the authority of the Secretary to enforce this Act whenever the Secretary determines that emergency conditions exist that require immediate action on the part of the Secretary and the State authority is unwilling or unable adequately to respond to the emergency.

ADVISORY COMMITTEE

Appointments.
7 USC 3810.

SEC. 11. The Secretary shall appoint an advisory committee or committees consisting of representatives of appropriate State agricultural or State animal health agencies, animal health organizations, the food waste feeder industry, and swine producer organizations to consult with the Secretary concerning matters within the scope of this Act, including evaluating State programs for purposes of section 10 of this Act and assuring effective coordination among State programs and Federal and State programs.

REGULATIONS

Record maintenance.
7 USC 3811.

SEC. 12. The Secretary is authorized to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of this Act.

AUTHORITY IN ADDITION TO OTHER LAWS; EFFECT ON STATE LAWS

7 USC 3812.

SEC. 13. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Nothing in this Act shall be construed to repeal or supersede any State law prohibiting the feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage to be fed to swine or the feeding thereof which are more stringent than those under this Act or the regulations hereunder.

94 STAT. 2234

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved October 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1383 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Oct. 1, considered and passed House and Senate.

Public Law 96-469
96th Congress

94 STAT. 2235

An Act

To provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife.

Oct. 17, 1980
[S. 2043]

Animal Cancer Research Act.
7 USC 3901 note.
7 USC 3901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Cancer Research Act".

SEC. 2. Congress finds that—

(a) basic research on malignant tumors or cancers is essential to protect the health of domestic animals, poultry, and wildlife, including birds;

(b) carcinogenic agents have not been adequately identified in domestic animals, poultry, and wildlife management;

(c) basic research in diagnosis, prevention, and control of malignant tumors in animals and birds has not been adequately coordinated;

(d) significant theories of a common factor in malignant tumors, such as chorionic gonadotropin, have not been pursued in depth;

(e) research on diagnosis, prevention, and control of cancer in animals and birds will be beneficial in identifying any common factors in human and animal malignant tumors, if such exist; and

(f) it is imperative for the Department of Agriculture and the National Institutes of Health to coordinate and consult with regard to the research authorized under this Act to achieve the maximum benefits from such research.

Research program.
7 USC 3902.

SEC. 3. The Secretary of Agriculture shall conduct a program of basic research on cancer in animals and birds at appropriate facilities within the Department of Agriculture or by grants to other qualified research facilities.

Annual program review.
7 USC 3903.

SEC. 4. The Secretary of Agriculture and the Director of the National Institutes of Health shall annually review the research program conducted under this Act in order to coordinate the program with the National Cancer Institute research program.

Appropriation authorization.
7 USC 3904.

SEC. 5. (a) There are hereby authorized to be appropriated to administer the program under this Act $25,000,000 for fiscal year 1982, and $25,000,000 annually thereafter through the end of fiscal year 1986.

Limitation.

94 STAT. 2236

(b) Not more than 30 per centum of any of the amounts appropriated under this section in any fiscal year may be obligated for research under section 3 at facilities of the Department of Agriculture.

Approved October 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1384 (Comm. on Agriculture).
SENATE REPORT No. 96-757 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
Oct. 1, considered and passed House, amended; Senate concurred in House amendment.

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94 STAT. 2570

Public Law 96-494
96th Congress

An Act

Dec. 3, 1980
[H.R. 3765]

To increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.

Agricultural Act of 1980.
7 USC 4001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

7 USC 601 note.

SEC. 101. Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

Agricultural Trade Suspension Adjustment Act of 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980". 7 USC 4001 note.

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after "$2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,". 7 USC 1444c.

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,". 7 USC 1445b.

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": *Provided further*, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel". 7 USC 1446.

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

94 STAT. 2571

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by— 7 USC 1445e.

(1) inserting the following before the period at the end of the first sentence: ": *Provided*, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, 7 USC 1421. for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: *Provided further*, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest

on loans made on the 1980 and 1981 crops of wheat and feed grains".

Effective date. 7 USC 1445e note.

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

7 USC 1445e.

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary.".

94 STAT. 2572

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

7 USC 1445e.

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

Post, p. 2578. *Post*, p. 2573.

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

Post, p. 2578.

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

15 USC 714c note.

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

94 STAT. 2573

SUPPLEMENTAL SET-ASIDE AUTHORITY

7 USC 1445h.

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

7 USC 1441, 1444, 1444c, 1445b.

TRADE SUSPENSION RESERVES

7 USC 4001.

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

50 USC app. 2401 note.

Gasohol feedstock or food security reserves.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

Agricultural commodities, acquisition.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

Commodity stock disposal.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

94 STAT. 2574

Post, p. 2578.

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

7 USC 1445e.

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

Agricultural commodities, acquisition.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

Post, p. 2578.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

Determinations.

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

Stock replenishment.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

94 STAT. 2575

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

Definitions. 7 USC 4002.

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agricultural Act of 1949. 7 USC 1445e.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act. *Ante*, p. 683.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

Loans.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

Regulations.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

Grain usage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

94 STAT. 2576

Loans.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

Authority of Agriculture Secretary.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

7 USC 4003.

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

Report to President and Congress.

Contents.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

94 STAT. 2577

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

7 USC 4004.

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

7 USC 1431.
7 USC 1446a-1.
42 USC 1751 note.
42 USC 1771 note.

Applications.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

Recordkeeping and review.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

Report to Congress.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

Food sales, prohibition.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

94 STAT. 2578

Appropriation authorization.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

7 USC 4005.

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

7 USC 4001 note.

SEC. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Food Security Wheat Research Act of 1980.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

7 USC 1736f-1 note.

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

7 USC 1736f-1.

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

Release of Wheat.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

7 USC 1691 note.

7 USC 1731.

94 STAT. 2579

7 USC 1721.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

7 USC 1691 note.

7 USC 1731.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

50 USC app. 2406.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

7 USC 1691 note.

Determinations.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

Stock replenishment, expiration date.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

94 STAT. 2580

EFFECTIVE DATE

7 USC 1736f-1 note.

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Approved December 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1276 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Sept. 15, considered and passed House.
    Oct. 1, considered and passed Senate, amended.
    Nov. 17, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 49:
    Dec. 3, Presidential statement.

Public Law 96-554
96th Congress

94 STAT. 3257

An Act

To authorize a pilot program to encourage the efficient utilization of wood residues, and for other purposes.

Dec. 19, 1980
[S. 1996]

Wood Residue Utilization Act of 1980.
16 USC 1600 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wood Residue Utilization Act of 1980".

16 USC 1681.

SEC. 2. The purpose of this Act is to develop, demonstrate, and make available information on feasible methods that have potential for commercial application to increase and improve utilization, in residential, commercial, and industrial or powerplant applications, of wood residues resulting from timber harvesting and forest protection and management activities occurring on public and private forest lands, and from the manufacture of forest products, including woodpulp.

Pilot projects and demonstrations, establishment.
16 USC 1682.

Sec. 3. (a) The Secretary may establish pilot projects and demonstrations to carry out the purposes of this Act. The pilot projects and demonstrations established under this section (1) may be operated by the Secretary; or (2) may be carried out through contracts or agreements with owners of private forest lands or other persons, or in conjunction with projects, contracts, or agreements entered into under any other authority which the Secretary may possess: *Provided*, That nothing contained in this Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of national forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

(b) Pilot projects and demonstrations carried out under this section may include, but are not limited to (1) establishment and operation of utilization demonstration areas; (2) establishment and operation of fuel wood concentration and distribution centers; and (3) construction of access roads needed to facilitate wood residue utilization: *Provided*, That residue removal credits may be utilized by the Secretary only as provided in section 4.

Residue removal credits.
16 USC 1683.

Sec. 4. The Secretary may carry out pilot wood residue utilization projects under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may, except as otherwise provided in this section, be required to remove wood residues not purchased by them to points of prospective use in return for compensation in the form of "residue removal credits." Such projects may be carried out where the Secretary identifies situations in which pilot wood residue utilization projects on the National Forest System can provide important information on various methods and approaches to increasing the utilization, in residential, commercial, and industrial or powerplant applications, of wood residues and where such information cannot reasonably be obtained unless the pilot projects are done in conjunction with normal National Forest timber sale activities. The residue removal credits shall be applied against the amount payable for the timber purchased and shall represent the anticipated cost of removal of wood residues. The following guidelines shall apply to projects carried out under this section:

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Guidelines.

(1) Except in cases where wood residue removal is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement, or other land management purposes, the Secretary may not provide for removal of wood residues in instances where the anticipated cost of removal would exceed the anticipated value.

(2) The residue removal credits authorized by this section shall not exceed the amount payable by the purchaser for timber after the application of all other designated charges and credits.

(3) The Secretary may sell the wood residues removed to points of prospective use for not less than their appraised value.

(4) Pilot projects, demonstrations, and other programs established pursuant to this Act shall be carried out in a manner which does not result in an adverse effect on the furnishing of timber, free of charge, under any other provision of law.

(5) Wood residues shall be collected from a site so as to avoid soil depletion or erosion giving full consideration to the protection of wildlife habitat.

(6) For the purposes of the sixth undesignated paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the

sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Forest Service in processing and storing such residues.

Reports to Congress.
16 USC 1684.

SEC. 5. The Secretary shall make annual reports to the Congress on the programs authorized by this Act. These reports shall be submitted with the reports required under section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974.

16 USC 1607.

16 USC 1685.

SEC. 6. The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this Act.

Definitions.
16 USC 1686.

SEC. 7. For purposes of this Act, the term:

(1) "Anticipated cost of removal" means the projected cost of removal of wood residues from timber sales areas to points of prospective use, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(2) "Anticipated value" means the projected value of wood residues as fuel or other merchantable wood products, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(3) "Points of prospective use" means the locations where the wood residues are sold or otherwise put to use, as determined by the Secretary in accordance with appropriate appraisal and sale procedures.

(4) "Person" means an individual, partnership, joint-stock company, corporation, association, trust, estate, or any other legal entity, or any agency of Federal or State government or of a political subdivision of a State.

(5) "Secretary" means the Secretary of Agriculture.

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(6) "Wood residues" includes, but is not limited to, logging slash, down timber material, woody plants, and standing live or dead trees which do not meet utilization standards because of size, species, merchantable volume, or economic selection criteria and which, in the case of live trees, are surplus to growing stock needs.

Appropriation authorization.
16 USC 1687.

SEC. 8. There is hereby authorized to be appropriated not to exceed $25,000,000 for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects and demonstrations authorized by section 3 of this Act, the residue removal credits authorized by section 4 of this Act, and the other provisions of this Act: *Provided,* That not to exceed $2,500,000 of such amount may be appropriated for administrative expenses to carry out this Act for the period beginning October 1, 1981, and ending September 30, 1986. Such sums shall be in addition to those provided under other provisions of law and shall remain available until expended.

Effective date.
16 USC 1681 note.

SEC. 9. This Act shall become effective October 1, 1981.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1526 (Comm. of Conference).
SENATE REPORT No. 96-634 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Mar. 25, considered and passed Senate.
  Aug. 18, H.R. 6755 considered and passed House; passage vacated and S. 1996, amended, passed in lieu.
  Dec. 5, House agreed to conference report.
  Dec. 8, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 19, Presidential statement.

94 STAT. 3437

Public Law 96-592
96th Congress

An Act

Dec. 24, 1980
[S. 1465]

To amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes.

Farm Credit Act Amendments of 1980.
12 USC 2001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Credit Act Amendments of 1980".

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

12 USC 2012.

SEC. 101. Section 1.4 of the Farm Credit Act of 1971 is amended by—

(1) striking out in paragraph (6) "loans and" and inserting in lieu thereof "and participate in loans, make";

Post, p. 3446.

(2) inserting before the period at the end of paragraph (12) ", participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act, and participate with lenders which are not Farm Credit System institutions in loans that the bank is authorized to make under this title";

(3) inserting after "System" in the first sentence of paragraph (14) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(4) striking out everything after the second comma in paragraph (15) and inserting in lieu thereof "and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) sell to lenders which are not Farm Credit System institutions interests in loans, (ii) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (iii) make other investments."; and

(5) adding new paragraphs (22) and (23) as follows:

"(22) Accept contributions to its capital from Federal land bank associations and account therefor as authorized by the Farm Credit Administration.

"(23) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.".

12 USC 2013.

SEC. 102. Section 1.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in subsection (b) "hypotheticated" and inserting in lieu thereof "hypothecated";

Nonvoting stock, issuance.

(2) striking out the first sentence of subsection (d) and inserting in lieu thereof two new sentences as follows: "Nonvoting stock may be issued to the Governor of the Farm Credit Administration, to borrowers as patronage refunds, and may also be issued to Federal land bank associations in amounts that will permit the bank to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Nonvoting stock also may be issued to and shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration."; and

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(3) adding new subsections (f) and (g) as follows:

Patronage refunds.

"(f) Patronage refunds may be paid in nonvoting stock, participation certificates, allocated surplus, and other equities of the bank, or cash, or in both equities and cash, as determined by the board of the bank, to borrowers of the fiscal year for which such patronage refunds are distributed. All patronage refunds shall be paid in the proportion that the amount of interest on the loans to each borrower during the year bears to the interest on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

"(g) Equities to evidence contributions to capital may be issued to Federal land bank associations when the bylaws of the bank so provide.".

Equities, issuance.

SEC. 103. Section 1.6 of the Farm Credit Act of 1971 is amended to read as follows:

12 USC 2014.

"SEC. 1.6. REAL ESTATE MORTGAGE LOANS.—The Federal land banks are authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.".

SEC. 104. Section 1.7 of the Farm Credit Act of 1971 is amended by inserting before the period in the first sentence "as provided in section 4.17 of this Act".

12 USC 2015.

Post, p. 3446.

SEC. 105. Section 1.8 of the Farm Credit Act of 1971 is amended by striking out in clause (1) "and ranchers" and inserting in lieu thereof ", ranchers, or producers or harvesters of aquatic products".

12 USC 2016.

SEC. 106. Section 1.9 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans originated by a Federal land bank or in which it participates with a lender which is not a Farm Credit System institution shall not exceed 85 per centum of the appraised value of the real estate security, or such greater amount, not to exceed 97 per centum of the appraised value of the real estate security, as may be authorized under regulations of the Farm Credit Administration for loans guaranteed by Federal, State, or other governmental agencies, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration.".

Loan security.
12 USC 2017.

SEC. 107. Section 1.10 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans made by the Federal land banks to farmers, ranchers, and producers or harvesters of aquatic products may be for any agricultural or aquatic purpose and other credit needs of the applicant, including financing for basic processing and marketing directly related to the applicant's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the applicant's operations shall supply at least 20 per centum, or such larger per centum that is required by the board of directors of the bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended.".

12 USC 2018.

SEC. 108. Section 1.11 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" before "operations".

12 USC 2019.

SEC. 109. Section 1.12 of the Farm Credit Act of 1971 is amended by striking out the designation "(a)".

12 USC 2020.

SEC. 110. Section 1.15 of the Farm Credit Act of 1971 is amended by—

12 USC 2033.

94 STAT. 3439

(1) striking out in paragraph (13) "shall";

(2) striking out in paragraph (14) "may" the second time it appears; and

(3) adding a new paragraph (21) as follows:

"(21) Contribute to the capital of the bank.".

SEC. 111. Section 1.16 of the Farm Credit Act of 1971 is amended by—

12 USC 2034.

(1) striking out in the sixth sentence of subsection (a) "fair"; and

(2) adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan (1) made by a Federal land bank which it sells to a lender which is not a Farm Credit System institution, or (2) that such lender retains or acquires in participating in the loan with a Federal land bank.".

12 USC 2051. SEC. 112. Section 1.17 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (a) "exess" and inserting in lieu thereof "excess"; and

(2) amending subsection (b) by inserting ", and pay patronage refunds, or do any of them, as provided in its bylaws," after "dividends", and striking out "with" and inserting in lieu thereof "the".

Dividends. 12 USC 2052. SEC. 113. Section 1.18(b) of the Farm Credit Act of 1971 is amended to read as follows:

"(b) Any association may declare a dividend or dividends and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of its net earnings available therefor which remain after (1) maintenance of the reserve required in subsection (a) of this section and (2) bank approval. All patronage refunds shall be paid on the proportionate patronage basis approved by the bank. Dividends shall be noncumulative, and the rate of dividends may be different between classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the Federal land bank by such classes and issues, but otherwise dividends shall be without preference.".

12 USC 2053. SEC. 114. Section 1.19 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "As may be authorized by the bank in accordance with regulations of the Farm Credit Administration, associations also may enter into agreements with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.".

12 USC 2054. SEC. 115. Section 1.20 of the Farm Credit Act of 1971 is amended by inserting after "stock" the second time it appears "or participation certificates," and inserting "or other Farm Credit System institutions" after "Administration".

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

12 USC 2072. SEC. 201. Section 2.1 of the Farm Credit Act of 1971 is amended by—

94 STAT. 3440

(1) inserting after "System" in the first sentence of paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(2) striking out in paragraph (13) everything after "agency" the second time it appears and inserting in lieu thereof ", and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (ii) make other investments.";

(3) amending paragraph (18) to read as follows:

"(18) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purposes,"; and

(4) inserting before the period at the end of paragraph (20) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act".

12 USC 2073. SEC. 202. Section 2.2 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (d) ", and may be issued to and, notwithstanding the provisions of subsection (g) of this section, shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration";

(2) striking out in the second and fourth paragraphs of subsection (g) "fair";

(3) striking out everything through "Governor" in subsection (h) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(4) striking out in subsection (i) "fair".

SEC. 203. Section 2.3 of the Farm Credit Act of 1971 is amended to read as follows: 12 USC 2074.

"SEC. 2.3. LOANS; DISCOUNTS; PARTICIPATION; LEASING.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to, and to discount for or purchase from—

"(1) any production credit association, or

"(2) any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products,

any note, draft, or other obligation with its endorsement or guarantee, the proceeds of which note, draft, or other obligation have been advanced to persons and for purposes eligible for financing by production credit associations under section 2.15(a) (1), (2), and (3) of this Act. 12 USC 2096.

"(b) The Federal intermediate credit banks may participate with one or more production credit associations or intermediate credit banks in the making of loans to eligible borrowers and may participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act. The banks may own and lease or lease with Post, p. 3446. option to purchase to persons eligible for assistance under this 94 STAT. 3441 title, equipment needed in the operations of such persons.

"(c) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity identified in subsection (a) (1) and (2) of this section if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or (in the case of financing institutions under subsection (a)(2) of this section) the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (a) of this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitation herein contained.

"(d) All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations shall assure that such loans, financial assistance, discounts, and purchases are available on a reasonable basis to any financing institution authorized to receive such services under subsection (a)(2) of this section that (i) is significantly involved in lending for agricultural or aquatic purposes, (ii) demonstrates a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers, (iii) has limited access to national or regional capital markets, and (iv) does not use such services to expand its financing activities to persons and for purposes other than those authorized in section 2.15(a) (1), (2), and (3) of this Act. The regula- 12 USC 2096. tions may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to such a financing institution. For purposes of this subsection, a financing institution together with its subsidiaries and affiliates may be considered as one but such determination to consider such institution together with its subsidiaries and affiliates as one shall be made in the first instance by the bank and in the event of a denial by the bank of its services to a financial institution, thereafter by the Farm Credit Administration on a case-by-case basis with due regard to the total relationship of the financing institution, its subsidiaries, and affiliates.

"(e) Nothing in this section shall require termination of discount relationships in existence on the effective date of the Farm Credit Act Amendments of 1980.".

12 USC 2075. SEC. 204. Section 2.4 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans, advances, or discounts made under section 2.3 of this Act shall be repayable in not more than seven years (fifteen years if made to producers or harvesters of aquatic products) from the time they are made or discounted by the Federal intermediate credit bank, except that the district farm credit board, under regulations of the Farm Credit Administration, may approve policies permitting loans, advances, or discounts (other than those made to producers or harvesters of aquatic products) to be repayable in not more than ten years from the time they are made or discounted by such bank. Loans, advances, and discounts shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration as provided in section 4.17 of this Act, but the rates charged financing institutions shall be the same as those charged production credit associations.". *Ante*, p. 3440.

94 STAT. 3442

12 USC 2076. SEC. 205. Section 2.5 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

12 USC 2077. SEC. 206. Section 2.6(c) of the Farm Credit Act of 1971 is amended by striking out "of less than 25 per centum" in the second sentence.

12 USC 2091. SEC. 207. Section 2.10 of the Farm Credit Act of 1971 is amended by striking out the comma after "States" in the first sentence and inserting in lieu thereof a period.

12 USC 2093. SEC. 208. Section 2.12 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) "and buy from and sell to such banks interests in loans and in other financial assistance extended and nonvoting stock, as may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration";

(2) inserting before the period at the end of paragraph (13) "and when authorized by the bank participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; and *Post*, p. 3446.

(3) amending paragraph (15) to read as follows:

"(15) As may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

12 USC 2094. SEC. 209. Section 2.13 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of subsection (e) "or in lieu of nonvoting stock";

(2) striking out in the first sentence of subsection (f) "fair";

(3) amending the last sentence of subsection (f) to read as follows: "Notwithstanding any other provisions of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Farm Credit System institution, nonvoting stock or participation certificates may be issued to the commercial bank or other financial institution in satisfaction of the requirement that the borrower own stock or participation certificates, which requirement shall apply only to the portion of the loan which is retained by the association.";

(4) striking out in the first sentence in subsection (g) "fair";

(5) striking out everything through "Governor" in subsection (j) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(6) striking out in subsection (k) "fair".

SEC. 210. Section 2.15 of the Farm Credit Act of 1971 is amended by— 12 USC 2096.

(1) amending clause (1) in the first sentence of subsection (a) to read as follows: "(1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural or aquatic purposes and other requirements of such borrowers, including financing for basic processing and marketing directly related to the borrower's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the borrower's operations shall supply at least 20 per centum, or such larger per centum that is required by the supervising bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended,"; and

94 STAT. 3443

(2) inserting in subsection (b) after "Administration" in the first sentence "as provided in section 4.17 of this Act".

SEC. 211. Section 2.16 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm". 12 USC 2097.

TITLE III—BANKS FOR COOPERATIVES

SEC. 301. Section 3.1 of the Farm Credit Act of 1971 is amended by— 12 USC 2122.

(1) inserting before the period at the end of paragraph (11) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; *Post*, p. 3446.

(2) inserting after "System" in the first sentence in paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act or, to the extent necessary to facilitate transactions which may be financed under section 3.7(b) of this Act, any other financial organization, domestic or foreign, as may be authorized by its board of directors and approved by the Farm Credit Administration"; 12 USC 264 note, 1811-1831. *Post*, p. 3444.

(3) amending paragraph (13) by:

(a) inserting immediately after "(13)" the designation "(A)";

(b) inserting after subparagraph (A) the following new subparagraphs (B) and (C):

"(B) As may be authorized by its board of directors and approved by the Farm Credit Administration, buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock.

"(C) As may be authorized by its board of directors and approved by the Farm Credit Administration, and solely for the purposes of obtaining credit information and other services needed to facilitate transactions which may be financed under section 3.7(b) of this Act, invest in ownership interests in foreign business entities that are principally engaged in providing credit information to and performing such servicing functions for their members in connection with the members' international activities."; and

(4) adding new paragraphs (18) and (19) as follows:

"(18) As may be authorized by the board of directors and approved by the Farm Credit Administration, maintain credit balances and pay or receive fees or interest thereon, for the purpose of assisting in the transfer of funds to or from parties to transactions that may be financed under section 3.7(b) of this Act: *Provided, however*, That nothing herein shall authorize the banks for cooperatives to engage in the business of accepting domestic deposits.

"(19) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit

System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

12 USC 2124. SEC. 302. Section 3.3 of the Farm Credit Act of 1971 is amended by adding a new subsection (f) as follows:

"(f) Participation certificates may be issued to parties to whom voting stock may not be issued.".

12 USC 2126. SEC. 303. Section 3.5 of the Farm Credit Act of 1971 is amended by—

94 STAT. 3444 (1) striking out the first three sentences and inserting in lieu thereof three new sentences as follows: "Any nonvoting stock held by the Governor of the Farm Credit Administration shall be

12 USC 2151. retired to the extent required by section 4.0(b) of this Act before any other outstanding voting or nonvoting stock or participation certificates shall be retired except as may be otherwise authorized by the Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock and participation certificates may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock or participation certificates retired in response to a call, reserving the right to have such stock or participation certificates included in the next call for retirement."; and

(2) striking out in the fourth sentence "fair book value not exceeding".

12 USC 2128. SEC. 304. Section 3.7 of the Farm Credit Act of 1971 is amended by—

(1) adding the designation "(a)" before the text, and inserting before "collateral custody" in the first sentence, "currency exchange necessary to service individual transactions that may be financed under subsection (b) of this section,", and inserting before the period at the end of the third sentence "and may make or participate in loans or commitments and extend other technical and financial assistance to other domestic parties for the acquisition of equipment and facilities to be leased to such stockholders for use in their operations in the United States"; and

Lending powers. (2) adding new subsections (b), (c), (d), and (e) as follows:

"(b) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to (1) a domestic or foreign party with respect to its transactions with an association that is a voting stockholder of the bank for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales or exchanges, and (2) a domestic or foreign party in which such an association has at least the minimum ownership interest approved under regulations of the Farm Credit Administration for the purpose of facilitating the association's export or import operations of the type described in clause (1) of this subsection: *Provided*, That a bank for cooperatives determines, under regulations of the Farm Credit Administration, that the voting stockholder will benefit substantially as a result of such loan, commitment, or assistance.

"(c) Loans, commitments, and assistance authorized by subsection (b) of this section shall be extended in accordance with policies adopted by the board of directors of the bank under regulations of the Farm Credit Administration.

"(d) The regulations of the Farm Credit Administration implementing subsection (b) of this section and the other provisions of this title relating to the authority under subsection (b) of this section may not confer upon the banks for cooperatives powers and authorities greater than those specified in this title. The Farm Credit Administration shall, during the formulation of such regulations, closely consult on a continuing basis with the Board of Governors of the Federal Reserve System to ensure that such regulations conform to national banking policies, objectives, and limitations.

"(e) Notwithstanding any other provision of this title, the banks for cooperatives shall not make or participate in loans or commitments

94 STAT. 3445 for the purpose of financing speculative futures transactions by eligible borrowers in foreign currencies.".

SEC. 305. Section 3.8 of the Farm Credit Act of 1971 is amended by— 12 USC 2129.

(1) in the first paragraph striking out the second comma and inserting "or aquatic" before "business";

(2) striking out in subsection (c) "or farm business services" and inserting in lieu thereof "farm or aquatic business services, or services to eligible cooperatives"; and

(3) amending subsection (d) to read as follows:

"(d) A percentage of the voting control of the association not less than 80 per centum (60 per centum (1) in the case of rural electric, telephone, public utility, and service cooperatives; (2) in the case of local farm supply cooperatives that have historically served needs of the community that would not adequately be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to changed circumstances beyond their control such as, but not limited to, urbanization of the community; and (3) in the case of local farm supply cooperatives that provide or will provide needed services to a community and that are or will be in competition with a cooperative specified in paragraph (2)) or, with respect to any type of association or cooperative, such higher percentage as established by the district board, is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;".

SEC. 306. Section 3.9(a) of the Farm Credit Act of 1971 is amended 12 USC 2130. by striking out the first sentence and inserting in lieu thereof a new sentence as follows: "Each borrower entitled to hold voting stock shall, at the time a loan is made by a bank for cooperatives, own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan.".

SEC. 307. Section 3.10 of the Farm Credit Act of 1971 is amended 12 USC 2131. by—

(1) inserting before the period in the first sentence of subsection (a) "as provided in section 4.17 of this Act"; and

(2) striking out in the first sentence of subsection (d) "book" and inserting in lieu thereof "market" and adding a new sentence as follows: "In no event shall the bank's equities be retired or canceled if the retirement or cancellation would adversely affect the bank's capital structure, as determined by the Farm Credit Administration.".

SEC. 308. Section 3.11 of the Farm Credit Act of 1971 is amended 12 USC 2132. by—

(1) striking out in the second sentence of subsection (b) "of less than 25 per centum" and "of not to exceed such per centum of net savings"; and

(2) striking out the first sentence of subsection (c) and inserting in lieu thereof a new sentence as follows: "The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsection (a) or (b) of this section, whichever is applicable, shall be paid in stock, participation certificates, or cash, or in any of them, as determined by its board, as patronage refunds to borrowers to whom such refunds are payable who are borrowers of the fiscal year for which such patronage refunds are distributed.".

94 STAT. 3446

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

SEC. 401. Section 4.5 of the Farm Credit Act of 1971 is amended by— 12 USC 2156.

(1) striking out in the first sentence "presidents of each bank" and inserting in lieu thereof "president of each bank or the president's designee"; and

(2) striking out in the third sentence "subcommittee's" and inserting in lieu thereof "subcommittees".

12 USC 2181.

SEC. 402. Section 4.10 of the Farm Credit Act of 1971 is amended by striking out "name" and inserting in lieu thereof "same".

SEC. 403. Title IV of the Farm Credit Act of 1971 is amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:

12 USC 2205.

"SEC. 4.17. INTEREST RATES.—Interest rates on loans from institutions of the Farm Credit System shall be determined with the approval of the Farm Credit Administration as provided in this Act, notwithstanding any interest rate limitation imposed by any State constitution or statute or other laws which are hereby preempted for purposes of this Act. Interest rates on loans made by agricultural credit corporations organized in conjunction with cooperative associations for the purpose of financing the ordinary crop operations of the members of such associations or other producers and eligible to discount with the Federal intermediate credit banks pursuant to section 2.3 of this Act shall be exempt from any interest rate limitation imposed by any State constitution or statute or other laws which are hereby preempted for purposes of this Act.

Ante, p. 3440.

12 USC 2206.

"SEC. 4.18. PARTICIPATION LOANS.—Notwithstanding any other provisions of this Act, the terms of any loan participated in by two or more Farm Credit System institutions operating under different titles of this Act, including provisions for capitalization of the portion of the loan participated in by each institution, shall be as may be agreed upon among such institutions and authorized by the Farm Credit Administration, except that for purposes of determining borrower eligibility, membership, term, amount, loan security, and purchase of stock or participation certificates by the borrower, the provisions of law applicable to the loan shall be the provisions in the title under which the institution that originates the loan operates.

12 USC 2207.

"SEC. 4.19. YOUNG, BEGINNING, AND SMALL FARMERS AND RANCHERS.—

"(a) Under policies of the district board, each Federal land bank association and production credit association shall prepare a program for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers. Such programs shall assure that such credit and services are available in coordination with other units of the Farm Credit System serving the territory and with other governmental and private sources of credit. Each program shall be subject to review and approval by the supervising bank.

"(b) The Federal land bank and the Federal intermediate credit bank for each district shall annually obtain from associations under their supervision reports of activities under programs developed pursuant to subsection (a) of this section and progress toward program objectives. On the basis of such reports, the banks shall provide to the Farm Credit Administration a joint annual report summarizing the operations and achievements in their district under such programs.

94 STAT. 3447

12 USC 2208.
Ante, p. 3440.
Ante, p. 3444.

"SEC. 4.20. TERMINATION OF PROVISIONS.—The provisions of (1) section 2.3 authorizing the Federal intermediate credit banks to lend to or discount paper for other financial institutions, and (2) section 3.7(b) authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives which are borrowers from the banks for cooperatives, shall expire on September 30, 1990, unless extended by Act of Congress prior to that date. Any contract or agreement entered into under the authority of either provision prior to its expiration shall remain in full force and effect notwithstanding such expiration.".

SEC. 404. Title IV of the Farm Credit Act of 1971 is amended by adding at the end thereof new parts D and E as follows:

"PART D—SERVICE ORGANIZATIONS

12 USC 2211.

"SEC. 4.25. ESTABLISHMENT.—Any bank of the Farm Credit System, or two or more of such banks acting together, may organize a corporation or corporations for the purpose of performing functions and services for or on behalf of the organizing bank or banks that the bank or banks may perform pursuant to this Act: *Provided,* That a corporation so organized shall have no authority either to extend credit or provide insurance services for borrowers from Farm Credit System institutions, nor shall it have any greater authority with respect to functions and services than the organizing bank or banks possess under this Act. The organizing bank or banks shall apply for a Federal charter for the corporation by forwarding to the Governor of the Farm Credit Administration a statement of the need for the corporation and proposed articles specifying in general terms the objectives for which the corporation is formed, the powers to be exercised by it in carrying out the functions and services, and the territory it is to serve. The Governor for good cause may deny the charter applied for. Upon the approval of articles by the Governor and the issuance of a charter, the corporation shall become as of such date a federally chartered body corporate and an instrumentality of the United States.

12 USC 2212.

"SEC. 4.26. POWERS OF THE GOVERNOR.—The Governor shall have power, under rules and regulations prescribed by the Governor or by prescribing in the terms of the charter or by approval of the bylaws of the corporation, to provide for the organization of any corporation chartered under this part and the territory within which its operations may be carried on, and to direct at any time such changes in its charter as he finds necessary for the accomplishment of the purposes of this Act. The powers of the Governor to provide for the organization of any corporation chartered under this part include, but are not limited to approval of—

"(1) corporate title;

"(2) general corporate powers;

"(3) eligibility for membership on, and the powers, composition, selection, terms, and compensation of the board of directors;

"(4) classes, issuance, value, and retirement of stock;

"(5) sources of operating funds;

"(6) dissolution, liquidation, and distribution of assets on liquidation; and

"(7) application and distribution of earnings.

12 USC 2213.

"SEC. 4.27. SUPERVISION AND EXAMINATION.—The corporations organized under this part shall be institutions of the Farm Credit System and shall be subject to the same supervision and examination by the Farm Credit Administration as are the organizing bank or banks under this Act.

94 STAT. 3448

12 USC 2214.

"SEC. 4.28. STATE LAWS.—State and other laws shall apply to corporations organized pursuant to this part to the same extent such laws would apply to the organizing banks engaged in the same activity in the same jurisdiction: *Provided, however,* That to the extent that sections 1.21, 2.8, and 3.13 of this Act may exempt banks of the Farm Credit System from taxation, such exemptions, other than with respect to franchise taxes, shall not extend to corporations organized pursuant to this part.

12 USC 2055, 2079, 2134.

"PART E—SALE OF INSURANCE

12 USC 2218.

"SEC. 4.29. LINES OF INSURANCE.—(a) The regulations of the Farm Credit Administration governing financially related services that the banks and associations of the Farm Credit System may provide under sections 1.11, 1.15, 2.5, and 2.16 of this Act may authorize the sale to any member of any such bank or association, on an optional basis, of credit or term life and credit disability insurance appropriate to protect the loan commitment in the event of death or disability of the debtors and other insurance necessary to protect the member's farm or aquatic unit, but limited to, hail and multiple-peril crop insurance, title insurance, and insurance to protect the facilities and equipment of aquatic borrowers.

12 USC 2019, 2033, 2076, 2097.

Regulations.

"(b) Such regulations shall provide that—

"(1) in any case in which insurance is required as a condition for a loan or other financial assistance from a bank or association, notice be given that it is not necessary to purchase the insurance from the bank or association and that the borrower has the option of obtaining the insurance elsewhere;

"(2) such insurance services may be offered only if—

"(i) the bank or association has the capacity to render insurance service under this Act in an effective and efficient manner;

"(ii) there exists the probability that any insurance program under this Act will generate sufficient revenue to cover all costs; and

"(iii) rendering insurance service will not have an adverse effect on the bank's or association's credit or other operations; and

"(3) no bank or association shall directly or indirectly discriminate in any manner against any agent, broker, or insurer that is not affiliated with such bank or association, or against any party who purchases insurance through any such nonaffiliated insurance agent, broker, or insurer.

Existing coverage, continuation.

"(c) Notwithstanding any provision of this section to the contrary, any bank or association that on the date of enactment of the Farm Credit Act Amendments of 1980, is offering insurance coverages not authorized by this section may continue to sell such coverages for a period of not more than one year from such date of enactment and may continue to service such coverages until their expiration.".

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

Virgin Islands, extension of credit and services.
12 USC 2221.

94 STAT. 3449

SEC. 501. Section 5.0 of the Farm Credit Act of 1971 is amended by inserting before the period at the end of the first sentence the following: "and one of which districts may, if authorized by the Federal Farm Credit Board, include the Virgin Islands of the United States: *Provided,* That the extension of credit and other services authorized by this Act in the Virgin Islands of the United States shall be undertaken only if determined to be feasible under regulations of the Farm Credit Administration".

12 USC 2223.

SEC. 502. Section 5.2 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (b) "three" and inserting in lieu thereof "two"; and

(2) striking out in the first sentence of subsection (c) "three" and inserting in lieu thereof "two".

12 USC 2242.

SEC. 503. Section 5.8(h) of the Farm Credit Act of 1971 is amended by striking out in the first sentence "the sum of $100 a day" and inserting in lieu thereof "compensation at a rate equal to the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code".

12 USC 2244.

12 USC 2153.

SEC. 504. Section 5.10 of the Farm Credit Act of 1971 is amended by inserting after the second sentence a new sentence as follows: "Pursuant to a policy statement adopted by the Federal Farm Credit Board, the Governor of the Farm Credit Administration shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System and the Governor of the powers conferred under section 4.2 of this Act, and with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy.".

Property disposal.
12 USC 2249.

12 USC 2250.

SEC. 505. Section 5.15 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "The Farm Credit Administration may dispose of property so acquired and any amounts collected from the disposition of such property shall be deposited in the special fund provided for in section 5.16(b) of this Act and shall be available to the Administration in the same manner and for the same purposes as the funds collected under section 5.16(a) of this Act."

Property interests, sale and disposal.
12 USC 2251.

SEC. 506. Section 5.17 of the Farm Credit Act of 1971 is amended by adding at the end thereof the following new clause (5) and inserting a new sentence immediately thereafter:

"(5) To sell or otherwise dispose of any interest in property leased or acquired under the foregoing if authorized by the Board.

In actions undertaken by the banks pursuant to the foregoing provisions of this section, the Farm Credit Administration may act as agent for the banks.".

Annual reports.
12 USC 2252.

SEC. 507. Section 5.18 of the Farm Credit Act of 1971 is amended by adding at the end of paragraph (3) a new sentence as follows: "The annual reports shall include a summary and analysis of the reports submitted to the Farm Credit Administration by the Federal land banks and Federal intermediate credit banks under section 4.19(b) of this Act relating to programs for serving young, beginning, and small farmers and ranchers.".

Ante, p. 3446.

Proposed and final regulations.
12 USC 2251.
Transmittal to congressional committees.

SEC. 508. Section 5.18 of the Farm Credit Act of 1971 is amended by inserting "(a)" immediately after the section designation and adding at the end thereof the following new subsections (b) and (c):

"(b)(1) At least thirty days prior to publishing any proposed regulation in the Federal Register, the Farm Credit Administration shall transmit a copy of the regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The Farm Credit Administration shall also transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in paragraph (2) of this subsection, no final regulation of the Farm Credit Administration shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of the Congress are in session.

94 STAT. 3450

Emergency effective date.

"(2) In the case of an emergency, a final regulation of the Farm Credit Administration may become effective without regard to the last sentence of paragraph (1) of this subsection if the Farm Credit Administration notifies in writing the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

Transmittal to Congress.
Congressional approval.
Ante, p. 3444.
12 USC 2121.

"(c)(1) If there are any unresolved differences between the Farm Credit Administration and the Board of Governors of the Federal Reserve System as to whether any regulation implementing section 3.7(b) of this Act or the other provisions of title III relating to the authority under section 3.7(b) conforms to national banking policies, objectives, and limitations, simultaneously with promulgation of any such regulation under this Act, and simultaneously with promulgation of any regulation implementing section 2.3 of this Act, the Farm Credit Administration shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Farm Credit Administration dealing with the matter of   , which regulation was transmitted to Congress on   ', the blank spaces therein being appropriately filled.

Ante, p. 3440.

"(2) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(4) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.".

Sec. 509. Title V of the Farm Credit Act of 1971 is amended by adding the following section at the end thereof:

12 USC 2260. "Sec. 5.30. General Accounting Office Audit: Report to Congress.—

94 STAT. 3451 "(a) The Comptroller General shall conduct an evaluation of the programs and activities authorized under the 1980 amendments to this Act, and shall make an interim report to the Congress no later than December 31, 1982, and a final report to the Congress no later than December 31, 1984. The Comptroller General shall include in such evaluation the effect that this Act, as amended, will have on agricultural credit services provided by the Farm Credit System, Federal agencies, and other entities. The Comptroller General may make such interim reports to the Congress on the programs and activities under these amendments as the Comptroller General deems necessary or as requested by Members of Congress.

"(b) For the purpose of conducting program evaluations required in subsection (a) of this section, the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.".

Sec. 510. Paragraph (1) of section 1141b of title 12 of the United States Code is amended to read as follows:

"(1) shall maintain its principal office within the Washington, D.C.-Maryland-Virginia standard metropolitan statistical area, and such other offices in the United States as in its judgment are necessary".

Sec. 511. Section 3 of the Swine Health Protection Act (Public Law
7 USC 3802. 96-468, approved October 17, 1980) is amended by—

(1) striking "and" at the end of clause (2);

(2) changing the period at the end of clause (3) to a semicolon and adding "and"; and

(3) inserting a new clause (4) reading as follows:

"(4) the term 'State' means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.".

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1287 accompanying H.R. 7548 (Comm. on Agriculture).
SENATE REPORT No. 96-837 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 24, considered and passed Senate.
Nov. 19, H.R. 7548 considered and passed House; passage vacated and S. 1465, amended, passed in lieu.
Dec. 13, Senate agreed to House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 52:
Dec. 24, Presidential statement.

Public Law 96-252
96th Congress

94 STAT. 374

An Act

To amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes.

May 28, 1980
[H.R. 2313]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Trade Commission Improvements Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Trade Commission Improvements Act of 1980".

15 USC 58 note.

RECONSIDERATION OF ORDERS

SEC. 2. Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)) is amended—

(1) in the last sentence thereof, by striking out ": *Provided, however,* That" and inserting in lieu thereof ", except that (1)", and by inserting before the period at the end thereof the following: "; and (2) in the case of an order, the Commission shall reopen any such order to consider whether such order (including any affirmative relief provision contained in such order) should be altered, modified, or set aside, in whole or in part, if the person, partnership, or corporation involved files a request with the Commission which makes a satisfactory showing that changed conditions of law or fact require such order to be altered, modified, or set aside, in whole or in part"; and

(2) by adding at the end thereof the following new sentence: "The Commission shall determine whether to alter, modify, or set aside any order of the Commission in response to a request made by a person, partnership, or corporation under paragraph (2) not later than 120 days after the date of the filing of such request.".

DISCLOSURE OF COMMERCIAL OR FINANCIAL INFORMATION; QUARTERLY FINANCIAL REPORTS

SEC. 3. (a) Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by striking out ", except trade secrets and names of customers, as it shall deem expedient" and inserting in lieu thereof "as are"; and

(2) by inserting before the period at the end thereof the following: ": *Provided,* That the Commission shall not have any authority to make public any trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential, except that the Commission may disclose such information to officers and employees of appropriate Federal law enforcement agencies or to any officer or employee of any State law enforcement agency upon the prior certification of an officer of any such Federal or State law enforcement agency that such information will be maintained in confidence and will be used only for official law enforcement purposes".

94 STAT. 375

(b) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by adding at the end thereof the following new undesignated paragraph:

Plan for filing of quarterly financial reports; submittal to congressional committees.

"The Commission shall establish a plan designed to substantially reduce burdens imposed upon small businesses as a result of requirements established by the Commission under clause (b) relating to the filing of quarterly financial reports. Such plan shall (1) be established after consultation with small businesses and persons who use the information contained in such quarterly financial reports; (2) provide for a reduction of the number of small businesses required to file such quarterly financial reports; and (3) make revisions in the forms used for such quarterly financial reports for the purpose of reducing the complexity of such forms. The Commission, not later than December 31, 1980, shall submit such plan to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives. Such plan shall take effect not later than October 31, 1981.". Effective date.

CONFIDENTIALITY OF LINE-OF-BUSINESS REPORTS

SEC. 4. Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended in section 3(b), is further amended by adding at the end thereof the following new undesignated paragraph:

"No officer or employee of the Commission or any Commissioner may publish or disclose information to the public, or to any Federal agency, whereby any line-of-business data furnished by a particular establishment or individual can be identified. No one other than designated sworn officers and employees of the Commission may examine the line-of-business reports from individual firms, and information provided in the line-of-business program administered by the Commission shall be used only for statistical purposes. Information for carrying out specific law enforcement responsibilities of the Commission shall be obtained under practices and procedures in effect on the date of the enactment of the Federal Trade Commission Improvements Act of 1980, or as changed by law.". *Ante*, p. 374.

COMMISSION INVESTIGATIONS OF INSURANCE BUSINESSES

SEC. 5. (a) Section 6 of the Federal Trade Commission Act, as amended in section 3(b) and section 4, is further amended by adding at the end thereof the following new undesignated paragraph:

Studies and reports.

"Nothing in this section (other than the provisions of clause (c) and clause (d)) shall apply to the business of insurance, except that the Commission shall have authority to conduct studies and prepare reports relating to the business of insurance. The Commission may exercise such authority only upon receiving a request which is agreed to by a majority of the members of the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Interstate and Foreign Commerce of the House of Representatives. Expiration date. The authority to conduct any such study shall expire at the end of the Congress during which the request for such study was made.".

Study and evaluation.
15 USC 46 note.

94 STAT. 376

(b) The amendment made in subsection (a) shall not be construed to prohibit the Federal Trade Commission from participating with the Secretary of Health and Human Services in a comprehensive study and evaluation of the comparative effectiveness of various State policies and programs relating to the regulation of health insurance policies available for purchase by individuals who are eligible for benefits under the program of health insurance benefits established in title XVIII of the Social Security Act. 42 USC 1395.

ENFORCEMENT AUTHORITY

SEC. 6. The first undesignated paragraph of section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended—

(1) by inserting "any" after "produce"; and

(2) by inserting "an order of a district court of the United States directing compliance with" after "obedience to".

STANDARDS AND CERTIFICATION RULEMAKINGS

SEC. 7. Section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) is amended by inserting after "section 5(a)(1))" the following: ", except that the Commission shall not develop or promulgate any trade rule or regulation with regard to the regulation of the development and utilization of the standards and certification activities pursuant to this section".

ADVANCE NOTICE OF PROPOSED COMMISSION RULES

SEC. 8. (a) Section 18(b) of the Federal Trade Commission Act (15 U.S.C. 57a(b)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by redesignating paragraph (1) through paragraph (4) as subparagraph (A) through subparagraph (D), respectively; and

(3) by adding at the end thereof the following new paragraph:

Notice; publication in Federal Register.

"(2)(A) Prior to the publication of any notice of proposed rulemaking pursuant to paragraph (1)(A), the Commission shall publish an advance notice of proposed rulemaking in the Federal Register. Such advance notice shall—

"(i) contain a brief description of the area of inquiry under consideration, the objectives which the Commission seeks to achieve, and possible regulatory alternatives under consideration by the Commission; and

"(ii) invite the response of interested parties with respect to such proposed rulemaking, including any suggestions or alternative methods for achieving such objectives.

Submittal to congressional committees.

"(B) The Commission shall submit such advance notice of proposed rulemaking to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives. The Commission may use such additional mechanisms as the Commission considers useful to obtain suggestions regarding the content of the area of inquiry before the publication of a general notice of proposed rulemaking under paragraph (1)(A).

Notice before publication to congressional committees.

"(C) The Commission shall, 30 days before the publication of a notice of proposed rulemaking pursuant to paragraph (1)(A), submit such notice to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives.".

94 STAT. 377

Compensation.

(b)(1) Section 18(c) of the Federal Trade Commission Act (15 U.S.C. 57a(c)) is amended by striking out "subsection (b)(3)" and inserting in lieu thereof "subsection (b)(1)(C)".

(2) Section 18(e)(5)(C) of the Federal Trade Commission Act (15 U.S.C. 57a(e)(5)(C)) is amended by striking out "subsection (b)(4)" and inserting in lieu thereof "subsection (b)(1)(D)".

PRESIDING OFFICER AT RULEMAKING PROCEEDINGS

SEC. 9. (a) Section 18(c) of the Federal Trade Commission Act (15 U.S.C. 57a(c)) is amended—

(1) by redesignating paragraph (1) through paragraph (4) as paragraph (2) through paragraph (5), respectively; and

(2) by inserting before paragraph (2), as so redesignated in paragraph (1), the following new paragraph:

"(1)(A) The Commission shall provide for the conduct of proceedings under this subsection by hearing officers who shall perform their functions in accordance with the requirements of this subsection.

"(B) The officer who presides over the rulemaking proceedings shall be responsible to a chief presiding officer who shall not be responsible to any other officer or employee of the Commission. The officer who presides over the rulemaking proceeding shall make a recommended decision based upon the findings and conclusions of such officer as to all relevant and material evidence, except that such recommended decision may be made by another officer if the officer who presided over the proceeding is no longer available to the Commission.

"(C) Except as required for the disposition of ex parte matters as authorized by law, no presiding officer shall consult any person or party with respect to any fact in issue unless such officer gives notice and opportunity for all parties to participate.".

(b) Section 18(c) of the Federal Trade Commission Act (15 U.S.C. 57a(c)), as amended in subsection (a), is further amended—

(1) in paragraph (2) thereof, as so redesignated in subsection (a)(1)—

(A) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)"; and

(B) by striking out "paragraph (2)(B)" and inserting in lieu thereof "paragraph (3)(B)";

(2) in paragraph (3) thereof, as so redesignated in subsection (a)(1), by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (2)"; and

(3) in paragraph (4)(A) thereof, as so redesignated in subsection (a)(1), by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (2) and (3)".

(c) Section 18(e)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(e)(1)(B)) is amended by striking out "subsection (c)(4)" and inserting in lieu thereof "subsection (c)(5)".

COMPENSATION FOR PARTICIPATION IN RULEMAKING PROCEEDINGS

SEC. 10. (a) Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

94 STAT. 378

Compensation.

"(3) The amount of compensation which may be paid to any person under this subsection in connection with the participation by such person in any particular rulemaking proceeding under this section may not exceed $75,000. The aggregate amount of compensation paid under this subsection in any fiscal year to any person for all rulemaking proceedings in which such person participates during such fiscal year may not exceed $50,000.".

(b) Section 18(h)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(h)(2)) is amended to read as follows:

"(2) The Commission shall reserve an amount equal to 25 percent of the amount appropriated for the payment of compensation under this subsection for any fiscal year for use in accordance with this paragraph. Such reserved amount shall be available solely for the payment of compensation to persons who either (A) would be regulated by the proposed rule involved; or (B) represent persons who would be so regulated. Any portion of such reserved amount which is not used for the payment of compensation to such persons under this paragraph shall revert to the Treasury of the United States.".

(c) Section 18(h)(4) of the Federal Trade Commission Act, as so redesignated in subsection (a), is amended by striking out "$1,000,000" and inserting in lieu thereof "$750,000".

(d) Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)), as amended in subsection (a), is further amended by adding at the end thereof the following new paragraph:

Small business outreach program, establishment.

"(5) The Commission, in connection with the administration of this subsection pursuant to rules prescribed by the Commission under paragraph (1), shall establish a small business outreach program. Such program shall—

"(A) solicit public comment from small businesses whose views otherwise would not be adequately represented, in order to ensure a fair determination in rulemaking proceedings under this section; and

"(B) encourage the participation of small businesses in the compensation program administered by the Commission under this subsection by disseminating to small businesses information which explains the procedures and requirements applicable to the receipt of compensation under such program.".

Repeal.
15 USC 57a, 57a note.

(e) The amendments made in subsection (a) and subsection (c) are repealed, effective at the end of fiscal year 1982. Effective upon such repeal, paragraph (5) of section 18(h) of the Federal Trade Commission Act, as added by subsection (d), is redesignated as paragraph (4) of section 18(h) of such Act.

COMMISSION RULEMAKINGS RELATING TO CHILDREN'S ADVERTISING; PUBLICATION OF TEXT OF PROPOSED RULES

SEC. 11. (a)(1) Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) is amended by adding at the end thereof the following new subsection:

"(i) The Commission shall not have any authority to promulgate any rule in the children's advertising proceeding pending on the date of the enactment of the Federal Trade Commission Improvements Act of 1980 or in any substantially similar proceeding on the basis of a determination by the Commission that such advertising constitutes an unfair act or practice in or affecting commerce.".

Ante, p. 374.

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(2) Section 18(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking out "The" and inserting in lieu thereof "Except as provided in subsection (i), the".

(3) Section 18(b)(1)(A) of the Federal Trade Commission Act, as so redesignated in section 8(a), is amended by inserting after "particularity" the following: "the text of the rule, including any alternatives, which the Commission proposes to promulgate, and".

15 USC 57a note.

(b) The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1980, 1981, or 1982, under section 24 of such Act, as amended by section 17 and as so redesignated in section 13, for the purpose of initiating any new rulemaking proceeding under section 18 of such Act which is intended to result in, or which may result in, the promulgation of any rule by the Commission which prohibits or otherwise regulates any commercial advertising on the basis of a determination by the Commission that such commercial advertising constitutes an unfair act or practice in or affecting commerce.

Post, pp. 391, 380.

Effective date.
15 USC 57a note.

(c) The amendments made in subsection (a) shall take effect on the date of the enactment of this Act. The children's advertising proceeding pending on the date of the enactment of this Act shall not proceed further until such time as the Commission has complied with section 18(b)(1)(A) of the Federal Trade Commission Act, as amended by subsection (a)(3) and as so redesignated in section 8(a). In any such further proceeding, interested parties shall be given a reasonable opportunity to present their views in accordance with section 18(b)(1)(B) of the Federal Trade Commission Act, as so redesignated in section 8(a), section 18(b)(1)(C) of such Act, as so redesignated in section 8(a), and section 18(c) of such Act (15 U.S.C. 57a(c)).

EX PARTE MEETINGS

SEC. 12. Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), as amended in section 11(a)(1), is further amended by adding at the end thereof the following new subsections:

"Outside party."

"(j)(1) For purposes of this subsection, the term 'outside party' means any person other than (A) a Commissioner; (B) an officer or employee of the Commission; or (C) any person who has entered into a contract or any other agreement or arrangement with the Commission to provide any goods or services (including consulting services) to the Commission.

Proposed rule, publication.
Ante, p. 374.

"(2) Not later than 60 days after the date of the enactment of the Federal Trade Commission Improvements Act of 1980, the Commission shall publish a proposed rule, and not later than 180 days after such date of enactment the Commission shall promulgate a final rule, which shall authorize the Commission or any Commissioner to meet with any outside party concerning any rulemaking proceeding of the Commission. Such rule shall provide that—

Final rule.

"(A) notice of any such meeting shall be included in any weekly calendar prepared by the Commission; and

"(B) a verbatim record or a summary of any such meeting, or of any communication relating to any such meeting, shall be kept, made available to the public, and included in the rulemaking record.

"(k) Not later than 60 days after the date of the enactment of the Federal Trade Commission Improvements Act of 1980, the Commission shall publish a proposed rule, and not later than 180 days after

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such date of enactment the Commission shall promulgate a final rule, which shall prohibit any officer, employee, or agent of the Commission with any investigative responsibility or other responsibility relating to any rulemaking proceeding within any operating bureau of the Commission, from communicating or causing to be communicated to any Commissioner or to the personal staff of any Commissioner any fact which is relevant to the merits of such proceeding and which is not on the rulemaking record of such proceeding, unless such communication is made available to the public and is included in the rulemaking record. The provisions of this subsection shall not apply to any communication to the extent such communication is required for the disposition of ex parte matters as authorized by law.".

CIVIL INVESTIGATIVE DEMANDS

15 USC 57c, 58.

SEC. 13. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating section 20 and section 21 as section 24 and section 25, respectively, and by inserting after section 19 the following new section:

Definitions.
15 USC 57b-1.

"SEC. 20. (a) For purposes of this section:

"(1) The terms 'civil investigative demand' and 'demand' mean any demand issued by the Commission under subsection (c)(1).

"(2) The term 'Commission investigation' means any inquiry conducted by a Commission investigator for the purpose of ascertaining whether any person is or has been engaged in any unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1)).

15 USC 45.

"(3) The term 'Commission investigator' means any attorney or investigator employed by the Commission who is charged with the duty of enforcing or carrying into effect any provisions relating to unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1)).

Post, p. 385.

"(4) The term 'custodian' means the custodian or any deputy custodian designated under section 21(b)(2)(A).

"(5) The term 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document.

"(6) The term 'person' means any natural person, partnership, corporation, association, or other legal entity, including any person acting under color or authority of State law.

"(7) The term 'violation' means any act or omission constituting an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1)).

"(b) For the purpose of investigations performed pursuant to this section with respect to unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1)), all actions of the Commission taken under section 6 and section 9 shall be conducted pursuant to subsection (c). 15 USC 46, 49.

"(c)(1) Whenever the Commission has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information, relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1)), the Commission may, before the institution of any proceedings under this Act, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying or reproduction, to file written reports or answers to questions, to give 94 STAT. 381 oral testimony concerning documentary material or other information, or to furnish any combination of such material, answers, or testimony.

"(2) Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

"(3) Each civil investigative demand for the production of documentary material shall—

"(A) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

"(B) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

"(C) identify the custodian to whom such material shall be made available.

"(4) Each civil investigative demand for written reports or answers to questions shall—

"(A) propound with definiteness and certainty the reports to be produced or the questions to be answered;

"(B) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

"(C) identify the custodian to whom such reports or answers shall be submitted.

"(5) Each civil investigative demand for the giving of oral testimony shall—

"(A) prescribe a date, time, and place at which oral testimony shall be commenced; and

"(B) identify a Commission investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

"(6)(A) Any civil investigative demand may be served by any Commission investigator at any place within the territorial jurisdiction of any court of the United States.

"(B) Any such demand or any enforcement petition filed under this section may be served upon any person who is not found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation. 28 USC app.

"(C) To the extent that the courts of the United States have authority to assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

"(7) Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering a duly executed copy of such demand or petition to any partner, executive officer, managing agent, or general agent of such partnership, corporation, association, or other legal entity, or to any agent of such partnership, corporation, association, or other legal entity authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or other legal entity;

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"(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the partnership, corporation, association, or other legal entity to be served; or

"(C) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or other legal entity at its principal office or place of business.

"(8) Service of any civil investigative demand or of any enforcement petition filed under this section may be made upon any natural person by—

"(A) delivering a duly executed copy of such demand or petition to the person to be served; or

"(B) depositing a duly executed copy in the United States mails by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

"(9) A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

"(10) The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

"(11) Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

"(12)(A) Any Commission investigator before whom oral testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by any individual acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. After the testimony is fully transcribed, the Commission investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

"(B) Any Commission investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons except the person giving the testimony, his attorney, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

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"(C) The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Commission investigator before whom the oral testimony of such person is to be taken and such person.

"(D)(i) Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney. The attorney may advise such person, in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

"(ii) Such person or attorney may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person shall not otherwise object to or refuse to answer any question, and shall not himself or through his attorney otherwise interrupt the oral examination. If such person refuses to answer any question, the Commission may petition the district court of the United States pursuant to this section for an order compelling such person to answer such question.

"(iii) If such person refuses to answer any question on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

"(E)(i) After the testimony of any witness is fully transcribed, the Commission investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript. The transcript shall be read to or by the witness, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the Commission investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign.

"(ii) If the transcript is not signed by the witness during the 30-day period following the date upon which the witness is first afforded a reasonable opportunity to examine it, the Commission investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

"(F) The Commission investigator shall certify on the transcript that the witness was duly sworn by him and that the transcript is a true record of the testimony given by the witness, and the Commission investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

"(G) The Commission investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the Commission may for good cause limit such witness to inspection of the official transcript of his testimony.

"(H) Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

"(d) Materials received as a result of a civil investigative demand shall be subject to the procedures established in section 21.

Post, p. 385.

Enforcement for noncompliance.

"(e) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the Commission, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section. All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

Investigative demand, petition for modification.

"(f)(1) Not later than 20 days after the service of any civil investigative demand upon any person under subsection (c), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20 days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any Commission investigator named in the demand, such person may file with the Commission a petition for an order by the Commission modifying or setting aside the demand.

"(2) The time permitted for compliance with the demand in whole or in part, as deemed proper and ordered by the Commission, shall not run during the pendency of such petition at the Commission, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

"(g) At any time during which any custodian is in custody or control of any documentary material, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section or section 21.

"(h) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court shall be punished as a contempt of such court.

"(i) Notwithstanding any other provision of law, the Commission shall have no authority to issue a subpoena or make a demand for information, under authority of this Act or any other provision of law, unless such subpoena or demand for information is signed by a Commissioner acting pursuant to a Commission resolution. The Commission shall not delegate the power conferred by this section to sign subpoenas or demands for information to any other person.

"(j) The provisions of this section shall not—

Ante, p. 374.

"(1) apply to any proceeding under section 5(b); or

"(2) apply to or affect the jurisdiction, duties, or powers of any agency of the Federal Government, other than the Commission,

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regardless of whether such jurisdiction, duties, or powers are derived in whole or in part, by reference to this Act.".

CONFIDENTIALITY

SEC. 14. The Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended in section 13, is further amended by inserting after section 20 the following new section:

Ante, p. 380.
15 USC 57b-2.

"SEC. 21. (a) For purposes of this section:

"Material."

"(1) The term 'material' means documentary material, written reports or answers to questions, and transcripts of oral testimony.

"Federal agency."

"(2) The term 'Federal agency' has the meaning given it in section 552(e) of title 5, United States Code.

"(b)(1) With respect to any document or transcript of oral testimony received by the Commission pursuant to compulsory process in an investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, the procedures established in paragraph (2) through paragraph (7) shall apply.

Custodian of documentary material, designation.

"(2)(A) The Commission shall designate a duly authorized agent to serve as custodian of documentary material, or written reports or answers to questions, and transcripts of oral testimony, and such additional duly authorized agents as the Commission shall determine from time to time to be necessary to serve as deputies to the custodian.

Material, availability for inspection or reproduction.

"(B) Any person upon whom any demand for the production of documentary material has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated in such demand at the principal place of business of such person (or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct pursuant to section 20(h)) on the return date specified in such demand (or on such later date as such custodian may prescribe in writing). Such person may upon written agreement between such person and the custodian substitute copies for originals of all or any part of such material.

Ante, p. 384.

Responsibility for use.

"(3)(A) The custodian to whom any documentary material, written reports or answers to questions, and transcripts of oral testimony are delivered shall take physical possession of such material, reports or answers, and transcripts, and shall be responsible for the use made of such material, reports or answers, and transcripts, and for the return of material, pursuant to the requirements of this section.

Copies.

"(B) The custodian may prepare such copies of the documentary material, written reports or answers to questions, and transcripts of oral testimony as may be required for official use by any duly authorized officer or employee of the Commission under regulations which shall be promulgated by the Commission. Notwithstanding subparagraph (C), such material and transcripts may be used by any such officer or employee in connection with the taking of oral testimony under this section.

Examination.

"(C) Except as otherwise provided in this section, while in the possession of the custodian, no documentary material, reports or answers to questions, and transcripts of oral testimony shall be available for examination by any individual other than a duly authorized officer or employee of the Commission without the consent of the person who produced the material or transcripts. Nothing in this section is intended to prevent disclosure to either House of the Congress or to any committee or subcommittee of the Congress, except that the Commission immediately shall notify the owner or provider of any such information of a request for information designated as confidential by the owner or provider.

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"(D) While in the possession of the custodian and under such reasonable terms and conditions as the Commission shall prescribe—

"(i) documentary material or written reports shall be available for examination by the person who produced the material, or by any duly authorized representative of such person; and

"(ii) answers to questions in writing and transcripts of oral testimony shall be available for examination by the person who produced the testimony or by his attorney.

"(4) Whenever the Commission has instituted a proceeding against a person, partnership, or corporation, the custodian may deliver to any officer or employee of the Commission documentary material, written reports or answers to questions, and transcripts of oral testimony for official use in connection with such proceeding. Upon the completion of the proceeding, the officer or employee shall return to the custodian any such material so delivered which has not been received into the record of the proceeding.

"(5) If any documentary material, written reports or answers to questions, and transcripts of oral testimony have been produced in the course of any investigation by any person pursuant to compulsory process and—

"(A) any proceeding arising out of the investigation has been completed; or

"(B) no proceeding in which the material may be used has been commenced within a reasonable time after completion of the examination and analysis of all such material and other information assembled in the course of the investigation;

then the custodian shall, upon written request of the person who produced the material, return to the person any such material which has not been received into the record of any such proceeding (other than copies of such material made by the custodian pursuant to paragraph (3)(B)).

"(6) The custodian of any documentary material, written reports or answers to questions, and transcripts of oral testimony may deliver to any officers or employees of appropriate Federal law enforcement agencies, in response to a written request, copies of such material for use in connection with an investigation or proceeding under the jurisdiction of any such agency. Such materials shall not be made available to any such agency until the custodian receives certification of any officer of such agency that such information will be maintained in confidence and will be used only for official law enforcement purposes. Such documentary material, written reports or answers to questions, and transcripts of oral testimony may be used by any officer or employee of such agency only in such manner and subject to such conditions as apply to the Commission under this section. The custodian may make such materials available to any State law enforcement agency upon the prior certification of any officer of such agency that such information will be maintained in confidence and will be used only for official law enforcement purposes.

"(7) In the event of the death, disability, or separation from service in the Commission of the custodian of any documentary material, written reports or answers to questions, and transcripts of oral testimony produced under any demand issued under this Act, or the official relief of the custodian from responsibility for the custody and control of such material, the Commission promptly shall—

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"(A) designate under paragraph (2)(A) another duly authorized agent to serve as custodian of such material; and

"(B) transmit in writing to the person who produced the material or testimony notice as to the identity and address of the successor so designated.

Any successor designated under paragraph (2)(A) as a result of the requirements of this paragraph shall have (with regard to the material involved) all duties and responsibilities imposed by this section upon his predecessor in office with regard to such material, except that he shall not be held responsible for any default or dereliction which occurred before his designation.

"(c)(1) All information reported to or otherwise obtained by the Commission which is not subject to the requirements of subsection (b) shall be considered confidential when so marked by the person supplying the information and shall not be disclosed, except in accordance with the procedures established in paragraph (2) and paragraph (3).

"(2) If the Commission determines that a document marked confidential by the person supplying it may be disclosed because it is not a trade secret or commercial or financial information which is obtained from any person and which is privileged or confidential, within the meaning of section 6(f), then the Commission shall notify such person in writing that the Commission intends to disclose the document at a date not less than 10 days after the date of receipt of notification.

Ante, p. 374.

"(3) Any person receiving such notification may, if he believes disclosure of the document would cause disclosure of a trade secret, or commercial or financial information which is obtained from any person and which is privileged or confidential, within the meaning of section 6(f), before the date set for release of the document, bring an action in the district court of the United States for the district within which the documents are located or in the United States District Court for the District of Columbia to restrain disclosure of the document. Any person receiving such notification may file with the appropriate district court or court of appeals of the United States, as appropriate, an application for a stay of disclosure. The documents

File for stay of disclosure.

shall not be disclosed until the court has ruled on the application for a stay.

"(d)(1) The provisions of subsection (c) shall not be construed to prohibit—

"(A) the disclosure of information to either House of the Congress or to any committee or subcommittee of the Congress, except that the Commission immediately shall notify the owner or provider of any such information of a request for information designated as confidential by the owner or provider;

"(B) the disclosure of the results of any investigation or study carried out or prepared by the Commission, except that no information shall be identified nor shall information be disclosed in such a manner as to disclose a trade secret of any person supplying the trade secret, or to disclose any commercial or financial information which is obtained from any person and which is privileged or confidential;

"(C) the disclosure of relevant and material information in Commission adjudicative proceedings or in judicial proceedings to which the Commission is a party; or

"(D) the disclosure to a Federal agency of disaggregated information obtained in accordance with section 3512 of title 44, United States Code, except that the recipient agency shall use such disaggregated information for economic, statistical, or policymaking purposes only, and shall not disclose such information in an individually identifiable form.

Disclosure of relevant and material information in adjudicative or judicial proceedings.

"(2) Any disclosure of relevant and material information in Commission adjudicative proceedings or in judicial proceedings to which the Commission is a party shall be governed by the rules of the Commission for adjudicative proceedings or by court rules or orders, except that the rules of the Commission shall not be amended in a manner inconsistent with the purposes of this section.

"(e) Nothing in this section shall supersede any statutory provision which expressly prohibits or limits particular disclosures by the Commission, or which authorizes disclosures to any other Federal agency.

Exemption from disclosure.

"(f) Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall be exempt from disclosure under section 552 of title 5, United States Code.".

REGULATORY ANALYSES; JUDICIAL REVIEW; REGULATORY AGENDAS

SEC. 15. The Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended in section 13 and section 14, is further amended by inserting after section 21 the following new section:

15 USC 57b-3.

"SEC. 22. (a) For purposes of this section:

"Rule."

15 USC 46, 57a.

"(1) The term 'rule' means any rule promulgated by the Commission under section 6 or section 18, except that such term does not include interpretive rules, rules involving Commission management or personnel, general statements of policy, or rules relating to Commission organization, procedure, or practice. Such term does not include any amendment to a rule unless the Commission—

"(A) estimates that such amendment will have an annual effect on the national economy of $100,000,000 or more;

"(B) estimates that such amendment will cause a substantial change in the cost or price of goods or services which are used extensively by particular industries, which are supplied extensively in particular geographic regions, or which are acquired in significant quantities by the Federal Government, or by State or local governments; or

"(C) otherwise determines that such amendment will have a significant impact upon persons subject to regulation under such amendment and upon consumers.

"Rulemaking."

"(2) The term 'rulemaking' means any Commission process for formulating or amending a rule.

Preliminary regulatory analysis, contents.

"(b)(1) In any case in which the Commission publishes notice of a proposed rulemaking, the Commission shall issue a preliminary regulatory analysis relating to the proposed rule involved. Each preliminary regulatory analysis shall contain—

"(A) a concise statement of the need for, and the objectives of, the proposed rule;

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"(B) a description of any reasonable alternatives to the proposed rule which may accomplish the stated objective of the rule in a manner consistent with applicable law; and

"(C) for the proposed rule, and for each of the alternatives described in the analysis, a preliminary analysis of the projected benefits and any adverse economic effects and any other effects, and of the effectiveness of the proposed rule and each alternative in meeting the stated objectives of the proposed rule.

Final regulatory analysis, contents.

"(2) In any case in which the Commission promulgates a final rule, the Commission shall issue a final regulatory analysis relating to the final rule. Each final regulatory analysis shall contain—

"(A) a concise statement of the need for, and the objectives of, the final rule;

"(B) a description of any alternatives to the final rule which were considered by the Commission;

"(C) an analysis of the projected benefits and any adverse economic effects and any other effects of the final rule;

"(D) an explanation of the reasons for the determination of the Commission that the final rule will attain its objectives in a manner consistent with applicable law and the reasons the particular alternative was chosen; and

"(E) a summary of any significant issues raised by the comments submitted during the public comment period in response to the preliminary regulatory analysis, and a summary of the assessment by the Commission of such issues.

"(3)(A) In order to avoid duplication or waste, the Commission is authorized to—

"(i) consider a series of closely related rules as one rule for purposes of this subsection; and

Ante, p. 376.

"(ii) whenever appropriate, incorporate any data or analysis contained in a regulatory analysis issued under this subsection in the statement of basis and purpose to accompany any rule promulgated under section 18(a)(1)(B), and incorporate by reference in any preliminary or final regulatory analysis information contained in a notice of proposed rulemaking or a statement of basis and purpose.

Preliminary and final regulatory analyses, availability, fee.

"(B) The Commission shall include, in each notice of proposed rulemaking and in each publication of a final rule, a statement of the manner in which the public may obtain copies of the preliminary and final regulatory analyses. The Commission may charge a reasonable fee for the copying and mailing of regulatory analyses. The regulatory analyses shall be furnished without charge or at a reduced charge if the Commission determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public.

Completion of requirements, delay; publication in Federal Register.

"(4) The Commission is authorized to delay the completion of any of the requirements established in this subsection by publishing in the Federal Register, not later than the date of publication of the final rule involved, a finding that the final rule is being promulgated in response to an emergency which makes timely compliance with the provisions of this subsection impracticable. Such publication shall include a statement of the reasons for such finding.

"(5) The requirements of this subsection shall not be construed to alter in any manner the substantive standards applicable to any action by the Commission, or the procedural standards otherwise applicable to such action.

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"(c)(1) The contents and adequacy of any regulatory analysis prepared or issued by the Commission under this section, including the adequacy of any procedure involved in such preparation or issuance, shall not be subject to any judicial review in any court, except that a court, upon review of a rule pursuant to section 18(e), may set aside such rule if the Commission has failed entirely to prepare a regulatory analysis.

"(2) Except as specified in paragraph (1), no Commission action may be invalidated, remanded, or otherwise affected by any court on account of any failure to comply with the requirements of this section.

"(3) The provisions of this subsection do not alter the substantive or procedural standards otherwise applicable to judicial review of any action by the Commission.

Regulatory agenda, publication, contents. Publication dates in Federal Register.

"(d)(1) The Commission shall publish at least semiannually a regulatory agenda. Each regulatory agenda shall contain a list of rules which the Commission intends to propose or promulgate during the 12-month period following the publication of the agenda. On the first Monday in October of each year, the Commission shall publish in the Federal Register a schedule showing the dates during the current fiscal year on which the semiannual regulatory agenda of the Commission will be published.

"(2) For each rule listed in a regulatory agenda, the Commission shall—

"(A) describe the rule;

"(B) state the objectives of and the legal basis for the rule; and

"(C) specify any dates established or anticipated by the Commission for taking action, including dates for advance notice of proposed rulemaking, notices of proposed rulemaking, and final action by the Commission.

"(3) Each regulatory agenda shall state the name, office address, and office telephone number of the Commission officer or employee responsible for responding to any inquiry relating to each rule listed.

"(4) The Commission shall not propose or promulgate a rule which was not listed on a regulatory agenda unless the Commission publishes with the rule an explanation of the reasons the rule was omitted from such agenda.".

GOOD FAITH RELIANCE UPON ACTIONS OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

SEC. 16. The Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended in section 13, section 14, and section 15, is further amended by inserting after section 22 the following new section:

"Board of Governors."
15 USC 57b-4.

"SEC. 23. (a) For purposes of this section, the term 'Board of Governors' means the Board of Governors of the Federal Reserve System.

"(b) Notwithstanding any other provision of law, if—

"(1) any person, partnership, or corporation engages in any conduct or practice which allegedly constitutes a violation of any Federal law with respect to which the Board of Governors of the Federal Reserve System has rulemaking authority; and

"(2) such person, partnership, or corporation engaged in such conduct or practice in good faith reliance upon, and in conformity with, any rule, regulation, statement of interpretation, or statement of approval prescribed or issued by the Board of Governors under such Federal law;

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then such good faith reliance shall constitute a defense in any administrative or judicial proceeding commenced against such person, partnership, or corporation by the Commission under this Act or in any administrative or judicial proceeding commenced against such person, partnership, or corporation by the Attorney General of the United States, upon request made by the Commission, under any provision of law.

"(c) The provisions of subsection (b) shall apply regardless of whether any rule, regulation, statement of interpretation, or statement of approval prescribed or issued by the Board of Governors is amended, rescinded, or held to be invalid by judicial authority or any other authority after a person, partnership, or corporation has engaged in any conduct or practice in good faith reliance upon, and in conformity with, such rule, regulation, statement of interpretation, or statement of approval.

"(d) If, in any case in which—

"(1) the Board of Governors has rulemaking authority with respect to any Federal law; and

"(2) the Commission is authorized to enforce the requirements of such Federal law;

any person, partnership, or corporation submits a request to the Board of Governors for the issuance of any statement of interpretation or statement of approval relating to any conduct or practice of such person, partnership, or corporation which may be subject to the requirements of such Federal law, then the Board of Governors shall dispose of such request as soon as practicable after the receipt of such request.".

AUTHORIZATION OF APPROPRIATIONS

15 USC 57c.
Ante, p. 380.

SEC. 17. Section 24 of the Federal Trade Commission Act, as so redesignated in section 13, is amended—

(1) by striking out "and" after "1976;"; and

(2) by striking out "1977. For fiscal years" and all that follows through "law." and inserting in lieu thereof "1977; not to exceed $70,000,000 for the fiscal year ending September 30, 1980; not to exceed $75,000,000 for the fiscal year ending September 30, 1981; and not to exceed $80,000,000 for the fiscal year ending September 30, 1982.".

RESTRICTION OF COMMISSION AUTHORITY UNDER LANHAM TRADEMARK ACT

15 USC 57c note.

SEC. 18. The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1980, 1981, or 1982, under section 24 of such Act, as amended by section 17 and as so redesignated in section 13, for the purpose of taking any action under section 14 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" (15 U.S.C. 1064), commonly referred to as the Lanham Trademark Act, with respect to the cancellation of the registration of any mark on the ground that such mark has become the common descriptive name of an article or substance.

RESTRICTION OF COMMISSION REGULATION OF FUNERAL INDUSTRY

15 USC 57a note.

SEC. 19. (a) For purposes of this section:

"Commission."

(1) The term "Commission" means the Federal Trade Commission.

"Funeral trade regulation rule."

(2) The term "funeral trade regulation rule" means the proposed trade regulation rule which was published in the Federal Register of August 29, 1975, beginning at page 39901, and which relates to the regulation of funeral industry practices.

(b) Except as provided in subsection (c), the Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1980, 1981, or 1982, under section 24 of such Act, as amended by section 17 and as so redesignated in section 13, to issue—

(1) the funeral trade regulation rule in final form; or

(2) any other trade regulation rule, in proposed or final form, which sets forth rules substantially similar to the rules set forth in the funeral trade regulation rule.

(c)(1) The Commission shall have authority to use the funds specified in subsection (b) to issue the funeral trade regulation rule in final form only to the extent that the funeral trade regulation rule (in its final form)—

Funds, use.

(A) requires persons, partnerships, and corporations furnishing goods and services relating to funerals to disclose the fees or prices charged for such goods and services in a manner prescribed by the Commission; and

(B) prohibits or prevents such persons, partnerships, and corporations from—

(i) engaging in any misrepresentation;

(ii) engaging in any boycott against, or making any threat against, any other person, partnership, or corporation furnishing goods and services relating to funerals;

(iii) conditioning the furnishing of any such goods or services to a consumer upon the purchase by such consumer of other such goods or services; or

(iv) furnishing any such goods or services to a consumer for a fee without obtaining the prior approval of such consumer.

(2)(A) The Commission, before issuing the funeral trade regulation rule in final form—

(i) shall publish in the Federal Register for public comment a revised version of the funeral trade regulation rule which contains the provisions specified in subparagraph (A) and subparagraph (B) of paragraph (1);

Publication in Federal Register.

(ii) shall allow interested persons to submit written data, views, and arguments relating to such revised version of the funeral trade regulation rule, and make all such submissions publicly available; and

(iii) may permit interested persons, or, as appropriate, a single representative of each group of such persons having the same or similar interests with respect to such revised version of the funeral trade regulation rule, to present their position orally.

(B) The requirements established in subparagraph (A) are in addition to, and not in lieu of, any other requirements established in the Federal Trade Commission Act (15 U.S.C. 41 et seq.), or in any other provision of law, and applicable to the promulgation of trade regulation rules by the Commission. The requirements established in subparagraph (A) shall not be construed to vacate or otherwise affect any proceedings conducted by the Commission before the date of the enactment of this Act with respect to the funeral trade regulation rule.

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(d) If, upon application to the Commission by an appropriate State agency, the Commission determines (pursuant to rules prescribed by the Commission) that—

(1) there is in effect a State requirement which applies to any transaction to which this section applies; and

(2) such State requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this section;

then only such State requirement shall be applicable to the extent specified in such determination for so long as the State administers and enforces effectively any such State requirement.

RESTRICTION OF COMMISSION AUTHORITY RELATING TO AGRICULTURAL COOPERATIVES

SEC. 20. (a) The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for

15 USC 57c note.

fiscal year 1980, 1981, or 1982, under section 24 of such Act, as amended by section 17 and as so redesignated in section 13, for the purpose of conducting any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 18, 1922 (7 U.S.C. 291 et seq.), commonly known as the Capper-Volstead Act, is not a violation of any Federal antitrust Act or the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

Study or investigation of agricultural marketing orders, prohibition.

(b) The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1980, 1981, or 1982, under section 24 of such Act, as amended by section 17 and as so redesignated in section 13, for the purpose of conducting any study or investigation of any agricultural marketing orders.

CONGRESSIONAL REVIEW OF RULES

Final rule; submittal to Congress and congressional committees. 15 USC 57a-1.

SEC. 21. (a)(1) The Federal Trade Commission, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same date and to each House of the Congress while it is in session. Such final rule shall be referred to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House, respectively.

Effective date.

(2) Any such final rule shall become effective in accordance with its terms unless, before the end of the period of 90 calendar days of continuous session after the date such final rule is submitted to the Congress, both Houses of the Congress adopt a concurrent resolution disapproving such final rule.

(b)(1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2)(A) Any concurrent resolution disapproving a final rule of the Commission shall, upon introduction or receipt from the other House of the Congress, be referred immediately by the presiding officer of such House to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Interstate and Foreign Commerce of the House, as the case may be.

(B) If a committee to which a concurrent resolution is referred does not report such concurrent resolution before the end of the period of 75 calendar days of continuous session of the Congress after the referral of such resolution to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Interstate and Foreign Commerce of the House, as the case may be, under subsection (a)(1), it shall be in order to move to discharge any such committee from further consideration of such concurrent resolution.

(C)(i) A motion to discharge in the Senate may be made only by a Member favoring the concurrent resolution, shall be privileged (except that it may not be made after the committee has reported a concurrent resolution with respect to the same final rule of the Commission), and debate on such motion shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the motion. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other concurrent resolution with respect to the same final rule of the Commission.

(ii) A motion to discharge in the House may be made by presentation in writing to the Clerk. The motion may be called up only if the motion has been signed by one-fifth of the Members of the House. The motion is highly privileged (except that it may not be made after the committee has reported a concurrent resolution of disapproval with respect to the same rule). Debate on such motion shall be limited to not more than 1 hour, the time to be divided equally between those favoring and those opposing the motion. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3)(A) When a committee has reported, or has been discharged from further consideration of, a concurrent resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be privileged in the Senate and highly privileged in the House of Representatives, and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the concurrent resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing such concurrent resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such concurrent resolution was agreed to or disagreed to. 94 STAT. 395

(4) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a concurrent resolution shall be decided without debate.

(5) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution with respect to any final rule of the Commission, then it shall not be in order to consider in such House any other concurrent resolution with respect to the same final rule.

(c)(1) If a final rule of the Commission is disapproved by the Congress under subsection (a)(2), then the Commission may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection. Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Commission considers necessary or appropriate.

(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of, a concurrent resolution of disapproval under this section shall not be construed as an expression of approval of the final rule involved, and shall not be construed to create any presumption of validity with respect to such final rule.

Report, contents.

(e)(1) The Comptroller General shall prepare a report which examines the review of Commission rules under this section. Such report shall—

(A) list the final rules submitted to the Congress by the Commission during the period in which this section is in effect;

(B) list the final rules disapproved by the Congress under subsection (a)(2);

(C) specify the number of instances in which the Commission promulgates a final rule in accordance with subsection (c); and

(D) include an analysis of any impact which the provisions of this section have had upon the decisionmaking and rulemaking processes of the Commission.

Report to Congress.

(2) The Comptroller General shall submit the report required in paragraph (1) to the Congress before the end of fiscal year 1982.

Actions in a U.S. district court.

(f)(1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section

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to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

Decision reviewable by appeal to Supreme Court of the United States.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under paragraph (1).

(g)(1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of the periods specified in subsection (a)(2) and subsection (b).

(2) If an adjournment sine die of the Congress occurs after the Commission has submitted a final rule under subsection (a)(1), but such adjournment occurs—

(A) before the end of the period specified in subsection (a)(2); and

(B) before any action necessary to disapprove the final rule is completed under subsection (a)(2);

Resubmittal of final rule in next session of Congress.

then the Commission shall be required to resubmit the final rule involved at the beginning of the next regular session of the Congress. The period specified in subsection (a)(2) shall begin on the date of such resubmission.

(h) For purposes of this section:

Definitions.

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "concurrent resolution" means a concurrent resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the final rule promulgated by the Federal Trade Commission dealing with the matter of ———, which final rule was submitted to the Congress on ——————.". (The blank spaces shall be filled appropriately.)

(3) The term "rule" means any rule promulgated by the Commission pursuant to the Federal Trade Commission Act (15 U.S.C. 41 et seq.), other than any rule promulgated under section 18(a)(1)(A) of such Act (15 U.S.C. 57a(a)(1)(A)).

Effective date. 15 USC 57a-1 note.

(i) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have any force or effect after September 30, 1982.

OVERSIGHT HEARINGS

15 USC 57a note.

SEC. 22. The Consumer Subcommittee of the Committee on Commerce, Science, and Transportation of the Senate shall conduct an oversight hearing with respect to the Federal Trade Commission at least once during the first 6 calendar months, and at least once during the last 6 calendar months, of each of the fiscal years 1980, 1981, and 1982.

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EFFECTIVE DATE

15 USC 45 note.

SEC. 23. The provisions of this Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act.

Approved May 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-181 (Comm. on Interstate and Foreign Commerce) and No. 96-917 (Comm. of Conference).
SENATE REPORTS: No. 96-184 accompanying S. 1020 and No. 96-500 accompanying S. 1991 (both from Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 14, 27, considered and passed House.
Vol. 126 (1980): Feb. 7, H.R. 2313 considered and passed Senate, amended, in lieu of S. 1020 and S. 1991.
May 20, House agreed to conference report.
May 21, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 22 (1980): May 28, Presidential statement.

Public Law 96-262
96th Congress

94 STAT. 437

An Act

To authorize appropriations for the Commercial Fisheries Research and Development Act of 1964 for fiscal years 1981, 1982, and 1983.

June 5, 1980
[H.R. 4890]

Commercial Fisheries Research and Development Act of 1964, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 4 of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b) is amended—**

(1) by amending subsection (a) by striking out "and September 30, 1980." in paragraph (2) and inserting in lieu thereof ", September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983.";

(2) by amending subsection (b)—

(A) by striking out "and" at the end of paragraph (1),

(B) by inserting ", and" immediately after "1980" in paragraph (2), and

(C) by adding immediately after paragraph (2) the following new paragraph:

"(3) $5,000,000 for each of the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983"; and

(3) by amending paragraph (2) of subsection (c) by striking out "and September 30, 1980." and inserting in lieu thereof "September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983.".

Approved June 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-889 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-722 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 5, considered and passed House.
May 22, considered and passed Senate

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94 STAT. 793

Public Law 96-296
96th Congress

An Act

July 1, 1980
[S. 2245]

To amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of property, and for other purposes.

Motor Carrier Act of 1980.
49 USC 10101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Carrier Act of 1980".

PURPOSE OF THE ACT

49 USC 10101 note.

SEC. 2. This Act is part of the continuing effort by Congress to reduce unnecessary regulation by the Federal Government.

CONGRESSIONAL FINDINGS

49 USC 10101 note.

SEC. 3. (a) The Congress hereby finds that a safe, sound, competitive, and fuel efficient motor carrier system is vital to the maintenance of a strong national economy and a strong national defense; that the statutes governing Federal regulation of the motor carrier industry are outdated and must be revised to reflect the transportation needs and realities of the 1980's; that historically the existing regulatory structure has tended in certain circumstances to inhibit market entry, carrier growth, maximum utilization of equipment and energy resources, and opportunities for minorities and others to enter the trucking industry; that protective regulation has resulted in some operating inefficiencies and some anticompetitive pricing; that in order to reduce the uncertainty felt by the Nation's transportation industry, the Interstate Commerce Commission should be given explicit direction for regulation of the motor carrier industry and well-defined parameters within which it may act pursuant to congressional policy; that the Interstate Commerce Commission should not attempt to go beyond the powers vested in it by the Interstate Commerce Act and other legislation enacted by Congress; and that legislative and resulting changes should be implemented with the least amount of disruption to the transportation system consistent with the scope of the reforms enacted.

49 USC prec. 1 note.

Periodic oversight hearings.

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of this legislation, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that this Act is being implemented according to congressional intent and purpose.

NATIONAL TRANSPORTATION POLICY

SEC. 4. Section 10101(a) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and
94 STAT. 794
inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) with respect to transportation of property by motor carrier, to promote competitive and efficient transportation services in order to (A) meet the needs of shippers, receivers, and consumers; (B) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping public; (C) allow the most productive use of equipment and energy resources; (D) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions; (E) provide and maintain service to small communities and small shippers; (F) improve and maintain a sound, safe, and competitive privately-owned motor carrier system; (G) promote greater participation by minorities in the motor carrier system; and (H) promote intermodal transportation."

MOTOR CARRIER ENTRY POLICY

SEC. 5. (a) Section 10922 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting "of passengers" after "motor common carrier";

(2) by redesignating subsections (b), (c), (d), (e), and (f), and all references thereto, as subsections (c), (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection:

Certificate issuance.

49 USC 10521.

"(b)(1) Except as provided in this section, the Interstate Commerce Commission shall issue a certificate to a person authorizing that person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of property if the Commission finds—

"(A) that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(B) on the basis of evidence presented by persons supporting the issuance of the certificate, that the service proposed will serve a useful public purpose, responsive to a public demand or need;

unless the Commission finds, on the basis of evidence presented by persons objecting to the issuance of a certificate, that the transportation to be authorized by the certificate is inconsistent with the public convenience and necessity.

"(2) In making a finding under paragraph (1) of this subsection, the Commission shall consider and, to the extent applicable, make findings on at least the following:

Ante, p. 793.

"(A) the transportation policy of section 10101(a) of this title; and

"(B) the effect of issuance of the certificate on existing carriers, except that the Commission shall not find diversion of revenue or traffic from an existing carrier to be in and of itself inconsistent with the public convenience and necessity.

Commission finding, limitation.

"(3) The Commission may not make a finding relating to public convenience and necessity under paragraph (1) of this subsection which is based upon general findings developed in rulemaking proceedings.

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Transportation authority applications.

"(4) The provisions of paragraph (1) of this subsection (other than subparagraph (A)) shall not apply to applications under this subsection for authority to provide—

"(A) transportation to any community not regularly served by a motor common carrier of property certificated under this section;

"(B) transportation services which will be a direct substitute for abandoned rail service to a community if such abandonment results in such community not having any rail service and if such application is filed within 120 days after such abandonment has been approved by the Commission;

"(C) transportation for the United States Government of property other than used household goods, hazardous or secret materials, and sensitive weapons and munitions;

"(D) transportation of shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds; and

"(E) transportation by motor vehicle of food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers if—

"(i) such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations; and

Post, p. 797.

"(ii) after issuance of the certificate, such transportation (measured by tonnage) does not exceed, on an annual basis, the transportation provided by the motor vehicle (measured by tonnage) which is exempt from the jurisdiction of the Commission under section 10526(a)(6) of this title and the owner of the motor vehicle certifies to the Commission annually that he is complying with the provisions of this clause and provides to the Commission such information and records as the Commission may require.

"(5) Notwithstanding any other provision of law, any carrier holding authority under paragraph (4)(D) of this subsection operating one or more commercial motor vehicles with a gross vehicle weight rating of 10,000 pounds or more shall be subject to commercial motor vehicle safety regulations promulgated by the Secretary of Transportation pursuant to this title with respect to its entire operations, including the operations of commercial motor vehicles with gross vehicle weight ratings less than 10,000 pounds.

"(6) The Commission shall streamline and simplify, to the maximum extent practicable, the process for issuance of certificates to which the provisions of paragraph (4)(E) of this subsection apply.

Application protest by carrier.

"(7) No motor common carrier of property may protest an application to provide transportation filed under this subsection unless—

"(A)(i) it possesses authority to handle, in whole or in part, the traffic for which authority is applied;

"(ii) it is willing and able to provide service that meets the reasonable needs of the shippers involved; and

"(iii) it has performed service within the scope of the application during the previous 12-month period or has, actively in good faith, solicited service within the scope of the application during such period;

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"(B) it has pending before the Commission an application filed prior in time to the application being considered for substantially the same traffic; or

"(C) the Commission grants leave to intervene upon a showing of other interests that are not contrary to the transportation policy set forth in section 10101(a) of this title.

Ante, p. 793.

"(8) No motor contract carrier of property may protest an application to provide transportation filed under this subsection.".

(b) Section 11145 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Reporting requirements, simplification.

Ante, p. 794.

Post, p. 799.

"(c) The Commission shall streamline and simplify, to the maximum extent practicable, the reporting requirements applicable under this subchapter to motor common carriers of property with respect to transportation provided under certificates to which the provisions of section 10922(b)(4)(E) of this title apply and to motor contract carriers of property with respect to transportation provided under permits to which the provisions of section 10923(b)(5) of this title apply.".

(c)(1) Section 10762(a)(1) of title 49, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "A motor contract carrier that serves only one shipper and has provided continuous transportation to that shipper for at least one year or a motor carrier of property providing transportation under a certificate to which the provisions of section 10922(b)(4)(E) of this title apply or under a permit to which the provisions of section 10923(b)(5) of this title apply may file only its minimum rates unless the Commission finds that filing of actual rates is required in the public interest.".

(2) Section 10762 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Filing requirements, simplification.

"(g) The Commission shall streamline and simplify, to the maximum extent practicable, the filing requirements applicable under this section to motor common carriers of property with respect to transportation provided under certificates to which the provisions of section 10922(b)(4)(E) of this title apply and to motor contract carriers of property with respect to transportation provided under permits to which the provisions of section 10923(b)(5) of this title apply.".

REMOVAL OF CERTAIN RESTRICTIONS ON MOTOR CARRIER OPERATION

SEC. 6. Section 10922 of title 49, United States Code, is further amended by adding at the end thereof the following new subsections:

"(h)(1) Not later than 180 days after the date of enactment of this subsection, the Commission shall—

"(A) eliminate gateway restrictions and circuitous route limitations imposed upon motor common carriers of property; and

"(B) implement, by regulation, procedures to process expeditiously applications of individual motor carriers of property seeking removal of operating restrictions in order to—

"(i) reasonably broaden the categories of property authorized by the carrier's certificate or permit;

"(ii) authorize transportation or service to intermediate points on the carrier's routes;

"(iii) provide round-trip authority where only one-way authority exists;

"(iv) eliminate unreasonable or excessively narrow territorial limitations; or

"(v) eliminate any other unreasonable restriction that the Commission deems to be wasteful of fuel, inefficient, or contrary to the public interest.

Regulations.

"(2) The regulations promulgated by the Commission pursuant to paragraph (1)(B) of this subsection shall provide for final Commission action upon an application not later than 120 days after the date the application is filed with the Commission, except that in extraordinary circumstances, the Commission may extend such deadline for a period of not to exceed 90 additional days. Such regulations shall also provide for notice and the opportunity for interested parties to comment, but need not provide for oral evidentiary hearings. In granting or denying applications under paragraph (1)(B) of this subsection, the Commission shall (A) consider, among other things, the impact of the proposed restriction removal upon the consumption of energy resources, potential cost savings and improved efficiency, and the transportation policy set forth in section 10101(a) of this title, and (B) give special consideration to providing and maintaining service to small and rural communities and small shippers.

Notice and comment period.

Ante, p. 793.

"(i) A person holding (1) a certificate issued under subsection (b) of this section to provide transportation as a motor common carrier of property, and (2) a permit issued under section 10923 of this subchapter to provide transportation as a motor contract carrier of property, may transport property under the certificate in the same motor vehicle and at the same time as property under the permit.".

Post, p. 799.

EXEMPTIONS

SEC. 7. (a) Section 10526(a)(6) of title 49, United States Code, is amended—

(1) by inserting "or by-products thereof not intended for human consumption," after "fresh shellfish," in subparagraph (D);

(2) by striking out "and" at the end of subparagraph (C);

(3) by inserting "and" after the semicolon at the end of subparagraph (D); and

(4) by adding at the end of such section the following new subparagraph:

Agricultural products.

"(E) livestock and poultry feed and agricultural seeds and plants, if such products (excluding products otherwise exempt under this paragraph) are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production;".

(b) Section 10526(a)(8) of title 49, United States Code, is amended to read as follows:

Aircraft passengers and baggage, transportation.

"(8)(A) transportation of passengers by motor vehicle incidental to transportation by aircraft;

"(B) transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Civil Aeronautics Board or its successor agency) by a foreign air carrier; or

"(C) transportation of property by motor vehicle in lieu of transportation by aircraft because of adverse weather conditions or mechanical failure of the aircraft or other causes due to circumstances beyond the control of the carrier or shipper;".

(c) Section 10526(a) of title 49, United States Code, is further amended by (1) striking the period at the end thereof and substituting a semicolon, and (2) adding at the end thereof the following new paragraphs:

"(10) transportation of used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles);

"(11) transportation of natural, crushed, vesicular rock to be used for decorative purposes; or

"(12) transportation of wood chips.".

FOOD TRANSPORTATION

SEC. 8. (a) Subchapter II of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10732.

"§ 10732. Food and grocery transportation

Customer compensation.

"(a) Notwithstanding any other provision of law, it shall not be unlawful for a seller of food and grocery products using a uniform zone delivered pricing system to compensate a customer who picks up purchased food and grocery products at the shipping point of the seller if such compensation is available to all customers of the seller on a nondiscriminatory basis and does not exceed the actual cost to the seller of delivery to such customer.

Consumer savings.

Report to Congress.

"(b) It is the sense of the Congress that any savings accruing to a customer by reason of compensation permitted by subsection (a) of this section should be passed on to the ultimate consumer. The Interstate Commerce Commission shall monitor the extent to which such savings are being passed on and shall report its findings to the Congress not later than one year after the date of enactment of the Motor Carrier Act of 1980 and not less often than once a year thereafter. For purposes of this subsection, the Interstate Commerce Commission may exercise its powers to obtain relevant papers, books, documents, and other materials.".

Ante, p. 793.

(b) The index for subchapter II of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following:

"10732. Food and grocery transportation.".

PRIVATE CARRIAGE

SEC. 9. Section 10524 of title 49, United States Code, is amended by inserting "(a)" before "The" and by adding at the end of such section the following new subsections:

Transportation of property, jurisdiction.

"(b) The Commission does not have jurisdiction under this subchapter over transportation of property by motor vehicle for compensation provided by a person who is a member of a corporate family for other members of such corporate family if—

"(1) the parent corporation notifies the Commission of its intent or one of its subsidiaries' intent to provide the transportation;

"(2) the notice contains a list of participating subsidiaries and an affidavit that the parent corporation owns directly or indirectly a 100 percent interest in each of the subsidiaries;

Publication in Federal Register.

"(3) the Commission publishes the notice in the Federal Register within 30 days of receipt; and

"(4) a copy of the notice is carried in the cab of all vehicles conducting the transportation.

"Corporate family."

"(c) In this section, 'corporate family' means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest.".

MOTOR CONTRACT CARRIERS

SEC. 10. (a)(1) Section 10102(12) of title 49, United States Code, is amended to read as follows:

"Motor contract carrier."

"(12) 'motor contract carrier' means—

"(A) a person, other than a motor common carrier, providing motor vehicle transportation of passengers for compensation under continuing agreements with a person or a limited number of persons—

"(i) by assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

"(ii) designed to meet the distinct needs of each such person; and

"(B) a person providing motor vehicle transportation of property for compensation under continuing agreements with one or more persons—

"(i) by assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

"(ii) designed to meet the distinct needs of each such person.".

(2) Section 10923(b) of title 49, United States Code, is amended by—

(A) inserting in paragraph (2) "of passengers" after "motor contract carrier"; and

(B) redesignating paragraph (3) (and any references thereto) as paragraph (7) and inserting after paragraph (2) the following new paragraphs:

Permits, application approval.

"(3) In deciding whether to approve the application of a person for a permit as a motor contract carrier of property, the Commission shall consider—

"(A) the nature of the transportation proposed to be provided;

"(B) the effect that granting the permit would have on the protesting carriers if such grant would endanger or impair their operations to an extent contrary to the public interest;

"(C) the effect that denying the permit would have on the person applying for the permit, its shippers, or both; and

"(D) the changing character of the requirements of those shippers.

Application protest by carrier.

"(4) No motor carrier of property may protest an application to provide transportation as a motor contract carrier of property filed under this section unless—

"(A)(i) it possesses authority to handle, in whole or in part, the traffic for which authority is applied;

"(ii) it is willing and able to provide service that meets the reasonable needs of the shippers involved; and

"(iii) it has performed service within the scope of the application during the previous 12-month period or has, actively in good faith, solicited service within the scope of the application during such period;

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"(B) it has pending before the Commission an application filed prior in time to the application being considered for substantially the same traffic; or

"(C) the Commission grants leave to intervene upon a showing of other interests that are not contrary to the transportation policy set forth in section 10101(a) of this title.

Ante, p. 793.

"(5)(A) The provisions of paragraph (2) of subsection (a) of this section and paragraph (3) of this subsection shall not apply to applications under this section for authority to provide transportation by motor vehicle of food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers if—

"(i) such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations; and

"(ii) after issuance of the permit, such transportation (measured by tonnage) does not exceed, on an annual basis, the transportation provided by the motor vehicle (measured by tonnage) which is exempt from the jurisdiction of the Commission under section 10526(a)(6) of this title and the owner of the motor vehicle certifies to the Commission annually that he is complying with the provisions of this subparagraph and provides to the Commission such information and records as the Commission may require.

Ante, p. 797.

Permit issuance process, simplification.

"(B) The Commission shall streamline and simplify, to the maximum extent practicable, the process for issuance of permits to which the provisions of subparagraph (A) of this paragraph apply.

Commission finding, limitation.

"(6) With respect to applications of persons for permits as motor contract carriers of property, the Commission may not make a finding relating to the public interest under subsection (a)(2) of this section which is based upon general findings developed in rulemaking proceedings.".

(3) Section 10923(d) of title 49, United States Code, is amended—

(A) in the first sentence of paragraph (1) by inserting the following immediately before the period at the end thereof: ", except that in the case of a motor contract carrier of property, the Commission may not require such carrier to limit its operations to carriage for a particular industry or within a particular geographic area"; and

(B) in paragraph (2) by striking "including each person or number or class of persons" and substituting "including each person or class of persons (and, in the case of a motor contract carrier of passengers, the number of persons)".

Certificates and permits, limitations.

(b) Section 10930(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "both a certificate of a motor common carrier and a permit of a motor contract carrier issued under this subchapter, or"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) if a person controls, is controlled by, or is under common control with, another person, one of them may not hold a certificate of a water common carrier, while the other holds a permit of a water contract carrier, to transport property over the same route or in the same area.".

(c) Section 10749 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting ", or a motor contract carrier of property," after "carrier"; and

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(2) in subsection (b)(1) by inserting ", or motor contract carrier of property," after "water common carrier".

(d) Section 10766(b) of title 49, United States Code, is amended—

(1) by inserting ", and motor contract carriers of property," after "carriers" in the first sentence;

(2) by inserting "or the motor contract carrier of property" after "carrier" in the third sentence; and

(3) by striking the fifth sentence.

(e) Section 10925 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Permit revocation, conditions.
Ante, p. 799.
Ante, p. 794.

"(e)(1) On application of a motor contract carrier of property who holds a permit issued under section 10923 of this title, or on complaint of a competing motor common carrier of property who holds a certificate under section 10922(b) of this title, or on its own initiative, if the Commission, after notice and an opportunity for a proceeding, determines that the operations under the permit or any part thereof—

"(A) do not conform with the operations of a motor contract carrier of property; and

"(B) are those of a motor common carrier of property;

the Commission may amend or revoke such permit or part thereof to conform the operations under such permit or part thereof to the operations of a motor contract carrier of property.

Certificate.

"(2) The Commission may issue in place of any permit or part thereof revoked under this subsection a certificate under section 10922(b) of this title which authorizes the holder of such certificate to provide transportation as a motor common carrier of property of the same property between the same points or within the same territory as authorized in the permit or part thereof.".

ZONE OF RATE FREEDOM FOR MOTOR CARRIERS OF PROPERTY AND FREIGHT FORWARDERS

SEC. 11. Section 10708 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Rate changes, conditions.

"(d)(1) Notwithstanding any other provision of this title, the Commission may not investigate, suspend, revise, or revoke any rate proposed by a motor common carrier of property or freight forwarder on the grounds that such rate is unreasonable on the basis that it is too high or too low if—

"(A) the carrier notifies the Commission that it wishes to have the rate considered pursuant to this subsection; and

"(B) the aggregate of increases and decreases in any such rate is not more than 10 percent above the rate in effect one year prior to the effective date of the proposed rate, nor more than 10 percent below the lesser of the rate in effect on July 1, 1980 (or, in the case of any rate which a carrier first establishes after July 1, 1980, for a service not provided by such carrier on such date, such rate on the date such rate first becomes effective), or the rate in effect one year prior to the effective date of the proposed rate.

Increase of percentages, conditions.

"(2) The Commission, by rule, may increase the percentages specified in paragraph (1)(B) of this subsection for any group of motor common carriers of property or freight forwarders if it finds that—

"(A) there is sufficient actual and potential competition to regulate rates; and

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"(B) there are benefits to (i) carriers or freight forwarders, (ii) shippers, and (iii) the public from further rate flexibility;

except that the Commission may not increase such percentages by more than 5 percentage points during any one-year period.

"(3)(A) In determining, pursuant to paragraph (1)(B) of this subsection, whether the aggregate of increases and decreases in a proposed rate that is to take effect on or before the 730th day following the date of enactment of this paragraph is more than 10 percent (or such other percentage as the Commission may establish under paragraph (2) of this subsection) above the rate in effect one year prior to the effective date of the proposed rate, general rate increases obtained in the one-year period prior to the effective date of the proposed rate shall not be included in such aggregate, except to the extent that such general rate increases exceed 5 percent of the rate in effect one year prior to the effective date of the proposed rate.

Rate change according to Producers Price Index.

"(B) In the case of a proposed rate that is to take effect after the 730th day following the date of enactment of this paragraph, the percentage which first appears in paragraph (1)(B) of this subsection (relating to the upper limit of the zone of ratemaking freedom), or such other percentage as the Commission may establish under paragraph (2) of this subsection in lieu of such percentage, shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the one-year period prior to the effective date of the proposed rate.

Antitrust laws.

Post, p. 803.

49 USC 10741.

Ante, p. 793.

"(4) Any rate implemented by a carrier pursuant to this subsection shall be subject to the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), except that the docketing and publication of such rate by the carrier under section 10706(b) of this title shall not be construed as a violation of the antitrust laws. Nothing in this subsection shall limit the Commission's authority to suspend and investigate proposed rates on the basis that such rates may violate the provisions of section 10741 of this title or constitute predatory practices in contravention of the transportation policy set forth in section 10101(a) of this title.".

RATES AND LIABILITY BASED ON VALUE

SEC. 12. Section 10730 of title 49, United States Code, is amended by inserting "(a)" before "The Interstate Commerce Commission", by inserting "(including a motor common carrier of household goods but excluding any other motor common carrier of property)" after "authorize a carrier", and by adding at the end thereof the following new subsection:

49 USC 10521.

Ante, p. 796.

"(b)(1) Subject to the provisions of paragraph (2) of this subsection, a motor common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title may, subject to the provisions of this chapter (including the general tariff requirements of section 10762 of this title), establish rates for the transportation of property (other than household goods) under which the liability of the carrier for such property is limited to a value established by written declaration of the shipper or by written agreement between the carrier and shipper if that value would be reasonable under the circumstances surrounding the transportation.

"(2) Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Commission may require such carrier to have in effect and keep in effect, during any period such rate is in effect under such paragraph, a rate for such service which does not limit the liability of the carrier.".

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RULE OF RATEMAKING

SEC. 13. (a) Section 10701 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Infra.

"(e) In proceedings to determine the reasonableness of rate levels for a motor carrier of property or group of motor carriers of property, or in proceedings to determine the reasonableness of a territorial rate structure where rates are proposed through agreements authorized by section 10706(b) of this title, the Commission shall authorize revenue levels that are adequate under honest, economical, and efficient management to cover total operating expenses, including the operation of leased equipment and depreciation, plus a reasonable profit. The standards and procedures adopted by the Commission under this subsection shall allow the carriers to achieve revenue levels that will provide a flow of net income, plus depreciation, adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, attract and retain capital in amounts adequate to provide a sound motor carrier transportation system in the United States, and take into account reasonable estimated or foreseeable future costs.".

(b) Section 10704(b)(2) of title 49, United States Code, is amended to read as follows:

"(2)(A) When prescribing a rate, classification, rule, or practice for transportation or service by common carriers other than by rail carrier, the Commission shall consider, among other factors, the effect of the prescribed rate, classification, rule, or practice on the movement of traffic by that carrier.

"(B) When prescribing a rate, classification, rule, or practice for transportation or service by common carriers other than by rail carrier or motor carrier of property, the Commission shall consider, among other factors, the need for revenues that are sufficient, under honest, economical, and efficient management, to let the carrier provide that transportation or service.".

RATE BUREAUS

SEC. 14. (a) Section 10706 of title 49, United States Code, is amended by redesignating subsections (b), (c), (d), (e), (f), (g), and (h) (and any references thereto) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively, and by inserting the following new subsection after subsection (a):

"(b)(1) In this subsection, 'single-line rate' refers to a rate, charge, or allowance proposed by a single motor common carrier of property that is applicable only over its line and for which the transportation can be provided by that carrier.

"Single-line rate."

"(2) As provided by this subsection, a motor common carrier of property providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title may enter into an agreement with one or more such carriers concerning rates (including charges between carriers and compensation paid or received for the use of facilities and equipment), allowances, classifications, divisions, or rules related to them, or procedures for joint consideration, initiation, or establishment of them. Such agreement may be submitted to the Commission for approval by any carrier or carriers which are parties to such agreement and shall be approved by the Commission upon a finding that the agreement fulfills each requirement of this subsection, unless the Commission finds that such agreement is inconsistent with the transportation policy set forth in section 10101(a) of this title. The Commission may require compliance with reasonable conditions consistent with this subtitle to assure that the agreement furthers such transportation policy. If the Commission approves the agreement, it may be made and carried out under its terms and under the conditions required by the Commission, and the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to parties and other persons with respect to making or carrying out the agreement.

49 USC 10521.

94 STAT. 804

Ante, p. 793.

"(3) Agreements submitted to the Commission under this subsection may be approved by the Commission only if each of the following conditions are met:

Agreements, approval conditions.

"(A) Each carrier which is a party to an agreement must file with the Commission a verified statement that specifies its name, mailing address, and telephone number of its main office; the names of each of its affiliates; the names, addresses, and affiliates of each of its officers and directors; the names, addresses, and affiliates of each person, together with an affiliate, owning or controlling any debt, equity, or security interest in it having a value of at least $1,000,000. In this subparagraph, 'affiliate' means a person controlling, controlled by, or under common

"Affiliate."
"Ownership."

control or ownership with another person and 'ownership' means equity holdings in a business entity of at least 5 percent.

Compliance requirements.

"(B) Any organization established or continued under an agreement approved under this subsection must comply with the following requirements:

"(i) subject to the provisions of subparagraphs (C) and (D) of this paragraph, (I) the organization may allow any member carrier to discuss any rate proposal docketed, but (II) after January 1, 1981, only those carriers with authority to participate in the transportation to which the rate proposal applies may vote upon such rate proposal;

"(ii) the organization may not interfere with each carrier's right of independent action and may not change or cancel any rate established by independent action after the date of enactment of this subsection, other than a general increase or broad rate restructuring, except that changes in such rates may be effected, with the consent of the carrier or carriers that initiated the independent action, for the purpose of tariff simplification, removal of discrimination, or elimination of obsolete items;

"(iii) the organization may not file a protest or complaint with the Commission against any tariff item published by or for the account of any motor carrier of property;

"(iv) the organization may not permit one of its employees or any employee committee to docket or act upon any proposal effecting a change in any tariff item published by or for the account of any of its member carriers;

"(v) upon request, the organization must divulge to any person the name of the proponent of a rule or rate docketed with it, must admit any person to any meeting at which rates or rules will be discussed or voted upon, and must divulge to

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any person the vote cast by any member carrier on any proposal before the organization;

"(vi) the organization may not allow a carrier to vote for one or more other carriers without specific written authority from the carrier being represented; and

"(vii) the organization shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed, except that if unusual circumstances require, the organization may extend such period, subject to review by the Commission.

Ante, pp. 801, 802.

Ante, p. 793.

"(C) No agreement approved under this subsection may provide for discussion of or voting on rates to which the provisions of section 10708(d) or 10730(b) of this title apply, except that rates established or filed under section 10730 of this title before the date of enactment of the Motor Carrier Act of 1980 or changes with respect to such rates may be discussed or voted on under agreements approved under this subsection until January 1, 1984.

Single-line rates.

Ante, p. 803.

"(D) No agreement approved under this subsection may provide for discussion of or voting upon single-line rates on or after January 1, 1984, except that such date shall be July 1, 1984, if the Motor Carrier Ratemaking Study Commission does not submit its final report under section 14(b)(4) of the Motor Carrier Act of 1980 on or before January 1, 1983. This subparagraph and subparagraph (B)(i)(II) of this paragraph shall not apply to the following:

"(i) general rate increases or decreases if the agreement gives shippers, under specified procedures, at least 15 days' notice of the proposal and an opportunity to present comments on it before a tariff containing the increases or decreases is filed with the Commission and if discussion of such increases or decreases is limited to industry average carrier costs and, after the date of elimination of the antitrust immunity by this subparagraph, does not include discussion of individual markets or particular single-line rates;

"(ii) changes in commodity classifications;

"(iii) changes in tariff structures if discussion of such changes is limited to industry average carrier costs and, after the date of elimination of antitrust immunity by this subparagraph, does not include discussion of individual markets or particular single-line rates;

"(iv) publishing of tariffs, filing of independent actions for individual members carriers, providing of support services for members, and changes in rules or regulations which are of at least substantially general application throughout the area in which such changes will apply.

"(E) In any proceeding in which a party to such proceeding alleges that a carrier voted, discussed, or agreed on a rate or allowance in violation of this subsection, that party has the burden of showing that the vote, discussion, or agreement occurred. A showing of parallel behavior does not satisfy that burden by itself.

Quorum standards.

"(F) The Commission shall, by regulation, determine reasonable quorum standards to be applied for meetings of organizations established or continued under an agreement approved under this subsection.

"(4) Notwithstanding any other provision of this subtitle, before the date on which the antitrust immunity is eliminated for discussion of or voting on single-line rates by paragraph (3)(D) of this subsection, the Commission may not take any action which would, on the basis of the type of carrier service involved (including service by carriers singly or in combination with other carriers), result in the exclusion of one or more motor common carriers of property from discussion or voting under agreements authorized by this subsection on matters concerning rates, allowances, classifications, or divisions, except that before such date, the Commission may issue regulations which take effect on or after such date to carry out the provisions of such paragraph.".

Motor Carrier Ratemaking Study Commission. Establishment.

(b)(1) There is hereby established a Study Commission to be known as the Motor Carrier Ratemaking Study Commission, hereinafter in this section referred to as the "Study Commission".

(2) The Study Commission shall make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and upon the need or lack of need for continued antitrust immunity therefor. Such study shall estimate the impact of the elimination of such immunity upon rate levels and rate structures and describe the impact of the elimination of such immunity upon the Interstate Commerce Commission and its staff. The study shall give special consideration to the effect of the elimination of such immunity upon rural areas and small communities.

Membership.

(3) The Study Commission shall be comprised of ten members as follows:

(A) three members appointed by the President of the Senate, two from the membership of the Committee on Commerce, Science, and Transportation and one from the membership of the Committee on the Judiciary;

(B) three members appointed by the Speaker of the House of Representatives, two from the membership of the Committee on Public Works and Transportation and one from the membership of the Committee on the Judiciary; and

(C) four members of the public appointed by the President, two from the membership of national trade associations of shippers, one who is a motor common carrier of property from the membership of the national trade association of motor carriers, and one who is a motor common carrier of property from the membership of a major regional motor common carrier rate bureau.

Report to President and Congress.

(4) The Study Commission shall, not later than January 1, 1983, submit to the President and the Congress its final report including its

Termination.
Records and papers.

findings and recommendations. The Study Commission shall cease to exist 6 months after submission of such report. All records and papers of the Study Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

Liaison officer, appointment.

(5) The Chairman of the Study Commission, who shall be elected by the Commission from among its members, shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to motor carrier collective ratemaking to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Study Commission and its staff in matters pertaining to this subsection. Such departments and agencies shall include, but not be limited to, the Department of Transportation, the Interstate Commerce Commission, the Federal Trade Commission, and the Department of Justice.

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(6) In carrying out its duties, the Study Commission shall seek the advice of various groups interested in motor carrier collective ratemaking including, but not limited to, State and local governments and public and private organizations working in the field of transportation.

Hearings.

(7)(A) The Study Commission or, on authorization of the Study Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this subsection, hold such hearings and sit and act at such times and places as the Study Commission or such authorized committee may deem advisable.

Information from Federal agencies.

(B) The Study Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this subsection and each department, agency, and instrumentality is authorized and directed to furnish such information to the Study Commission upon request made by the Chairman.

Members of Congress, travel expenses.

(8)(A) Members of Congress who are members of the Study Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Study Commission.

Compensation and expenses.

44 FR 58671.

(B) Members of the Study Commission, except Members of Congress, shall each receive compensation at a rate not in excess of the maximum rate of pay for GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in performance of duties while serving as a Study Commission member.

Staff director and personnel, compensation.

5 USC 101 *et seq.*, 5331.

44 FR 58671.

(9)(A) The Study Commission is authorized to appoint and fix the compensation of a staff director and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Study Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall an employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(B) The staff director shall be compensated at the rate of pay for a position at Level 2 of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

5 USC 5313.

Functions.

(10) The Study Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this subsection to carry out such of its duties as the Study Commission determines can best be carried out in that manner.

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(11) Any vacancy which may occur on the Study Commission shall not effect its powers or functions but shall be filled in the same manner in which the original appointment was made.

Appropriation authorization.

(12) There are hereby authorized to be appropriated, for fiscal years commencing on or after October 1, 1980, an amount not to exceed $3,000,000 to carry out this subsection. Funds appropriated under this subsection shall be available to the Study Commission until expended, except that any such funds which remain unobligated on the date that the Study Commission ceases to exist shall be forwarded to the Treasurer of the United States for deposit in the general fund of the United States Treasury.

(c) Section 10706(c) of title 49, United States Code, as redesignated by subsection (a) of this section, is amended by striking "(except a rail carrier)" and substituting "(except a rail carrier or a motor common carrier of property)".

(d) Section 10706 of title 49, United States Code, is further amended—

(1) in subsections (d), (f), and (g), as redesignated by subsection (a) of this section, by striking "subsection (a) or (b)" and substituting "subsection (a), (b), or (c)"; and

(2) in subsection (f), as redesignated by subsection (a) of this section, by inserting "or (c)" immediately before the period at the end of the first sentence.

49 USC 10706 note.

Ante, p. 803.

(e) Any organization established pursuant to an agreement approved by the Commission prior to the date of enactment of this Act under section 10706(b) of title 49, United States Code, may continue to function pursuant to such agreement until a new or amended agreement is finally disposed of by the Commission under section 10706 of title 49, United States Code, as amended by this section, so long as (1) such new or amended agreement is submitted to the Commission for approval within 120 days of such date of enactment, and (2) such organization complies with this section (including amendments made by this section and regulations issued under such amendments) during the period such new or amended agreement is being prepared, submitted to, and considered by the Commission.

LUMPING

SEC. 15. (a)(1) Subchapter I of chapter 111 of subtitle IV of title 49, United States Code, is amended by inserting the following new section immediately after section 11108:

"§ 11109. Loading and unloading motor vehicles

49 USC 11109.

"(a) Whenever a shipper or receiver of property requires that any person who owns or operates a motor vehicle transporting property in interstate commerce (whether or not such transportation is subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title) be assisted in the loading or unloading of such vehicle, the shipper or receiver shall be responsible for providing such assistance or shall compensate the owner or operator for all costs associated with securing and compensating the person or persons providing such assistance.

49 USC 10521.

94 STAT. 809

Coercion.

"(b) It shall be unlawful to coerce or attempt to coerce any person providing transportation of property by motor vehicle for compensation in interstate commerce (whether or not such transportation is

49 USC 10521.

subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title) to load or unload any part of such property onto or from such vehicle or to employ or pay one or more persons to load or unload any part of such property onto or from such vehicle, except that this subsection shall not be construed as making unlawful any activity which is not unlawful under the National Labor Relations Act or the Act of March 23, 1932 (47 Stat. 70; 29 U.S.C. 101 et seq.), commonly known as the Norris-LaGuardia Act.".

(2) The analysis for subchapter I of chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following:

"11109. Loading and unloading motor vehicles.".

(b)(1) Chapter 119 of title 49, United States Code, is amended by inserting the following new section immediately after section 11902:

49 USC 11902a.

"§ 11902a. Penalties for violations of rules relating to loading and unloading motor vehicles

Ante, p. 808.

"(a) Any person who knowingly authorizes, consents to, or permits a violation of subsection (a) or (b) of section 11109 of this title or who knowingly violates subsection (a) of such section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

"(b) Any person who knowingly violates section 11109(b) of this title shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.".

(2) The analysis for chapter 119 of title 49, United States Code, is amended by inserting the following immediately after item 11902:

"11902a. Penalties for violations of rules relating to loading and unloading motor vehicles.".

(c) Section 11702(a)(2) of title 49, United States Code, is amended by inserting "or 11109" after "10930".

(d) Section 11107 of title 49, United States Code, is amended by inserting "(a)" before "Except" and by adding at the end thereof the following new subsection:

Responsibility for loading and unloading.

"(b) The Commission shall require, by regulation, that any arrangement, between a motor carrier of property providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and any other person, under which such other person is to provide any portion of such transportation by a motor vehicle not owned by the carrier shall specify, in writing, who is responsible for loading and unloading the property onto and from the motor vehicle.".

Loading and unloading practices.
Study, report to Congress.

(e) The Interstate Commerce Commission, in consultation with the Secretary of Transportation, the Secretary of Labor, the Secretary of Agriculture, and representatives of independent owner-operators, the motor carrier industry, shippers, receivers, consumers, and other interested persons, shall study, and report to the Congress, not later than 18 months after the date of enactment of this Act on loading and unloading practices in the motor carrier of property industry. Such report shall include (1) such recommendations for legislative and other changes in such practices as the Commission considers appropriate, and (2) any changes in such practices which the Commission is making by regulation.

WRITTEN CONTRACTS PERTAINING TO CERTAIN INTERSTATE MOVEMENTS BY MOTOR CARRIER

SEC. 16. (a) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10527.

"§ 10527. Written contracts pertaining to certain interstate movements by motor vehicle

Ante, p. 797.

"(a) Notwithstanding the provisions of section 10526(a)(6) of this subchapter, the Interstate Commerce Commission, in cooperation with the Secretary of Agriculture, shall, where appropriate, require by regulation the use of written contracts for the interstate movement by motor vehicle of property described in such section and for brokerage services to be provided in connection with the interstate movement of such property.

"(b) A written contract between an owner or operator of a motor vehicle and a broker, shipper of property, or receiver of property which is required to be used by the Commission under this section shall specify the arrangements, including compensation, with respect to loading and unloading of the property transported under such contract. Whenever the shipper or receiver of the property transported under such contract requires that the operator of the vehicle load or unload any part of the property onto or from the vehicle contrary to any provision of such contract, the shipper or receiver shall compensate the owner or operator of the vehicle for all costs associated with loading or unloading that part of the property. Any person who knowingly violates the preceding sentence is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

Violation, penalty.

"(c) The Commission shall prescribe, by regulation, the minimum requirements and conditions of written contracts required to be used under this section.".

Minimum requirements.

(b) The analysis of subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10527. Written contracts pertaining to certain interstate movements by motor vehicle.".

(c) Section 11702(a)(2) of title 49, United States Code, is amended by inserting "10527 or" before "10930".

Ante, p. 809.

(d) The Interstate Commerce Commission and the Secretary of Agriculture may enter into agreements (including, but not limited to, memorandums of understanding) in carrying out the provisions of section 10527(a) of title 49, United States Code.

49 USC 10527 note.

Supra.

MOTOR CARRIER BROKERS OF PROPERTY

SEC. 17. (a) Section 10924 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting "of passengers or household goods" after "transportation" the first place such term appears; and

(2) by redesignating subsections (b), (c), and (d) (and any references thereto) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) The Interstate Commerce Commission shall issue, subject to section 10927(b) of this title, a license to a person authorizing the person to be a broker for transportation of property (other than household goods) subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, if the Commission finds that the person is fit, willing, and able—

Licenses.

49 USC 10927.

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49 USC 10521.

"(1) to be a broker for transportation to be authorized by the license; and

"(2) to comply with this subtitle and regulations of the Commission.".

(b) Section 10925(d)(1)(A) of title 49, United States Code, is amended by striking out "10924(d)" and inserting in lieu thereof "10924(e)".

FINANCE EXEMPTIONS

SEC. 18. (a) Section 11302(b) of title 49, United States Code, is amended by—

(1) striking "more than $1,000,000" and substituting "more than $5,000,000"; and

(2) striking "more than $200,000" and substituting "more than $1,000,000".

(b) Section 11343(d)(1) of title 49, United States Code, is amended by striking "more than $300,000" and substituting "more than $2,000,000".

UNIFORM STATE REGULATION

SEC. 19. Congress hereby declares and finds that the individual State regulations and requirements imposed upon interstate motor carriers regarding licensing, registration, and filings are in many instances confusing, lacking in uniformity, unnecessarily duplicative, and burdensome and that it is in the national interest to minimize the burdens of such regulations while at the same time preserving the legitimate interests of the State in such regulation. Therefore, the Congress directs the Secretary of Transportation and the Interstate Commerce Commission, in consultation with the States and the various State agencies which administer such requirements and regulations and with the motor carrier industry, including both the regulated and unregulated segments, to develop legislative or other recommendations to provide a more efficient and equitable system of State regulations for interstate motor carriers. Such recommendations shall be made to the Congress not later than 18 months after the date of enactment of this Act.

Recommendations.

Submittal to Congress.

POOLING ARRANGEMENTS

SEC. 20. (a) Section 11342(a) of title 49, United States Code, is amended by striking out "The Commission may" and inserting in lieu thereof "Except as provided in subsection (b) for agreements or combinations between or among motor common carriers of property, the Commission may".

(b) Section 11342 of title 49, United States Code, is amended by redesignating subsections (b), (c), and (d) (and any references thereto) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) Any motor common carrier of property may apply to the Commission for approval of an agreement or combination with another motor common carrier of property to pool or divide traffic or any services or any part of their earnings by filing such agreement or combination with the Commission not less than 50 days before its effective date. Prior to the effective date of the agreement or combination, the Commission shall determine whether the agreement or combination is of major transportation importance and whether there is substantial likelihood that the agreement or combination will unduly restrain competition. If the Commission determines that neither of these two factors exists, it shall, prior to such effective date and without a hearing, approve and authorize the agreement or combination, under such rules and regulations as the Commission may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Commission to be just and reasonable. If the Commission determines either that the agreement or combination is of major transportation importance or that there is a substantial likelihood that the agreement or combination will unduly restrain competition, the Commission shall hold a hearing concerning whether the agreement or combination will be in the interest of better service to the public or of economy in operation and whether it will unduly restrain competition and shall suspend operation of such agreement or combination pending such hearing and final decision thereon. After such hearing, the Commission shall indicate to what extent it finds that the agreement or combination will be in the interest of better service to the public or of economy in operation and will not unduly restrain competition and if assented to by all the carriers involved, shall, to that extent, approve and authorize the agreement or combination, under such rules and regulations as the Commission may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Commission to be just and reasonable.".

94 STAT. 812

Hearing.

MIXED LOADS

SEC. 21. (a) Section 10526(a)(6) of title 49, United States Code, is amended by striking out "a motor vehicle carrying, for compensation, only property and that property consists" and inserting in lieu thereof "transportation by motor vehicle". *Ante*, p. 797.

(b)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10528. Mixed loads of regulated and unregulated property 49 USC 10528.

"A motor carrier of property providing transportation exempt from the jurisdiction of the Commission under paragraph (6), (8), (10), (11), or (12) of section 10526(a) of this subchapter may transport property under such paragraph in the same vehicle and at the same time as property which the carrier is authorized to transport under a certificate issued under section 10922(b) of this subtitle or under a permit issued under section 10923 of this subtitle. Such transportation shall not affect the unregulated status of such exempt property or the regulated status of the property which the carrier is authorized to transport under such certificate or permit.".

Ante, pp. 797, 798.

Ante, p. 794.

Ante, pp. 799, 800.

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10528. Mixed loads of regulated and unregulated property.".

JOINT RATES AND THROUGH ROUTES

SEC. 22. (a) Section 10703(b) of title 49, United States Code, is amended by inserting ", II (insofar as motor carriers of property are concerned)," immediately after "subchapter I".

(b) Section 10705 of title 49, United States Code, is amended by redesignating subsections (b), (c), (d), (e), and (f) (and any references thereto) as subsections (c), (d), (e), (f), and (g), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) The Interstate Commerce Commission may, and shall when it considers it desirable in the public interest, prescribe through routes, joint classifications, joint rates (including maximum or minimum rates or both), the division of joint rates, and the conditions under which those routes must be operated, for a motor common carrier of property providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title with another such carrier or with a water common carrier of property. 49 USC 10521.

"(2) The Commission may not require a motor common carrier of property, without its consent, to include in a through route substantially less than the entire length of its route and the route of any intermediate carrier which is operated in conjunction and under common management or control with such motor common carrier of property which lies between the termini of such proposed through routes (A) unless inclusion of such routes would make the through route unreasonably circuitous as compared with another practicable through route which could otherwise be established, or (B) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate, more efficient, or more economic transportation. In prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the preceding sentence, give reasonable preference to the carrier which originates the traffic.".

Preference to carrier.

(c) Section 10705(c) of title 49, United States Code, as redesignated by subsection (b) of this section, is amended by inserting "or (b)" after "subsection (a)" in the first sentence and by striking out "or water carrier" in the second sentence and inserting in lieu thereof "carrier, water carrier, or motor common carrier of property".

(d) The first sentence of section 10705(e) of title 49, United States Code, as redesignated by subsection (b) of this section, is amended by striking out "a rail or water common carrier tariff" and inserting in lieu thereof "a tariff of a rail carrier, water common carrier, or motor common carrier of property".

(e) Subsection (f)(1) of section 10705 of title 49, United States Code, as redesignated by subsection (b) of this section, is amended by striking out "subsection (a) or (b)" and inserting in lieu thereof "subsection (a), (b), or (c)".

(f) Section 10705 of title 49, United States Code, is further amended by adding at the end thereof the following new subsection:

Division payments or interline settlements.
49 USC 10703.

"(h) Any motor common carrier of property who is a party to a through route and joint rate, whether established by such carrier under section 10703 of this title or prescribed by the Commission under subsection (b) of this section, shall promptly pay divisions or make interline settlements, as the case may be, with other carriers which are parties to such through route and joint rate. In the event of undue delinquency in the settlement of such divisions or interline settlements, such through routes and joint rates may be suspended or canceled under rules prescribed by the Commission.".

(g) Section 10705(g) of title 49, United States Code, as redesignated by subsection (b) of this section, is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (f)".

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(h) Section 10703(a)(4) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

Contracts.
Regulations.

> "(E) A freight forwarder may enter into contracts with a rail carrier or with a water common carrier providing transportation subject to the Shipping Act, 1916 (46 U.S.C. 801 et seq.) or the Intercoastal Shipping Act, 1933 (46 U.S.C. 843-848). Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations implementing the provisions of this subparagraph.".

TEMPORARY AUTHORITIES AND EMERGENCY TEMPORARY AUTHORITIES

SEC. 23. Section 10928 of title 49, United States Code, is amended by—

(1) inserting "(a)" before "Without";

(2) inserting "of passengers" after "motor carrier" each place such term appears; and

(3) adding at the end thereof the following new subsections:

49 USC 10321.
5 USC 551.

"(b)(1) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission, pursuant to such regulations as the Commission may issue, may grant a motor carrier of property temporary authority to provide transportation to a place or in an area having no motor carrier of property capable of meeting the immediate needs of the place or area. Unless suspended or revoked, the Commission may grant the temporary authority for not more than 270 days. A grant of temporary authority does not establish a presumption that permanent authority to provide transportation will be granted under this subchapter.

"(2) The Commission shall take final action upon an application filed under this subsection no later than 90 days after the date the application is filed with the Commission.

Time extension.

"(c)(1) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission, pursuant to such regulations as the Commission may issue, may grant a motor carrier of property emergency temporary authority to provide transportation to a place or in an area having no motor carrier of property capable of meeting the immediate needs of the place or area if the Commission determines that, due to emergency conditions, there is not sufficient time to process an application for temporary authority under subsection (b) of this section. Unless suspended or revoked, the Commission may grant the emergency temporary authority for not more than 30 days, and the Commission may extend such authority for a period of not more than 90 days. A grant of emergency temporary authority does not establish a presumption that permanent authority to provide transportation will be granted under this subchapter.

"(2) The Commission shall take final action upon an application filed under this subsection not later than 15 days after the date the application is filed with the Commission.".

COOPERATIVE ASSOCIATIONS

SEC. 24. (a) Section 10526(a)(5)(A)(ii) of title 49, United States Code, is amended by striking out "15 percent" and inserting in lieu thereof "25 percent".

(b)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

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49 USC 10529.

"§ 10529. Limited authority over cooperative associations

Notification; recordkeeping. 49 USC 10526.

"(a) Notwithstanding section 10526(a)(5) of this title, any cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) or a federation of cooperative associations which is required to notify the Commission under such section 10526(a)(5) shall prepare and maintain such records relating to transportation provided by such association or federation, in such form, as the Commission may require by regulation to carry out the provisions of such section 10526(a)(5). The Commission or an employee designated by the Commission, may on demand and display of proper credentials—

Inspection rights.

"(1) inspect and examine the lands, buildings, and equipment of such association or federation; and

"(2) inspect and copy any record of such association or federation.

Filing of reports.

"(b) Notwithstanding section 10526(a)(5) of this title, the Commission may require a cooperative association or federation of cooperative associations described in subsection (a) of this section to file reports with the Commission containing answers to questions about transportation provided by such association or federation.

Civil action.

"(c) The Commission may bring a civil action to enforce subsections (a) and (b) of this section or a regulation or order of the Commission issued under this section, when violated by a cooperative association or federation of cooperative associations described in subsection (a).

Noncompliance penalty.

"(d)(1) A person required to make a report to the Commission, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that (A) does not make the report, (B) does not specifically, completely, and truthfully answer the question, or (C) does not maintain the record in the form and manner prescribed by the Commission, is liable to the United States Government for a civil penalty of not more than $500 for each violation and for not more than $250 for each additional day the violation continues.

"(2) Trial in a civil action under paragraph (1) of this subsection shall be in the judicial district in which (A) the cooperative association or federation of cooperative associations has its principal office, (B) the violation occurred, or (C) the offender is found. Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

"(e) A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully tries to evade compliance with the provisions of this section shall be fined at least $200 but not more than $500 for the first violation and at least $250 but not more than $2,000 for a subsequent violation.

Violations, penalties.

"(f) A person required to make a report to the Commission, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Commission requires the question to be answered, (3) willfully does not maintain that record in the form and manner prescribed by the Commission, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record, (5) knowingly and willfully files a false report or record with the Commission under this section, (6) knowingly and willfully makes a false or incomplete entry in that record about a business-related fact or transaction, or (7) knowingly and willfully maintains a record in violation of a regulation or order of the

94 STAT. 816

Commission issued under this section, shall be fined not more than $5,000.".

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10529. Limited authority over cooperative associations.".

Repeal.

(c) Subsection (c) of section 11144 of title 49, United States Code, is hereby repealed.

PROCEDURAL REFORM

SEC. 25. (a) Section 10322 of title 49, United States Code, is amended to read as follows:

"§ 10322. Commission action and appellate procedure in non-rail proceedings

49 USC 10501.

49 USC 10525, 10708, *ante*, pp. 796, 814, *post*, pp. 819, 818.

"(a) This section applies to a matter before the Interstate Commerce Commission over which the Commission has jurisdiction under chapter 105 of this title, other than a matter involving a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of such chapter. The deadlines set forth in this section do not apply to the following sections of this subtitle: 10525(c), 10708(b), 10922(h)(2), 10928, 11345a, and 11701(c).

Oral hearing; decisions.

49 USC 10305.

49 USC 10341.

"(b)(1) Except as provided in paragraph (2) of this subsection, a division, individual commissioner, employee board, or an employee delegated under section 10305 of this title to make an initial decision in a matter related to a carrier (other than a rail carrier), or, in the case of a matter referred to a joint board under section 10341 of this title, such joint board—

"(A) shall, in any case in which an oral hearing is held or the Commission has found that an issue of general transportation importance is involved, complete all evidentiary proceedings related to the matter not later than the 180th day following institution of the proceeding and shall issue in writing the initial decision not later than the 270th day following institution of the proceeding; and

"(B) shall, in the case of all other proceedings subject to this section, issue in writing the initial decision by the 180th day following institution of the proceeding.

If evidence is submitted in writing or testimony is taken at an oral hearing, the initial decision shall include specific findings of fact, specific and separate conclusions of law, an order, and justification for the findings of fact, conclusions of law, and order.

49 USC 10921.

"(2) In any case involving an application for authority to provide motor carrier transportation incidental to trailer-on-flatcar or container-on-flatcar service by rail under subchapter II of chapter 109 of this subtitle, a final decision on such application shall be issued in writing not later than the 180th day following the date such application is filed with the Commission.

Publication in Federal Register.

"(3) At the earliest practicable time after the filing of an application for authority under subchapter II of chapter 109 of this title, the Commission shall publish in the Federal Register notice of the filing of such application.

Waiver.

"(c) The Commission, or a division designated by the Commission, may waive the requirement for an initial decision under subsection (b) of this section and may require the matter to be considered by the Commission or such division on finding that the matter involves a question of Commission policy, a new or novel issue of law, or an issue of general transportation importance or that waiver of the initial

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decision is required for the timely execution of the Commission's functions. If the requirement for an initial decision is waived, a final decision shall be issued in writing within the time limit established for the issuance of the initial decision under subsection (b) of this section.

"(d) In a proceeding under this section in which the parties have had at least an opportunity to submit evidence in written form, such parties shall have an opportunity to present arguments to the initial decisionmaker. The decisionmaker shall determine whether the arguments should be presented orally or in writing and may require that written arguments be submitted simultaneously with written submissions of evidence and that oral arguments be presented at an oral hearing. Upon issuance of an initial decision under this section, copies of such decision shall be served on the parties and submitted to the Commission.

Initial decisions.

"(e) An initial decision under this section becomes a final decision on the 20th day after it is served on the interested parties, unless—

"(1) an interested party files an appeal during the 20-day period or, if authorized by the Commission or division designated by the Commission, by the end of an additional period of not more than 20 days; or

"(2) the Commission stays or postpones under subsection (f)(1) of this section the initial decision not later than the 20th day following the date it is served on the parties.

Final decision review.

"(f)(1) Before an initial decision under this section becomes a final decision, the Commission or a division or an employee board designated by the Commission, may review the initial decision on its own initiative and shall review an initial decision if a timely appeal is filed under subsection (e) of this section.

Appeals.

"(2) An initial decision may be reviewed on the record on which it is based or by a further hearing. If an initial decision is reviewed, it shall be stayed pending final determination of the matter and it becomes a final decision only after the final determination is made. If a timely appeal is filed under subsection (e) of this section, the final determination shall be made not later than the 50th day after the appeal is filed. If an initial decision under this section is reviewed by the Commission or a division or an employee board designated by the Commission on its own initiative, the final decision shall be made not later than the 50th day after initiation of such review.

"(3) Notwithstanding the provisions of paragraph (2) of this subsection, if an initial decision under this section is reviewed by further hearing, such review shall be completed, and a final decision made, not later than the 120th day following the date the further hearing is granted.

"(4) Review of, or appeal from, an initial decision under this section shall be conducted under section 557 of title 5. The Commission may prescribe rules limiting and defining the issues and pleadings on review under subsection (b) of such section.

Commission action, proceeding reopening and reconsideration.

"(g)(1) The Commission may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances—

"(A) reopen a proceeding;

"(B) grant rehearing, reargument, or reconsideration of an action of the Commission; and

"(C) change an action of the Commission.

94 STAT. 818

An interested party may petition to reopen and reconsider an action of the Commission under this paragraph under regulations of the Commission.

"(2) The Commission may grant a rehearing, reargument, or reconsideration of an action of the Commission that was taken by a division or an employee board designated by the Commission if it finds that—

"(A) the action involved a matter of general transportation importance; or

"(B) the action would be affected materially because of clear and convincing new evidence or changed circumstances.

An interested party may petition for rehearing, reargument, or

Stay of Commission action.

reconsideration of an action of the Commission under this paragraph under regulations of the Commission. The Commission may stay an action pending a final determination under this paragraph. The Commission shall complete reconsideration and take final action by the 120th day after the petition is granted.

"(3) If the Commission initiates any action under paragraph (1) of this subsection, final disposition under such paragraph shall be made not later than the 120th day following the date action is initiated.

Effective date.

"(h) A final decision under this section shall be effective on the date it is served on the parties, and a civil action to enforce, enjoin, suspend, or set aside the decision may be filed after that date.

Time period, extension.

"(i) In extraordinary circumstances, the Commission may extend a time period established by this section, except that the total of all such extensions with respect to any matter subject to the provisions of this section shall not exceed 90 days.".

Repeal.

(b) Section 10323 of title 49, United States Code, is hereby repealed.

(c)(1) Section 10324(a) of title 49, United States Code, is amended by striking out the last sentence.

(2) Section 10324(c) of title 49, United States Code, is amended to read as follows:

49 USC 10327.

"(c) An action of the Commission under section 10327 of this title is enforceable, unless the Commission stays or postpones such action.".

Repeal.

(d) Section 10325 of title 49, United States Code, is hereby repealed.

(e) Section 10327(a) of title 49, United States Code, is amended by striking out "Notwithstanding sections 10322, 10323, and 10324(c) of this title, this" and inserting in lieu thereof "This".

(f) The index for subchapter II of chapter 103 of title 49, United States Code, is amended by striking out the items relating to sections 10322, 10323, 10324, and 10325 and inserting in lieu thereof the following:

"10322. Commission action and appellate procedure in non-rail proceedings.
"10323. Repealed.
"10324. Commission action.
"10325. Repealed.".

ENFORCEMENT

SEC. 26. (a) Section 11701(c) of title 49, United States Code, is amended by striking "related to a rail carrier".

(b) Section 11707(e) of title 49, United States Code, is amended by adding the following at the end thereof: "For the purposes of this subsection—

"(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

94 STAT. 819

"(2) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reasons for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.".

(c) Section 1114 of title 18, United States Code, is amended by inserting "Interstate Commerce Commission," after "Consumer Product Safety Commission,".

MERGER PROCEDURE

SEC. 27. (a) Subchapter III of chapter 113 of title 49, United States Code, is amended by inserting after section 11345 the following new section:

49 USC 11345a.

"§ 11345a. Consolidation, merger, and acquisition of control: motor carrier of property procedure

49 USC 10521.

"(a) If a motor carrier of property providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title is involved in a proposed transaction under section 11343 of this title, this section and section 11344 of this title also apply to the transaction. The Commission shall publish notice of the application in the Federal Register by the end of the 30th day after the application is filed with the Commission. However, if the application is incomplete, the Commission shall reject it by the end of that period. The order of rejection is a final decision of the Commission under section 10322 of this title.

49 USC 11343, 11344.
Publication in Federal Register.
Ante, p. 816.

"(b) Written comments about an application may be filed with the Commission within 45 days after notice of the application is published under subsection (a) of this section.

"(c) The Commission must conclude evidentiary proceedings by the 240th day after the date of publication of notice under subsection (a) of this section. The Commission must issue a final decision by the 180th day after the date it concludes the evidentiary proceedings. In extraordinary circumstances, the Commission may extend a time period established by this section, except that the total of all such extensions with respect to any application shall not exceed 90 days.

Waiver.

"(d) The Commission may waive the requirement that an initial decision be made under section 10322 of this title and make a final decision itself when it determines that action is required for the timely execution of its functions under this subchapter or that an application governed by this section is of major transportation importance. The decision of the Commission under this subsection is a final decision under section 10322 of this title.".

(b) The analysis of subchapter III of chapter 113 of title 49, United States Code, is amended by inserting after

"11345. Consolidation, merger, and acquisition of control: rail carrier procedure."

the following:

"11345a. Consolidation, merger, and acquisition of control: motor carrier of property procedure.".

SMALL COMMUNITY SERVICE STUDY

Report to President and Congress.

SEC. 28. (a) The Interstate Commerce Commission shall make a full investigation and study of motor carrier service to small communities (with emphasis on communities of population 5,000 and under), and shall submit a report, including legislative or other recommendations, to the President and the Congress not later than September 1, 1982.

94 STAT. 820

Contents of report.

(b) The report shall include an analysis of the common carrier obligation to provide service to small community shippers and an assessment of whether the Commission is enforcing such obligation. If the Commission determines that it is not fully enforcing such obligation, then it shall explain why not, and detail what steps it would need to take and what resources it would have to have in order to enforce such obligation. The report shall also describe the extent to which motor carriers were providing service to small communities prior to the date of enactment of this Act, and evaluate the effect of this Act on such service. The report shall include specific recommendations regarding ways to ensure the provision and maintenance of motor carrier service to small communities.

Data for report.

(c)(1) To develop data for its report, the Commission shall monitor—

(A) complaints to determine the number and kinds of complaints by small community shippers; and

(B) applications for new and expanded service to determine whether motor carriers are seeking to serve small community shippers.

Additional data.

(2) The Commission may develop additional data by any other means, including surveys of small community shippers and motor carriers providing service to such communities to determine the reliability of such service and the availability of quality and price options. The Commission is authorized to enter into contracts or agreements with public and private organizations to carry out such surveys of shippers and motor carriers.

Contracts.

Appropriation authorization.

(d) There is hereby authorized to be appropriated for fiscal years 1981 and 1982 such sums as are necessary to carry out the provisions of this section.

INSURANCE

SEC. 29. Section 10927(a)(1) of title 49, United States Code, is amended by striking out "approved by the Commission." and inserting in lieu thereof "approved by the Commission, in an amount not less than such amount as the Secretary of Transportation prescribes pursuant to, or as is required by, the provisions of section 30 the Motor Carrier Act of 1980.".

Infra.

MINIMUM FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Regulations.
49 USC 10927 note.

SEC. 30. (a)(1) The Secretary of Transportation shall establish regulations to require minimal levels of financial responsibility sufficient to satisfy liability amounts to be determined by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property for hire by motor vehicle in the United States from a place in one State to a place in another State, from a place in a State to another place in such State through a place outside of such State, or between a place in a State and a place outside the United States.

(2) The minimal level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle shall not be less than $750,000, except that the Secretary, by regulation, may reduce such amount (but not to an amount less than $500,000) for any class of vehicles or operations for the two-year period beginning on the effective date of the regulations issued under such paragraph or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service.

94 STAT. 821

(3) If, at the end of the one-year period beginning on the date of enactment of this Act, the Secretary has not established regulations to require minimal levels of financial responsibility as required by paragraph (1) of this subsection for any class of transportation of property for hire by motor vehicle from a place in a State to a place in another State or from a place in a State to another place in such State through another State, the levels of financial responsibility for such class of transportation shall be the $750,000 amount set forth in paragraph (2) of this subsection, until such time as the Secretary, by regulation, changes such amount under this subsection. Notwithstanding the provisions of such paragraph, the Secretary may only make reductions in such amount under such paragraph for the two-year period beginning on the 366th day following the date of enactment of this Act or any part of such period.

Amount reductions.

Regulations.

(b)(1) The Secretary shall establish regulations to require minimal levels of financial responsibility sufficient to satisfy liability amounts to be determined by the Secretary covering public liability, property damage, and environmental restoration for the transportation of hazardous materials (as defined by the Secretary), oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency), or hazardous wastes (as defined by the Administrator of the Environmental Protection Agency) by motor vehicle in interstate or intrastate commerce.

Hazardous substances.

(2) The minimal level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle transporting in interstate or intrastate commerce—

(A) hazardous substances (as defined by the Administrator of the Environmental Protection Agency) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities in excess of 3,500 water gallons,

(B) in bulk class A explosives, poison gas, liquefied gas, or compressed gas, or

(C) large quantities of radioactive materials, shall not be less than $5,000,000, except that the Secretary, by regulation, may reduce such amount (but not to an amount less than $1,000,000) for any class of vehicles or operations for the two-year period beginning on the effective date of the regulations issued under this subsection or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service.

Amounts, limitation.

(3) The minimal level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle transporting in interstate or intrastate commerce any material, oil, substance, or waste not subject to the provisions of paragraph (2) of this subsection shall not be less than $1,000,000, except that (A) the Secretary, by regulation, may reduce such amount (but not to an amount less than $500,000) for any class of vehicles or operations for the two-year period beginning on the effective date of the regulations issued under this subsection or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service, and (B) in the case of any class of vehicles transporting any such material, oil, substance, or waste in intrastate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.

94 STAT. 822

(4) If, at the end of the one-year period beginning on the date of enactment of this Act, the Secretary has not established regulations to require minimal levels of financial responsibility as required by paragraph (1) of this subsection for any class of transportation of hazardous materials, oil, hazardous substances, or hazardous wastes by motor vehicle in interstate or intrastate commerce, the levels of financial responsibility for such class of transportation shall be the $5,000,000 amount set forth in paragraph (2) of this subsection or the $1,000,000 amount set forth in paragraph (3) of this subsection, as the case may be, until such time as the Secretary, by regulation, changes such amount under this subsection. Notwithstanding the provisions of paragraph (2) or (3)(A) of this subsection, the Secretary may only make reductions in such amount under such paragraph for the two-year period beginning on the 366th day following the date of enactment of this Act or any part of such period.

Amount reductions.

(c) Financial responsibility may be established under this section by any one or any combination of the following methods acceptable to the Secretary: evidence of insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section.

(d)(1) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and opportunity for a hearing, to have knowingly violated this section or a regulation issued under this section shall be liable to the United States for civil penalty of not more than $10,000 for each violation, and if any such violation is a continuing one each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

Violation, determination of penalty amount.

(2) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary. The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the

Civil penalty, recovery.

United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

Report to Congress.

(e) Not later than one year after the date of enactment of this Act, the Secretary shall report to Congress upon the regulations issued under this section. The Secretary shall describe the various levels of financial responsibility mandated and the rationale for selecting the final limits. The Secretary shall also include an estimate of the impact of the regulations upon the safety of motor vehicle transportation, the economic condition of the motor carrier industry (including, but not limited to, small and minority motor carriers and independent owner-operators), and the ability of the insurance industry to provide the designated coverage. The Secretary shall make recommendations with respect to the need for further legislation related to levels of financial responsibility, including to what extent, if any, minimum statutory levels should be modified.

Recommendations for further legislation.

94 STAT. 823

(f) This section shall only apply to motor vehicles having a gross vehicle weight rating of 10,000 pounds or more.

(g) For purposes of this section, the term—

"Secretary."

(1) "Secretary" means the Secretary of Transportation; and

"State."

(2) "State" (including its use in the terms "interstate" and "intrastate") means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas.

IMPOSITION OF STATE TAX ON MOTOR CARRIER TRANSPORTATION PROPERTY

SEC. 31. (a)(1) Chapter 115 of title 49, United States Code, is amended by inserting after section 11503 the following new section:

49 USC 11503a.

"§ 11503a. Tax discrimination against motor carrier transportation property

Definitions.

"(a) In this section—

"(1) 'assessment' means valuation for a property tax levied by a taxing district;

"(2) 'assessment jurisdiction' means a geographical area in a State used in determining the assessed value of property for ad valorem taxation;

"(3) 'motor carrier transportation property' means property, as defined by the Interstate Commerce Commission, owned or used by a motor carrier of property providing transportation in interstate commerce whether or not such transportation is subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title; and

49 USC 10521.

"(4) 'commercial and industrial property' means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use and subject to a property tax levy.

Prohibited discriminatory acts.

"(b) The following acts unreasonably burden and discriminate against interstate commerce and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:

"(1) assess motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction has to the true market value of the other commercial and industrial property;

"(2) levy or collect a tax on an assessment that may not be made under paragraph (1) of this subsection;

"(3) levy or collect an ad valorem property tax on motor carrier transportation property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

"(c) Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section. Relief may be granted under this subsection only if the ratio of assessed value to true market value of motor carrier transportation property exceeds by at least 5 percent, the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction. The burden of proof in determining assessed value and true market value is governed by State law. If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—

94 STAT. 824

Granting of relief, conditions.

Violations.

"(1) an assessment of the motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the assessment value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all other commercial and industrial property; and

"(2) the collection of ad valorem property tax on the motor carrier transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.".

(2) The chapter analysis of chapter 115 of title 49, United States Code, is amended by inserting after

"11503. Tax discrimination against rail transportation property."

the following:

"11503a. Tax discrimination against motor carrier transportation property.".

(b) Section 10521(b)(4) of title 49, United States Code, is amended by inserting "section 11503a and" after "in".

RATES FOR TRANSPORTATION OF RECYCLABLE MATERIALS

Sec. 32. (a) Subchapter II of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10733. Rates for transportation of recyclable materials

49 USC 10733.

"(a) A motor carrier of property providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title may provide transportation of recyclable materials without charge or at a reduced rate.

49 USC 10521.

"(b) In this section, 'recyclable materials' means waste products for recycling or reuse in the furtherance of recognized pollution control programs.".

"Recyclable materials."

(b) The analysis for subchapter II of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following:

"10733. Rates for transportation of recyclable materials.".

BUSINESS ENTERTAINMENT EXPENSES

Sec. 33. (a) Subchapter III of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following new section:

94 STAT. 825

"§ 10751. Business entertainment expenses

49 USC 10751.

"(a) Any business entertainment expense incurred by a person providing transportation subject to the jurisdiction of the Commis-

49 USC 10501 *et seq.*
Infra.

sion under chapter 105 of this title (other than transportation by rail) shall not constitute a violation of section 10741 or 10761 of this title if such expense would not be unlawful if incurred by a person or corporation not subject to such jurisdiction of the Commission.

"(b) Any business entertainment expense authorized under this section that is paid or incurred by a person providing transportation subject to the jurisdiction of the Commission under chapter 105 of this title (other than transportation by rail) shall not be taken into account in determining the cost of service or the rate base for purposes of this title.

Standards and guidelines.
Ante, p. 793.

"(c) Within 180 days after the date of enactment of the Motor Carrier Act of 1980, the Commission shall institute a rulemaking proceeding pursuant to which it shall issue rules establishing appropriate standards and guidelines for authorized business entertainment expenses under this section. Such standards and guidelines shall be consistent with standards and guidelines applicable under existing law to persons not subject to this subtitle, including competing unregulated surface transportation carriers.".

(b) The analysis for chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10750 the following new item:

"10751. Business entertainment expenses.".

(c) Section 10761 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) This section shall not apply to expenses authorized under section 10751 of this title.".

(d) Section 10741 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) This section shall not apply to expenses authorized under section 10751 of this title.".

COORDINATED TRANSPORTATION SERVICES

Ante, p. 796.

SEC. 34. (a) Section 10922 of title 49, United States Code, is amended by adding the following new subsection:

"(j) A motor common carrier of property may deliver to or receive from a rail carrier a trailer moving in trailer-on-flat-car service at any point on the route of the rail carrier if the motor carrier is authorized to serve the origin and destination points of the traffic.".

Ante, p. 800.

(b) Section 10923 of title 49, United States Code, is amended by adding the following new subsection:

"(e) A motor contract carrier of property may deliver to or receive from a rail carrier a trailer moving in trailer-on-flat-car service at any point on the route of the rail carrier if the motor carrier is authorized to serve the origin and destination points of the traffic.".

JOB REFERRAL

List of available jobs, publication.
49 USC 10921 note.
49 USC 10921.

94 STAT. 826

Employment aid.

SEC. 35. The Secretary of Labor shall establish, maintain, and periodically publish a comprehensive list of jobs available with motor carriers of property holding certificates or permits issued by the Interstate Commerce Commission under subchapter II of chapter 109 of title 49, United States Code. Such list shall include that information and detail, such as job descriptions and required skills, as the Secretary deems relevant and necessary. In addition to publishing the list, the Secretary shall assist a person previously employed by any such carrier in finding other employment. In order to carry out this section, the Secretary may require regulated motor carriers of property to file reports, data, and other information.

ADMINISTRATION

Rent payment.

SEC. 36. Section 10344(f) of title 49, United States Code, is amended by adding at the end thereof the following new sentence: "The Commission shall pay the rent for any space or facilities assigned under this subsection at rates determined in accordance with section

210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)).".

Approved July 1, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1069 accompanying H.R. 6418 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-641 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Apr. 15, considered and passed Senate.
  June 19, H.R. 6418 considered and passed House; passage vacated and S. 2245, amended, passed in lieu.
  June 20, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 27:
  July 1, Presidential statement.

Public Law 96-302
96th Congress

94 STAT. 833

An Act

To provide authorizations for the Small Business Administration, and for other purposes.

July 2, 1980
[S. 2698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Administration, authorizations.

TITLE I—AUTHORIZATIONS AND MISCELLANEOUS AMENDMENTS

PART A—PROGRAM LEVELS AND AUTHORIZATIONS

SEC. 101. Section 20 of the Small Business Act is amended by adding at the end thereof the following new subsections: 15 USC 631 note.

"(h) The following program levels are authorized for fiscal year 1981:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $300,000,000 in direct and immediate participation loans, and $4,000,000,000 in deferred participation loans. 15 USC 636, *post*, p. 852.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $25,000,000 in direct and immediate participation loans and $12,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $76,000,000 in direct and immediate participation loans and $90,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $45,000,000 in direct and immediate participation loans and $33,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct and immediate participation loans and $115,000,000 in guaranteed loans and guarantees of debentures. 15 USC 695, 696, *post*, p. 837.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $42,000,000 in direct purchase of debentures and preferred securities, and to make $228,000,000 in guarantees of debentures. 15 USC 681.

15 USC 694a.

"(7) For the programs authorized in part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,530,000,000.

15 USC 636, *post*, p. 843.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $110,000,000 in loans, guarantees, and other obligations or commitments.

94 STAT. 834

15 USC 694-1, 694-2.

"(9) For the programs authorized by sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $110,000,000.

93 Stat. 118. 15 USC 636, *post*, p. 843.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b) and 7(g) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

Salaries and expenses.

15 USC 694c, *post*, p. 837.

15 USC 694.

"(i) There are authorized to be appropriated to the Administration for fiscal year 1981, $1,187,000,000. Of such sum, $865,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (h), paragraphs (1) through (6); $76,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $242,000,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,200,000 shall be available for procurement and technical assistance; of which amount not less than $2,000,000 shall be available for technical assistance, and of this amount not less than $629,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $825,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain, and interpret the appropriate technology for such small businesses and not more than $200,000 shall be available for a study the purpose of which shall be to define and describe the forest products industry and, in particular, to define and describe that portion of the forest products industry which consists of small businesses, to identify the trends and conditions affecting the survival of small businesses as a viable portion of the forest products industry, and to propose actions and programs to assist and promote a broadly based, nonconcentrated, healthy forest products industry.

"(2) $23,100,000 shall be available for management assistance, of which amount not less than $880,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists, with each of the Administration's regional offices being assigned one such specialist.

90 Stat. 663.

"(3) $8,800,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,200,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,650,000 shall be used to develop an external small

94 STAT. 835

business data bank and small business index; and not less than $1,650,000 shall be used for research.

"(4) $27,500,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $12,414,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act. 15 USC 636.

"(5) $9,900,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount not less than $1,100,000 shall be used to pay for development of such indicative small business data base.

"(6) $20,000,000 shall be available for matching grants to small business development centers, and an additional $550,000 shall be available for the administration of the small business development center program.

"(j) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (6) of section 20(i) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 percent by any such transfers. Funding transfers.

"(k) The following program levels are authorized for each of fiscal years 1982, 1983, and 1984:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $330,000,000 in direct and immediate participation loans, and $4,400,000,000 in deferred participation loans. 15 USC 636, *post,* p. 852.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $28,000,000 in direct and immediate participation loans, and $14,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $83,000,000 in direct and immediate participation loans, and $99,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $45,000,000 in direct and immediate participation loans, and $37,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $61,000,000 in direct and immediate participation loans, and $125,000,000 in guaranteed loans and guarantees of debentures. 15 USC 695, 696, *post,* p. 837.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $47,000,000 in direct purchases of debentures and preferred securities and to make $251,000,000 in guarantees of debentures. 15 USC 681.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,780,000,000. 15 USC 694a.

94 STAT. 836

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $121,000,000 in loans, guarantees, and other obligations or commitments. 15 USC 636, *post,* p. 843.

"(9) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $125,000,000. 15 USC 694-1, 694-2.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses of sections 7(b) and 7(g), of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses. 93 Stat. 118. 15 USC 636, *post,* p. 843.

“(l) There are authorized to be appropriated to the Administration for fiscal year 1982, $1,375,000,000, and an identical amount for each of fiscal years 1983 and 1984. Of such sum, $1,022,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (k), paragraph (1) through (6); $83,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $266,000,000 shall be available for salaries and expenses of the Administration of which amount—

15 USC 694c, *post*, p. 837.

15 USC 694.

“(1) $14,520,000 shall be available for procurement and technical assistance; of which amount not less than $2,100,000 shall be available for technical assistance, and of this amount not less than $692,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $907,500 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

“(2) $25,400,000 shall be available for management assistance of which amount not less than $968,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist.

“(3) $9,680,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,815,000 shall be used to develop an external small business data bank and small business index; and not less than $1,815,000 shall be used for research.

90 Stat. 663.

“(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

15 USC 636.

94 STAT. 837

“(5) $10,900,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount not less than $1,210,000 shall be used to pay for development of such indicative small business data base.

“(m) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(l) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 percent by any such transfers.”.

Part B—Miscellaneous and Technical Amendments

15 USC 631 note.

Sec. 110. Section 20(a) of the Small Business Act is amended to read as follows: “For fiscal years 1981, 1982, 1983 and 1984 there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. For fiscal year 1985 and every year thereafter, there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. All appropriations whether specifically or generally authorized shall remain available until expended.".

INVESTMENT OF IDLE FUNDS

SEC. 111. The last sentence of section 412 of the Small Business Investment Act of 1958 is repealed.

Repeal.
15 USC 694c.

SEC. 112. Section 405 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "Moneys in the fund not needed for the payment of current operating expenses or for the payment of claims arising under this part may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as capital for the fund shall not be so invested.".

15 USC 694-2.

DEVELOPMENT COMPANY DEBENTURES

SEC. 113. (a) Title V of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"DEVELOPMENT COMPANY DEBENTURES

"SEC. 503. (a)(1) Except as provided in subsection (b), the Administration may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified State or local development company.

Guarantees.
15 USC 697.

"(2) Such guarantees may be made on such terms and conditions as the Administration may by regulation determine to be appropriate.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this subsection.

"(4) Any debenture issued by any State or local development company with respect to which a guarantee is made under this subsection, may be subordinated by the Administration to any other debenture, promissory note, or other debt or obligation of such company.

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"(b) No guarantee may be made with respect to any debenture under subsection (a) unless—

"(1) such debenture is issued for the purpose of making one or more loans to small business concerns, the proceeds of which shall be used by such concern for the purposes set forth in section 502;

15 USC 696.

"(2) necessary funds for making such loans are not available to such company from private sources on reasonable terms;

"(3) the interest rate on such debenture is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

15 USC 683.

"(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative costs of such loans);

"(5) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 percent of the cost of the project with respect to which such loan is made; and

"(6) the Administration approves each loan to be made from such proceeds.

"(c) The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

Administrative expenses, additional charge.

"(d) For purposes of this section, the term 'qualified State or local development company' means any State or local development company which, as determined by the Administration, has—

"Qualified State or local development company."

"(1) a full-time professional staff;

"(2) professional management ability (including adequate accounting, legal, and business-servicing abilities); and

"(3) a board of directors, or membership, which meets on a regular basis to make management decisions for such company, including decisions relating to the making and servicing of loans by such company.".

(b) The table of contents of the Small Business Investment Act of 1958 is amended by inserting after the item relating to section 502 the following new item:

"Sec. 503. Development company debentures.".

REGULAR BUSINESS LOAN REFORM

15 USC 634.

Sec. 114. Section 5(b)(7) of the Small Business Act is amended to read as follows:

"(7) in addition to any powers, functions, privileges and immunities otherwise vested in him, take any and all actions (including the procurement of the services of attorneys by contract in any office where an attorney or attorneys are not or cannot be economically employed full time to render such services) when he determines such actions are necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise dealing with or realizing on loans made under the provisions of this Act: *Provided*, That nothing herein shall be construed as authorizing the Administrator to contract or otherwise delegate his responsibility for loan servicing to other than Administration personnel, but with respect to deferred participation loans he may authorize participating lending institutions, in his discretion pursuant to regulations promulgated by him, to take such actions on his behalf, including, but not limited to the determination of eligibility and creditworthiness, and loan monitoring, collection and liquidation;".

94 STAT. 839

SURETY BOND GUARANTEE

15 USC 694b.

Sec. 115. Section 411(c) of the Small Business Investment Act of 1958 is amended to read as follows:

"(c) Any guarantee or agreement to indemnify under this section shall obligate the Administration to pay to the surety a sum not to exceed (1) in the case of a breach of contract, 90 percent of the loss incurred and paid by the surety as the result of the breach; or (2) in a case in which (b) applies, the amount determined under (b).".

PROCUREMENT SYSTEMS

15 USC 644.

Sec. 116. Section 15(c) of the Small Business Act is amended to read as follows:

15 USC 636.

Participating organizations, monitoring and evaluation.

"(c)(1) During fiscal years 1981, 1982, and 1983, public and private not-for-profit organizations eligible for assistance under section 7(h) of this Act shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $100,000,000 for each such year: *Provided*, That the Administrator shall monitor and evaluate such participation and in any case where the Administrator and the Executive Director of the Committee for the Purchase from the Blind and Severely Handicapped find that the participation of such organizations has or may cause severe economic injury to for-profit small businesses, the Administrator shall and is hereby authorized to direct and require every agency and department having procurement powers to take such actions as the Administrator and the Executive Director of the Committee for the Purchase from the Blind and Severely Handicapped may deem appropriate to alleviate the economic injury sustained or likely to be sustained by such for-profit small businesses.

Contract impact, report to congressional committees.

"(2) The Administration shall, not later than January 1, 1982, prepare and transmit to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives, a report on the impact of contracts awarded to such organizations on for-profit small businesses.".

SEC. 117. (a) The first sentence of section 15(d) of the Small Business Act is amended by inserting "small business" before "concerns". 15 USC 644.

(b) Subsections (e) and (f) of section 15 of such Act are amended to read as follows:

Contract award, priorities.

"(e) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside;

"(2) concerns which are small business concerns, on the basis of a total set-aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside;

"(4) concerns which are small business concerns, on the basis of a partial set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and the placement of subcontracts, on the basis of a total set-aside, to concerns which—

"(1) are not eligible under subsection (e);

"(2) are not small business concerns; and

"(3) will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

ASIAN PACIFIC AMERICANS

SEC. 118. (a) Section 2(e)(1)(C) of the Small Business Act is amended by inserting "Asian Pacific Americans," after "Native Americans,". 15 USC 631.

(b) The last sentence of subparagraph (C) of the clause contained in section 8(d)(3) of the Small Business Act is amended by inserting "Asian Pacific Americans," after "Native Americans,". 15 USC 637.

Applicability.
15 USC 631 note.

(c)(1) The amendment made by subsection (a) shall apply as if included in the amendment made by section 201 of the Act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958", approved October 24, 1978 (Public Law 95-507). 15 USC 631.

Applicability.
15 USC 637 note.

(2) The amendment made by subsection (b) shall apply as if included in the amendment made by section 211 of the Act so entitled. 15 USC 637.

DISASTER LOAN INTEREST RATES

93 Stat. 118
15 USC 636.

SEC. 119. (a) Section 7(c) of the Small Business Act is amended by striking the period at the end and inserting in lieu thereof "; and" and by adding the following new paragraph:

"(C) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is able to obtain sufficient credit elsewhere, the interest rate shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans and adjusted to the nearest one-eighth of 1 percent, and an additional amount as determined by the Administration, but not to exceed 1 percent: *Provided,* That three years after such loan is fully disbursed and every two years thereafter for the term of the loan, if the Administration determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the Administration, apply for and accept such a loan in sufficient amount to repay the Administration: *Provided further,* That no loan under subsection (b)(1) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under such subsection would exceed $500,000 for each disaster, unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.". 94 STAT. 841

93 Stat. 118. 15 USC 636. (b) Section 7(c) of the Small Business Act is further amended by striking "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

93 Stat. 119. 15 USC 647. (c) Section 18 of the Small Business Act is amended by—

(1) striking the comma after the phrase "agricultural related industries" and inserting the following: ": *Provided*, That prior to October 1, 1983, an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for, or would be declined for, emergency loan assistance at substantially similar interest rates from the Farmers Home Administration under subchapter III of the Consolidated Farm and Rural Development Act," and 7 USC 1961.

(2) striking subsection (b) and inserting in lieu thereof the following:

"(b) As used in this Act—

"Agricultural enterprises." "(1) 'agricultural enterprises' means those businesses engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries; and

"Credit elsewhere." "(2) 'credit elsewhere' means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time.".

Applicability. 15 USC 636 note. *Ante*, p. 840. (d) The amendments made by this section to sections 7(c)(3)(C) and 18 of the Small Business Act shall not apply to any disaster which commenced on or before the effective date of this Act.

AMENDMENTS TO CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

7 USC 1961. SEC. 120. (a) Section 321 of the Consolidated Farm and Rural Development Act is amended by striking out in the first sentence all that follows after "with the assistance of such loan" through the end of the sentence and inserting in lieu thereof a period.

Loan interest rates. 7 USC 1964. (b) Section 324(a) of the Consolidated Farm and Rural Development Act is amended by—

(1) striking out the first sentence and inserting in lieu thereof the following: "Loans made or insured under this subtitle shall be at rates of interest as follows:

"(1) with respect to loans or portions of loans up to the amount of the applicant's actual loss caused by the disaster, (A) if the applicant is unable to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, the interest rate shall be a rate prescribed by the Secretary not in excess of 5 percent per annum, and (B) if the applicant is able to obtain sufficient credit elsewhere, the interest rate shall be the rate prescribed by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 percent, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 percent: *Provided*, That the total 94 STAT. 842 amount outstanding and committed to the borrower under this paragraph (1) shall not exceed $500,000 for each disaster; and

"(2) with respect to loans or portions of loans exceeding the amount of actual loss caused by the disaster, the interest rate shall be that prevailing in the private market for similar loans, as determined by the Secretary."; and

(2) inserting in the second sentence after "*Provided*, That" the following: "for loans approved under subsection (a)(1)(B), three years after such loan is made or insured and every two years thereafter for the term of the loan, if the Secretary determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary: *Provided further*, That".

BORROWING AUTHORITY FOR SMALL BUSINESS ADMINISTRATION REVOLVING FUNDS

SEC. 121. Section 4(c)(5) of the Small Business Act is amended to read as follows: 15 USC 633.

"(5)(A) The Administration is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations under the revolving funds created by section 4(c)(1) of this Act and for authorized expenditures out of the funds. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Administration with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administration under this paragraph. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administration issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administration. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States. All borrowing authority contained herein shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

31 USC 774.

"(B)(i) Moneys in the funds established in subsection (c)(1) not needed for current operations may be paid into miscellaneous receipts of the Treasury.

"(ii) The Administration shall pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest on the average of loan disbursements outstanding throughout the year providing such disbursements are made from amounts appropriated after October 1, 1980 or are made from repayments of principal of loans made from appropriated funds. This interest shall be calculated solely on the amount of loan disbursements net of losses at the rate provided under subsection (c)(5)(A).

94 STAT. 843

"(C) Except on those loan disbursements on which interest is paid under subsection (B)(ii), the Administration shall pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest received by the Administration on financing functions performed under this Act and titles III and V of the Small Business Investment Act of 1958 providing the capital used to perform such functions originated from appropriated funds. Such payments shall be treated by the Department of the Treasury as interest income, not as retirement of indebtedness.

15 USC 681, 695.

"(D) There are authorized to be appropriated, in any fiscal year, such sums as may be necessary for losses and interest subsidies

Appropriation authorization.

incurred by the funds established by subsection (c)(1), but not previously reimbursed.".

ENERGY SHORTAGE LOANS

93 Stat. 118.
15 USC 636.

SEC. 122. Section 7(b)(8) of the Small Business Act is amended by inserting after "energy-producing resources," the following: "including, but not limited to, a shortage of coal or other energy-producing resource caused by a strike, boycott, or embargo, unless such strike, boycott, or embargo is directly against such small business concern,".

PRODUCT DISASTER LOANS

SEC. 123. Section 7(b)(4) of the Small Business Act is amended by striking "undetermined causes" and inserting in lieu thereof "other causes: *Provided*, That any small business which intentionally adulterates its product in order to attempt to establish eligibility under this program shall not be eligible for loan assistance hereunder".

DUPLICATION OF DISASTER BENEFITS

SEC. 124. Section 7(b) of the Small Business Act is amended by adding at the end thereof the following: "(E) A State grant made on or prior to July 1, 1979, shall not be considered compensation for the purpose of applying the provisions of subsection (b) of section 315 of Public Law 93-288 (42 U.S.C. 5155) to a disaster loan under paragraph (1), (2), or (4) of this subsection.".

Small Business
Development
Center
Act of 1980.

TITLE II—SMALL BUSINESS DEVELOPMENT CENTERS

SHORT TITLE

15 USC 631 note.

SEC. 201. This title may be cited as the "Small Business Development Center Act of 1980".

PROGRAM AUTHORIZATION

15 USC 631 note.

SEC. 202. The Small Business Act is amended by redesignating section 21 as section 30 and by inserting the following new section:

Grants,
recipients
and purposes.
15 USC 648.

"SEC. 21. (a)(1) The Administration is authorized to make grants (including contracts and cooperative agreements) to any State government or any agency thereof, any regional entity, any State-chartered development, credit or finance corporation, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities

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(herein referred to as 'applicants') to assist in establishing small business development centers and to any such body for: small business oriented employment or natural resources development programs; studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; delivery or distribution of such services and information; and providing access to business analysts who can refer small business concerns to available experts.

Non-Federal
additional
amount.

"(2) The Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 percent of the non-Federal additional amount: *Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro-rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000, whichever is greater.

"(b)(1) During fiscal years 1981, 1982, and 1983, financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a plan for the area involved which has been adopted by an agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

Plan, submittal to SBA.

"(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (a) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the State or part thereof to be served.

Review.

Assistance to out-of-State businesses.

"(3) At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide advice, information and assistance, as described in subsection (c), to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

Problem-solving assistance.

"(c)(1) Applicants receiving grants under this section shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations.

94 STAT. 845

Development center extension services.

"(2) A small business development center shall provide services as close as possible to small businesses by providing extension services and utilizing satellite locations when necessary. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small business. A small business development center shall have—

Staff and access requirements.

"(A) a full-time staff, including a staff director to manage the program activities;

"(B) access to business analysts to counsel, assist, and inform small business clients;

"(C) access to technology transfer agents to provide state of art technology to small businesses through coupling with national and regional technology data sources;

"(D) access to information specialists to assist in providing information searches and referrals to small business;

"(E) access to part-time professional specialists to conduct research or to provide counseling assistance whenever the need arises; and

"(F) access to laboratory and adaptive engineering facilities.

Assistance services.

"(3) Services provided by a small business development center shall include, but shall not be limited to—

"(A) furnishing one-to-one individual counseling to small businesses;

"(B) assisting in technology transfer, research, and coupling from existing sources to small businesses;

"(C) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel small businesses on methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

"(D) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

"(E) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

"(F) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

"(G) conducting in-depth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality; and

"(H) maintaining lists of local and regional private consultants to whom small businesses can be referred.

A small business development center shall continue to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community.

Qualified small business vendors.

"(4) In addition to the methods prescribed in section 21(c)(2), a small business development center shall utilize and compensate as one of its resources qualified small business vendors, including but not limited to, private management consultants, private consulting engineers and private testing laboratories, to provide services as described in this subsection to small businesses on behalf of such small business development center.

Laboratory assistance.

"(d) Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers by making facilities and equipment available; providing experiment station capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

National Science Foundation and innovation centers.
Report to SBA and Congress.

"(e) The National Science Foundation and innovation centers supported by the National Science Foundation are authorized and directed to cooperate with small business development centers participating in this program. The National Science Foundation shall report annually on the performance of such innovation centers with recommendations to the Administration and the Congress on how such innovation centers can be strengthened and expanded. The National Science Foundation shall include in its report to Congress information on the ability of innovation centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

NASA and industrial application centers.

Report to SBA and Congress.

"(f) The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on the performance of such industrial application centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

Deputy Associate Administrator for Management Assistance.
5 USC 5101 *et seq.*, 5331.
44 FR 58671.

"(g)(1) The Administrator shall appoint a Deputy Associate Administrator for Management Assistance who shall report to the Associate Administrator for Management Assistance and who shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

Duties.

"(2) The sole responsibility of the Deputy Associate Administrator for Management Assistance shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section. The Deputy Associate Administrator for Management Assistance shall confer with and seek the advice and counsel of the Board in carrying out the responsibilities described in this subsection.

National Small Business Development Center Advisory Board, establishment.

94 STAT. 847

"(h)(1) There is established a National Small Business Development Center Advisory Board (herein referred to as 'Board') which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from universities or their affiliates and six shall be from small businesses or associations representing small businesses. At the time of the appointment of the Board, the Administrator shall designate one-third of the members and at least one from each category whose term shall end in two years from the date of appointment, a second third whose term shall end in three years from the date of appointment, and the final third whose term shall end in four years from the date of appointment. Succeeding Boards shall have three-year terms, with one-third of the Board changing each year.

Chairman.
Meetings.
Compensation.
44 FR 58671.

"(2) The Board shall elect a Chairman and advise, counsel, and confer with the Deputy Associate Administrator for Management Assistance in carrying out the duties described in this section. The Board shall meet at least quarterly and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying the position under GS-18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

Advisory board.

"(i)(1) Each small business development center may establish an advisory board.

"(2) Each small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participate with the small business development center.

Program evaluation plan.

"(j) The Administration, with the advice of the Board, shall establish a plan for evaluation of the small business development center program which may include the retaining of an independent concern to conduct such an evaluation. The evaluation shall be both quantitative and qualitative and shall determine—

"(1) the impact of the small business development center program on small businesses, including private consultants, and the socio-economic base of the area served;

"(2) the multidisciplinary resources the small business development center program was able to coordinate to assist small businesses; and

"(3) the extent to which various types of small businesses engaged in areas such as manufacturing, retailing, wholesaling and services have been assisted by the small business development center program.

Submittal to congressional committees.

For the purpose of this evaluation, the Administration is authorized to require any small business development center or party receiving assistance under this section to furnish it with such information annually or otherwise as it deems appropriate. Such evaluation shall be completed and submitted to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives by January 31, 1983.

Contract authority.

"(k) The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriations Acts.".

94 STAT. 848

15 USC 636.

SEC. 203. Section 7(d)(1) of the Small Business Act is amended to read as follows:

Ante, p. 843.

"(d)(1) On or after October 1, 1980, the Administration shall not fund any small business development center or any variation thereof, except as authorized in section 21 of this Act: *Provided,* That in fiscal year 1980 nothing in this section or in section 21 shall be deemed to affect the operation of any small business development center which was funded by the Administration prior to October 1, 1979: *Provided further,* That no small business development center which was funded in fiscal year 1979 may be funded in excess of $300,000 in fiscal year 1980.".

Repeal.
Ante, p. 843.
15 USC 648 note.

SEC. 204. Sections 201 and 202 of this title are repealed effective October 1, 1984.

Small Business Economic Policy Act of 1980.

TITLE III—SMALL BUSINESS ECONOMIC POLICY

SHORT TITLE

15 USC 631 note.

SEC. 301. This title may be cited as the "Small Business Economic Policy Act of 1980".

DECLARATION OF SMALL BUSINESS ECONOMIC POLICY

15 USC 631a.

SEC. 302. (a) For the purpose of preserving and promoting a competitive free enterprise economic system, Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means and to take such actions as are necessary, consistent with its needs and obligations and other essential considerations of national policy, to implement and coordinate all Federal department, agency, and instrumentality policies, programs, and activities in order to: foster the economic interests of small businesses; insure a competitive economic climate conducive to the development, growth and expansion of small businesses; establish incentives to assure that adequate capital and other resources at competitive prices are available to small businesses; reduce the concentration of economic resources and expand competition; and provide an opportunity for entrepreneurship, inventiveness, and the creation and growth of small businesses.

(b) Congress further declares that the Federal Government is committed to a policy of utilizing all reasonable means, consistent with the overall economic policy goals of the Nation and the preservation of the competitive free enterprise system of the Nation, to establish private sector incentives that will help assure that adequate capital at competitive prices is available to small businesses. To fulfill this policy, departments, agencies, and instrumentalities of the Federal Government shall use all reasonable means to coordinate, create, and sustain policies and programs which promote investment in small businesses, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in the economy of the Nation.

STATE OF SMALL BUSINESS

SEC. 303. (a) The President shall transmit to the Congress not later than January 20 of each year a Report on Small Business and Competition which shall—

Report to Congress.
15 USC 631b.

94 STAT. 849

(1) examine the current role of small business in the economy on an industry-by-industry basis;

(2) present current and historical data on production, employment, investment, and other economic variables for small business in the economy as a whole and for small business in each sector of the economy;

(3) identify economic trends which will or may affect the small business sector and the state of competition;

(4) examine the effects on small business and competition of policies, programs, and activities, including, but not limited to the Internal Revenue Code, the Employee Retirement Income Security Act, the Securities Act of 1933, and the Securities Exchange Act of 1934, and regulations promulgated thereunder; identify problems generated by such policies, programs, and activities; and recommend legislative and administrative solutions to such problems; and

26 USC 1 *et seq.*
29 USC 1001 note,
15 USC 77a.
15 USC 78a.

(5) recommend a program for carrying out the policy declared in section 302 of this Act, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President also shall transmit simultaneously as an appendix to such annual report, a report, by agency and department, on the total dollar value of all Federal contracts exceeding $10,000 in amount and the dollar amount (including the subcontracts thereunder in excess of $10,000) awarded to small, minority-owned and female-owned businesses.

Appendix to report, transmittal to Congress.

(c) The President may transmit from time to time to the Congress reports supplementary to the Report on Small Business and Competition, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 302 of this Act.

Supplementary reports, transmittal to Congress.

(d) The Report on Small Business and Competition and all supplementary reports transmitted under subsections (b) and (c) of this section shall, when transmitted to Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

Referral to congressional committees.

TITLE IV—SMALL BUSINESS ECONOMIC RESEARCH AND ANALYSIS

SEC. 401. The Small Business Act is amended by redesignating subsection 4(b) as subsection 4(b)(1) and inserting thereafter the following:

15 USC 633.

"(2) The Administrator also shall be responsible for—

"(A) establishing and maintaining an external small business economic data base for the purpose of providing the Congress and the Administration information on the economic condition and the expansion or contraction of the small business sector. To that end, the Administrator shall publish on a regular basis national small business economic indices and, to the extent feasible, regional small business economic indices, which shall include, but need not be limited to, data on—

Data base.

Economic indices, publication.

"(i) employment, layoffs, and new hires;

"(ii) number of business establishments and the types of such establishments such as sole proprietorships, corporations, and partnerships;

"(iii) number of business formations and failures;

"(iv) sales and new orders;

"(v) back orders;

"(vi) investment in plant and equipment;

"(vii) changes in inventory and rate of inventory turnover;

"(viii) sources and amounts of capital investment, including debt, equity, and internally generated funds;

"(ix) debt to equity ratios;

"(x) exports;

"(xi) number and dollar amount of mergers and acquisitions by size of acquiring and acquired firm; and

"(xii) concentration ratios; and

Annual report, publication.

"(B) publishing annually a report giving a comparative analysis and interpretation of the historical trends of the small business sector as reflected by the data acquired pursuant to subparagraph (A) of this subsection.".

SEC. 402. Section 634d(1) of title 15, United States Code, is amended by striking the word "Schedule;" and inserting in lieu thereof "Schedule: *Provided, however,* That not more than ten staff personnel at any one time may be employed and compensated at a rate not in excess of GS-15, step 10, of the General Schedule;".

44 FR 58671.

5 USC 5315.

SEC. 403. Section 5315 of title 5 of the United States Code is amended by adding the following new paragraph:

"(128) Chief Counsel for Advocacy, Small Business Administration.".

Credit-need studies, report to Congress.

SEC. 404. In consultation with the Administrator of the Small Business Administration and the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation shall conduct such studies of the credit needs of small business as may be appropriate to determine the extent to which such needs are being met by commercial banks and shall report the results of such studies to the Congress by January 1, 1982, together with their views and recommendations as to the feasibility and cost of conducting periodic sample surveys, by region and nationwide, of the number and dollar amount of commercial and industrial loans extended by commercial banks to small business. Reports shall, when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

Referral to congressional committees.

TITLE V—EMPLOYEE OWNERSHIP

Small Business Employee Ownership Act of 1980.
15 USC 631 note.

SEC. 501. This title may be cited as the "Small Business Employee Ownership Act of 1980".

Findings and declaration.
15 USC 636 note.

SEC. 502. The Congress hereby finds and declares that—

(1) employee ownership of firms provides a means for preserving jobs and business activity;

(2) employee ownership of firms provides a means for keeping a small business small when it might otherwise be sold to a conglomerate or other large enterprise;

(3) employee ownership of firms provides a means for creating a new small business from the sale of a subsidiary of a large enterprise;

(4) unemployment insurance programs, welfare payments, and job creation programs are less desirable and more costly for both the Government and program beneficiaries than loan guarantee programs to maintain employment in firms that would otherwise be closed, liquidated, or relocated; and

94 STAT. 851

(5) by guaranteeing loans to qualified employee trusts and similar employee organizations, the Small Business Administration can provide feasible and desirable methods for the transfer of all or part of the ownership of a small business concern to its employees.

Purposes.
15 USC 636 note.

SEC. 503. (a) The purposes of this title are—

15 USC 636, *post*, p. 852.

(1) to provide that a qualified employee trust shall be eligible for loan guarantees under section 7(a) of the Small Business Act with respect to a small business concern, regardless of the

percentage of stock of the concern held by the trust, and

(2) to provide in section 505 of this Act authority to address the specific case in which the Small Business Administration guarantees loans under section 7(a) of the Small Business Act for purposes of providing funds to a qualified employee trust (and other employee organizations which are treated as qualified employee trusts) for the purchase, by at least 51 percent of the employees, of at least 51 percent of the stock of a business which is operated for profit and which is—

(A) a small business concern, or

(B) a corporation which is controlled by another person if, after the plan for the purchase of such corporation is carried out, such corporation would be a small business concern.

(b) Nothing in this title shall be construed to prohibit the Small Business Administration from making loan guarantees under section 7(a) of the Small Business Act to qualified employee trusts which own less than 51 percent of the stock of a continuing business.

15 USC 632.

SEC. 504. Section 3 of the Small Business Act is amended by adding at the end thereof the following new subsection:

Loan guarantee eligibility.
15 USC 636, *post*, p. 852.

"(c)(1) For purposes of this Act, a qualified employee trust shall be eligible for any loan guarantee under section 7(a) with respect to a small business concern on the same basis as if such trust were the same legal entity as such concern.

"Qualified employee trust."

"(2) For purposes of this Act, the term 'qualified employee trust' means, with respect to a small business concern, a trust—

26 USC 4975.

"(A) which forms part of an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1954)—

"(i) which is maintained by such concern, and

"(ii) which provides that each participant in the plan is entitled to direct the plan as to the manner in which voting rights under qualifying employer securities (as defined in section 4975(e)(8) of such Code) which are allocated to the account of such participant are to be exercised with respect to a corporate matter which (by law or charter) must be decided by a majority vote of outstanding common shares voted; and

"(B) in the case of any loan guarantee under section 7(a), the trustee of which enters into an agreement with the Administrator which is binding on the trust and on such small business concern and which provides that—

"(i) the loan guaranteed under section 7(a) shall be used solely for the purchase of qualifying employer securities of such concern,

"(ii) all funds acquired by the concern in such purchase shall be used by such concern solely for the purposes for which such loan was guaranteed,

94 STAT. 852

"(iii) such concern will provide such funds as may be necessary for the timely repayment of such loan, and the property of such concern shall be available as security for repayment of such loan, and

"(iv) all qualifying employer securities acquired by such trust in such purchase shall be allocated to the accounts of participants in such plan who are entitled to share in such allocation, and each participant has a nonforfeitable right, not later than the date such loan is repaid, to all such qualifying employer securities which are so allocated to the participant's account.

"(3) Under regulations which may be prescribed by the Administrator, a trust may be treated as a qualified employee trust with respect to a small business concern if—

"(A) the trust is maintained by an employee organization which represents at least 51 percent of the employees of such concern, and

"(B) such concern maintains a plan—

"(i) which is an employee benefit plan which is designed to invest primarily in qualifying employer securities (as defined in section 4975(e)(8) of the Internal Revenue Code of 1954),

26 USC 4975.

"(ii) which provides that each participant in the plan is entitled to direct the plan as to the manner in which voting rights under qualifying employer securities which are allocated to the account of such participant are to be exercised with respect to a corporate matter which (by law or charter) must be decided by a majority vote of the outstanding common shares voted,

"(iii) which provides that each participant who is entitled to distribution from the plan has a right, in the case of qualifying employer securities which are not readily tradable on an established market, to require that the concern repurchase such securities under a fair valuation formula, and

"(iv) which meets such other requirements (similar to requirements applicable to employee stock ownership plans as defined in section 4975(e)(7) of the Internal Revenue Code of 1954) as the Administrator may prescribe, and

15 USC 636.

"(C) in the case of a loan guarantee under section 7(a), such organization enters into an agreement with the Administration which is described in paragraph (2)(B).".

SEC. 505. Section 7(a) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

Loan guarantee.

"(8)(A) The Administration may guarantee under subsection (a) a loan to a qualified employee trust with respect to a small business concern for the purpose of purchasing stock of the concern under a plan approved by the Administrator which, when carried out, results in the qualified employee trust owning at least 51 percent of the stock of the concern.

94 STAT. 853

Plan, submittal to SBA.

"(B) The plan requiring the Administrator's approval under subparagraph (A) shall be submitted to the Administration by the trustee of such trust with its application for the guarantee. Such plan shall include an agreement with the Administrator which is binding on such trust and on the small business concern and which provides that—

"(i) not later than the date the loan guaranteed under subparagraph (A) is repaid (or as soon thereafter as is consistent with the requirements of section 401(a) of the Internal Revenue Code of 1954), at least 51 percent of the total stock of such concern shall be allocated to the accounts of at least 51 percent of the employees of such concern who are entitled to share in such allocation,

26 USC 401.

Periodic review.

"(ii) there will be periodic reviews of the role in the management of such concern of employees to whose accounts stock is allocated, and

"(iii) there will be adequate management to assure management expertise and continuity.

Loan guarantee criteria, restriction.

"(C) In determining whether to guarantee any loan under this paragraph, the individual business experience or personal assets of employee-owners shall not be used as criteria, except inasmuch as certain employee-owners may assume managerial responsibilities, in which case business experience may be considered.

"(D) For purposes of this paragraph, a corporation which is controlled by any other person shall be treated as a small business concern if such corporation would, after the plan described in subparagraph (B) is carried out, be treated as a small business concern.

Applications list; report to Congress.

"(E) The Administrator shall compile a separate list of applications for assistance under this paragraph, indicating which applications were accepted and which were denied, and shall report periodically to the Congress on the status of employee-owned firms assisted by the Administration.".

Feasibility study by independent consultant.

SEC. 506. (a) The Administrator of the Small Business Administration shall enter into a contract with an independent consultant which provides for a study by such consultant of the feasibility of making loan guarantees under section 7(a) of the Small Business Act directly to the seller of a small business concern in connection with the installment sale of such concern. Such study shall include an analysis of at least the following:

(1) the extent and nature of the use of installment sales for the sale of small business concerns,

(2) the ability of the Small Business Administration to make credit judgments in connection with installment sales,

(3) the need for Small Business Administration loan guarantees to facilitate installment sales,

(4) the willingness of banks and other financial institutions to participate in the evaluation of installment sales, and

(5) the anticipated cost of such a guarantee program in comparison to other loan guarantee programs of the Small Business Administration.

94 STAT. 854

Nothing in this section shall be construed as authorizing the Administrator to enter into contracts or incur obligations except to such extent and in such amounts as are provided in appropriations Acts.

Feasibility study, transmittal to congressional committees.

(b) Not later than April 1, 1981, the Administrator of the Small Business Administration shall transmit the findings of such study, along with his recommendations, to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

Effective date. 15 USC 631 note.

SEC. 507. This Act shall take effect October 1, 1980.

Approved July 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-998 accompanying H.R. 7297 (Comm. on Small Business) and No. 96-1087 (Comm. of Conference).
SENATE REPORT No. 96-703 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 28, considered and passed Senate.
June 3, H.R. 7297 considered and passed House; passage vacated and S. 2698, amended, passed in lieu.
June 17, Senate agreed to conference report.
June 19, House agreed to conference report; receded from its amendment to title of bill.
[See also the following bills and their accompanying reports: H.R. 7250, H.R. 7259, H.R. 7288, H.R. 7289, H.R. 7298]
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 27:
July 2, Presidential statement.

Public Law 96-339
96th Congress

94 STAT. 1069

An Act

To authorize appropriations for fiscal years 1981, 1982, and 1983 for the Atlantic Tunas Convention Act of 1975, and for other purposes.

Sept. 4, 1980
[S. 2549]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Atlantic Tunas Convention Act of 1975, appropriation authorization.

SECTION 1. AMENDMENTS TO ATLANTIC TUNAS CONVENTION ACT OF 1975.

The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended as follows:

Advisory committee.
16 USC 971b.

(1) Section 4 is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out "paragraph (1)" in subparagraph (B) (as so redesignated) and inserting in lieu thereof "subparagraph (A)"; and

(C) by amending the first and second sentences to read as follows:

Membership.

"There is established an advisory committee which shall be composed of—

"(1) not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention; and

"(2) the chairmen (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils established under section 302(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(a)).

Term of office.

Each member of the advisory committee appointed under paragraph (1) shall serve for a term of two years and shall be eligible for reappointment.".

16 USC 971h.

(2) Section 10 is amended by striking out "and 1980" and inserting in lieu thereof "1980, 1981, 1982, and 1983".

16 USC 1827.

SEC. 2. OBSERVER PROGRAM REGARDING CERTAIN FOREIGN FISHING.

(a) DEFINITIONS.—As used in this section—

(1) The term "Act of 1976" means the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

(2) The term "billfish" means any species of marlin, spearfish, sailfish or swordfish.

(3) The term "Secretary" means the Secretary of Commerce.

(b) OBSERVER PROGRAM.—The Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel—

(1) is in waters that are within—

16 USC 1811.

(A) the fishery conservation zone established under section 101 of the Act of 1976, and

94 STAT. 1070

20 UST 2887.

(B) the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas; and

(2) is taking or attempting to take any species of fish if such taking or attempting to take may result in the incidental taking of billfish.

The Secretary may acquire observers for such program through contract with qualified private persons.

(c) FUNCTIONS OF OBSERVERS.—United States observers, while aboard foreign fishing vessels as required under subsection (b), shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out this section.

(d) FEES.—There is imposed for each year after 1980 on the owner or operator of each foreign fishing vessel that, in the judgment of the Secretary, will engage in fishing in waters described in subsection (b)(1) during that year which may result in the incidental taking of billfish a fee in an amount sufficient to cover all of the costs of providing an observer aboard that vessel under the program established under subsection (a). The fees imposed under this subsection for any year shall be paid to the Secretary before that year begins. All fees collected by the Secretary under this subsection shall be deposited in the Fund established by subsection (e).

Foreign Fishing Observer Fund, establishment.

(e) FUND.—There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this section. The Fund shall consist of the fees deposited into it as required under subsection (d). All payments made by the

Secretary to carry out this section shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(f) PROHIBITED ACTS.—(1) It is unlawful for any person who is the owner or operator of a foreign fishing vessel to which this section applies—

(A) to violate any regulation issued under subsection (g);

(B) to refuse to pay the fee imposed under subsection (d) after being requested to do so by the Secretary; or

(C) to refuse to permit an individual who is authorized to act as an observer under this section with respect to that vessel to board the vessel for purposes of carrying out observer functions.

16 USC 1858.

(2) Section 308 of the Act of 1976 (relating to civil penalties) applies to any act that is unlawful under paragraph (1), and for purposes of such application the commission of any such act shall be treated as an act the commission of which is unlawful under section 307 of the Act of 1976.

16 USC 1857.

(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary or appropriate to carry out this section.

16 USC 971i.

SEC. 3. REPORTS REGARDING BLUEFIN TUNA.

Submittal to Congress.

The Secretary of Commerce shall prepare, for each biennial period commencing with the period covering calendar years 1981 and 1982, and submit to the Congress a report setting forth, with respect to such biennial period—

(1) the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas;

20 UST 2887.

94 STAT. 1071

(2) the status of bluefin tuna stocks within such Convention area and the trends in their population level; and

(3) related information resulting from the implementation of the observer program under section 2 of this Act.

The report required under this section shall be submitted to the Congress within sixty days after the close of the biennial period covered by the report. There are authorized to be appropriated such sums as may be necessary to carry out this section.

Appropriation authorization.

Approved September 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1017 accompanying H.R. 6310 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-708 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 20, considered and passed Senate.

June 3, H.R. 6310 considered and passed House; passage vacated and S. 2549, amended, passed in lieu.

July 28, Senate concurred in House amendments with amendments.

Aug. 22, House concurred in Senate amendments.

Public Law 96-459
96th Congress

94 STAT. 2042

An Act

To authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes.

Oct. 15, 1980
[H.R. 6554]

Maritime Appropriation Authorization Act for Fiscal Year 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1981".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce for fiscal year 1981 as follows:

Vessels.

(1) for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed $135,000,000; except that no funds authorized by this paragraph may be paid to subsidize the construction of any vessel which will not be offered for enrollment in a sealift readiness program approved by the Secretary of Defense;

Operating-differential subsidy.

(2) for payment of obligations incurred for operating-differential subsidy, not to exceed $347,697,000; except that no funds authorized by this paragraph may be paid for the operation of any vessel which is not offered for participation in a sealift readiness program approved by the Secretary of Defense;

Research and development.

(3) for expenses necessary for research and development activities, not to exceed $17,070,000;

Education and training.

(4) for maritime education and training expenses, not to exceed $32,543,000, including not to exceed $18,201,000 for maritime training at the Merchant Marine Academy at Kings Point, New York; $12,460,000 for financial assistance to State marine schools, of which amount, $2,100,000 shall be for fuel oil for State marine school training vessels; and $1,882,000 for supplementary training courses authorized under section 216(c) of the Merchant Marine Act, 1936; and

46 USC 1126.

Operating expenses.

(5) for operating expenses, not to exceed $38,864,000, including not to exceed $7,208,000 for reserve fleet expenses, and not to exceed $31,656,000 for other operating expenses.

Merchant Marine Academy, supplemental amounts.

SEC. 3. There are authorized to be appropriated for the fiscal year 1981, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

93 Stat. 847.

SEC. 4. Paragraph (2) of section 2 of the Maritime Appropriation Authorization Act for fiscal year 1980 (Public Law 96-112) is amended by striking "$256,208,000" and substituting "$300,515,000".

94 STAT. 2043

Fundy Pride, documentation as U.S. vessel.
46 USC 883.

SEC. 5. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 as amended, the Secretary of the Department in which the Coast Guard is operating, shall cause the vessel Fundy Pride, built in Cape Saint Mary's, Nova Scotia, and now owned by the State of Maine, as represented by the Department of Educational and Cultural Services to be documented as a vessel of the United States, upon compliance of the usual requirements, to engage in the coastwise trade and the fisheries, so long as such vessel is owned by the State of Maine.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-840 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-709 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Apr. 15, considered and passed House.
  June 3, considered and passed Senate, amended.
  Sept. 30, House concurred in one Senate amendment and in another with an amendment; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
  Oct. 15, Presidential statement.

Public Law 96-460
96th Congress

94 STAT. 2044

An Act

To provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes.

Oct. 15, 1980
[H.R. 4417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chesapeake Bay Research Coordination Act of 1980.
16 USC 3001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Research Coordination Act of 1980".

16 USC 3001.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) The Congress finds that—

(1) the Chesapeake Bay area is one of the greatest national resources in the United States of America, serving as an abundant source of seafood, recreation, beauty, and enjoyment, as well as providing habitat for a wide variety of fish, waterfowl, flora, and fauna;

(2) the Chesapeake Bay area serves as one of the world's major waterways, each year carrying millions of tons of waterborne shipping to and from all parts of the globe;

(3) the productivity and beauty of the Chesapeake Bay area in recent years has been diminished and threatened by water pollution, shoreline erosion, excessive sedimentation, and other injuries;

(4) numerous Federal agencies have initiated and supported research to study, manage, enhance, protect, preserve, or restore the resources of the Chesapeake Bay area; and

(5) the various research relating to the Chesapeake Bay area could be more effectively coordinated in order to obtain maximum benefits.

(b) The purposes of this Act are—

(1) to provide for the rational and effective coordination of federally conducted and supported research aimed at increasing fundamental knowledge in support of wise management of the Chesapeake Bay area;

(2) to identify key management information needs and specify a coherent program of research that will respond to those needs;

(3) to identify the needs and priorities for such additional research as are required for the improvement of fundamental knowledge about the Chesapeake Bay area;

(4) to assure a comprehensive and balanced approach to federally conducted and supported research on the Chesapeake Bay area;

(5) to encourage the utilization of the results and findings of research, and of other relevant information, in the management decisionmaking processes which have an impact on the Chesapeake Bay area; and

94 STAT. 2045

(6) to foster public understanding of the role of the Chesapeake Bay area as a unique national resource, the greatest natural ecological entity of its kind in the United States.

16 USC 3002.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "Chesapeake Bay area" means the waters of the Chesapeake Bay (including the tributaries to the extent of Chesapeake Bay tidal action), the lands within and under such waters, and the wetlands adjacent to such waters.

(2) The term "research" means the endeavor to discover, develop, and verify knowledge and a careful and critical inquiry or examination in seeking facts or principles.

(3) The term "research project" means any research related to the Chesapeake Bay area for the purpose of promoting the understanding, the improved management, and the protection of the marine or coastal related resources (including those relating to water quality, coastal zone management, navigation, shoreline erosion, wetlands, fisheries, shellfish, and wildlife) which is funded in whole or in part by any department, agency, or independent establishment of the Federal Government.

(4) The term "research program" means any aggregate of related individual research projects.

(5) The term "Secretary" means the Secretary of Commerce.

16 USC 3003.

SEC. 4. OFFICE FOR CHESAPEAKE BAY RESEARCH COORDINATION.

Establishment.

(a)(1) The Secretary shall establish in the Department of Commerce a separate office known as the Office for Chesapeake Bay Research Coordination (hereafter referred to in this Act as the "Office"). The Office shall serve as the staff of the Chesapeake Bay Research Board established under section 5 of this Act.

Director; appointment.

(2)(A) The Office shall be headed by a Director who by reason of his knowledge and experience in research efforts on the Chesapeake Bay area, is qualified to serve as an adviser with respect to research, and who shall be appointed by the Secretary in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

Recommendations.

(B) Before making any appointment under subparagraph (A), the Secretary shall seek the recommendations of the Governor of Maryland and the Governor of Virginia with respect to individuals who are qualified to serve as the Director.

(3) The Director may appoint such personnel for the Office as he deems desirable, and as is provided for under this Act.

Functions.

(b) The Office, when directed to do so by the Chesapeake Bay Research Board, shall—

(1) identify Federal and State research programs relating to the Chesapeake Bay area and annually update that inventory;

(2) establish a Chesapeake Bay Research Exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning all research projects which are ongoing, completed, or for which funds have been requested, and which are conducted in or affect the Chesapeake Bay area;

(3) make recommendations to the Chesapeake Bay Research Board on the relationship of Federal programs to the Chesapeake Bay Research Plan; and

(4) make recommendations to the Chesapeake Bay Research Board on possible revisions to such Research Plan.

Additional functions.

(c) The Office shall work with the Chesapeake Bay Research Board to—

(1) identify the need for, and the priority of, research programs which could benefit the management of the resources of the Chesapeake Bay area;

(2) promote optimum utilization of available funds and resources to benefit the Chesapeake Bay area;

(3) remain cognizant of ongoing research programs and assist in the dissemination of the results and findings of research programs;

(4) conduct periodic meetings with representatives of the departments, agencies, and independent establishments of the Federal Government having responsibility for the administration of research programs in the Chesapeake Bay area, representatives of appropriate State, regional, and local agencies, and representatives of the scientific community, in order to obtain and exchange information relating to such programs;

(5) review proposed Federal legislation which may affect the Chesapeake Bay area and comment to the appropriate entities on

the relation of the proposed legislation to the Chesapeake Bay Research Plan;

(6) determine existing Federal and State programs relating to the Chesapeake Bay area and annually update this inventory;

(7) plan and conduct a conference on Chesapeake Bay area affairs at least once every two years;

(8) prepare for the Board an annual report on research programs, current and planned, pertaining to the Chesapeake Bay area; and

(9) perform such other activities as are consistent with the purposes of this Act.

Administrative services.

(d)(1) The Secretary shall make available to the Office such administrative services and temporary staff as may be reasonably required by the Office to enable it to carry out its functions under this Act.

Other Federal agencies, information and assistance.

(2) The Office may request from any department, agency, or independent establishment of the Federal Government (A) information concerning grants made by such department, agency, or establishment for research in the Chesapeake Bay area, and (B) other assistance or information which the Office deems necessary to enable it to carry out its functions under this Act. Each such department, agency, or independent establishment shall furnish, with or without reimbursement, to the Office such assistance or information so requested consistent with other Federal law.

SEC. 5. CHESAPEAKE BAY RESEARCH BOARD.

Establishment. 16 USC 3004.

(a) There is established a Chesapeake Bay Research Board (hereafter referred to in this section as the "Board").

Membership.

(b)(1) The Board shall consist of—

(A) four members selected by the Governor of Virginia;

(B) four members selected by the Governor of Maryland; and

(C) seven members selected by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

(2) The Secretary, the Governor of Maryland, and the Governor of Virginia shall ensure that the Board is comprised of individuals who are qualified to perform the functions of the Board and who represent the interests of Federal, State, and local government, industry, the public, and the scientific and environmental communities.

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Chairman.

(c) The Chairman of the Board shall be elected annually by the membership of such Board.

Functions.

(d) The Board shall—

(1) develop a Chesapeake Bay Research Plan consistent with the missions and interests of appropriate agencies and States, and update this plan biennially to reflect changing priorities in Federal and State management needs as well as the need for fundamental research;

(2) review and evaluate, on a periodic basis, Federal research programs pertaining to the Chesapeake Bay area, and ascertain the extent to which the research programs are consistent with the Chesapeake Bay Research Plan; and

Report to Congress and to Md. and Va. Governors.

(3) submit an annual report to the Congress and the Governors of Maryland and Virginia on research programs, current and planned, pertaining to the Chesapeake Bay area and their relationship to the Chesapeake Bay Research Plan, together with any recommendations for improving the coordination of such research.

Travel and per diem expenses.

(e) Members of the Board (other than those who are employees of the Federal or State governments) may, while engaged in business for the Board, receive compensation for travel expenses and per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

16 USC 3005.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office to carry out the purposes of this Act the sum of $500,000 for each of the three fiscal years ending on September 30, 1982, September 30, 1983, and September 30, 1984.

16 USC 3006.

SEC. 7. RELATIONSHIP OF ACT TO EXISTING FEDERAL, STATE, AND LOCAL POWERS.

(a) Nothing contained in this Act shall be construed to affect the jurisdiction, powers, or prerogatives of any existing department, agency, or officer of the Federal Government or of any State or local government.

Recommendations, solicitation.

(b) For purposes of administering this Act (including the preparation of an annual report pursuant to section 4(c)(8)) the Board shall solicit from the appropriate Federal departments and agencies and the Governors, recommendations that may be appropriate with respect to any existing law which may affect or be involved in research programs.

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SEC. 8. TERMINATION.

GAO evaluation, submittal to Congress.
16 USC 3007.
Comments, solicitation.

This Act and the authority conferred by this Act shall terminate on September 30, 1984. At such time the General Accounting Office shall submit to the Congress an evaluation of the effectiveness of the Board, Office, and of this Act. In the preparation of such report, comments shall be solicited from Federal agencies, the Governors of Maryland and Virginia, and the research institutions, industries, and environmental and citizen's groups concerned with the Chesapeake Bay area.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-993 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-950 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 19, considered and passed House.
  Sept. 24, considered and passed Senate, amended.
  Sept. 30, House concurred in Senate amendment.

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Public Law 96-461
96th Congress

An Act

Oct. 15, 1980
[S. 2320]

To authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce, hereinafter referred to as the Secretary, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards, for fiscal year 1981, $44,161,000, and for fiscal year 1982, $52,577,000;

(2) Engineering Measurements and Standards, for fiscal year 1981, $21,516,000, and for fiscal year 1982, $24,667,000;

(3) Computer Science and Technology, for fiscal year 1981, $11,603,000, and for fiscal year 1982, $12,263,000;

(4) Core Research Program for Innovation and Productivity, for fiscal year 1981, $12,800,000, and for fiscal year 1982, $18,080,000;

(5) Technical Competence Fund, for fiscal year 1981, $6,176,000, and for fiscal year 1982, $8,794,000;

(6) Fire Research Center, for fiscal year 1981, $1,253,000, and for fiscal year 1982, $1,378,000;

(7) Central Technical Support, for fiscal year 1981, $10,112,000, and for fiscal year 1982, $24,623,000.

(b) Notwithstanding any other provision of this or any other Act, for fiscal years 1981 and 1982:

(1) of the total amount authorized under subsection (a)(1), not less than $245,000 shall be available for the "Environmental Measurements Program" for fiscal year 1981 and $270,000 for fiscal year 1982;

(2) of the total amount authorized under subsection (a)(2), not less than $425,000 shall be available for the purpose of "Earthquake Hazards Engineering" for fiscal year 1981 and $475,000 for fiscal year 1982;

(3) of the total amounts authorized under subsections (a)(1) and (a)(2), not less than $1,000,000 shall be available for "Measurement Standards for the Handicapped" for fiscal year 1981 and $1,100,000 for fiscal year 1982;

(4) of the total amount authorized under subsection (a)(4), $2,000,000 is authorized for the purpose of "Automated Manufacturing Research Facility" for fiscal year 1981 and $4,000,000 for fiscal year 1982; and

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(5) of the total of the amounts authorized under subsections (a)(4) and (a)(7), not more than $6,123,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1981, and of the total of the amounts authorized under subsections (a)(1), (a)(2), (a)(4), and (a)(7), not more than $11,245,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1982.

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized in section 2, there is authorized to be appropriated not more than $400,000 for fiscal year 1981, and not more than $500,000 for fiscal year 1982, for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. In addition to the sums authorized in section 2, there is authorized to be appropriated the sum of $8,140,000 for fiscal year 1981, and the sum of $9,920,000 for fiscal year 1982, for the Assistant Secretary of Commerce for Productivity, Technology, and Innovation to carry out activities performed by the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by this Act, such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law are authorized to be appropriated for fiscal years 1981 and 1982, and, if the full amount necessary to make such adjustments is not appropriated, the adjustments shall be made proportionately from section 4 and in the line items in section 2(a) in a manner reflecting the extent to which the amount of each such line item in section 2(a) is attributable to employee benefits of the type involved.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TRANSFER OF FUNDS

SEC. 7. Funds may be transferred among the line items listed in section 2(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in section 2(a), unless:

Report to congressional committees.

(1) thirty calendar days have passed after the Secretary or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

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(2) before the expiration of thirty calendar days the chairmen of both the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Secretary to the effect that they have no objection to the proposed transfer.

FACILITIES IMPROVEMENT

15 USC 278d.

SEC. 8. Section 14 of the Act of March 3, 1901 (15 U.S.C. 278(d)) as amended, is further amended by striking out "$75,000" and inserting in lieu thereof "$250,000".

INTERNATIONAL ACTIVITIES

SEC. 9. In order to develop and strengthen the expertise of the National Bureau of Standards in science and engineering, to enhance the Secretary's ability to maintain the Bureau's programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities, the Act of March 3, 1901 (15 U.S.C. 271-278h), as amended, is further amended by inserting immediately after section 16 the following new section:

Foreign nationals, financial assistance. 15 USC 278g.

"SEC. 17. (a) The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the National Bureau of Standards or participating in the exchange of scientific or technical information at the National Bureau of Standards.

NBS employees, foreign assistance and compensation.

"(b) The Congress consents to the acceptance by employees of the National Bureau of Standards of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the National Bureau of Standards of any form of financial or other assistance provided by a foreign government as compensation for or as a means of defraying expenses associated with the performance of scientific or engineering activities or the exchange of scientific or technical information, in any case where the acceptance of such fellowship, lectureship, or position or the acceptance and retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in section 7342(a) of title 5 of the United States Code apply. Civil actions may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as is prescribed by section 7342(h) of title 5 of the United States Code.

"(c) Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the Government of the United States who is not a citizen of the United States shall not apply to the payment of compensation to scientific or engineering personnel of the National Bureau of Standards.".

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REPEAL OF LIMITED AUTHORIZATION

SEC. 10. Section 18 of the Act of March 3, 1901, as amended (15 U.S.C. 278h), is further amended by: (1) repealing subsection (b); and (2) removing the designation "(a)" from the remaining paragraph.

EFFECTIVE DATE OF ORGANIC ACT AMENDMENTS

15 USC 278g note.

SEC. 11. The effective date of sections 8 and 9 of this Act shall be October 1, 1980.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-949 accompanying H.R. 7113 (Comm. on Science and Technology).
SENATE REPORT No. 96-683 (Comm. on Commerce, Science and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 9, considered and passed Senate.
July 21, H.R. 7113 considered and passed House; passage vacated and S. 2320, amended, passed in lieu.
Sept. 30, Senate concurred in House amendments with an amendment.
Oct. 2, House concurred in Senate amendment.

Public Law 96-464
96th Congress

94 STAT. 2060

An Act

To improve coastal zone management in the United States, and for other purposes.

Oct. 17, 1980
[S. 2622]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coastal Zone Management Improvement Act of 1980".

Coastal Zone Management Improvement Act of 1980.
16 USC 1451 note.

SEC. 2. AMENDMENT TO CONGRESSIONAL FINDINGS.

Section 302 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) is amended—

(1) by inserting immediately after subsection (e) the following:

"(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters;"; and

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively.

SEC. 3. AMENDMENT TO DECLARATION OF POLICY.

Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452) is amended to read as follows:

"CONGRESSIONAL DECLARATION OF POLICY

"SEC. 303. The Congress finds and declares that it is the national policy—

"(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

"(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, which programs should at least provide for—

"(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

"(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas of subsidence and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands.

94 STAT. 2061 "(C) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

"(D) public access to the coasts for recreation purposes,

"(E) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

"(F) the coordination and simplification of procedures in order to ensure expedited governmental decisionmaking for the management of coastal resources,

"(G) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

"(H) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking, and

"(I) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies; and

"(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in govermental decisionmaking; and

"(4) to encourage the participation and cooperation of the public, state and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title.".

SEC. 4. DEFINITIONS.

Section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) is amended—

(1) by redesignating paragraphs (2) through (16) as paragraphs (3) through (17), respectively;

(2) by inserting immediately after paragraph (1) the following new paragraph:

"(2) the term 'coastal resource of national significance' means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, if any such area is determined by a coastal state to be of substantial biological or natural storm protective value.";

(3) by striking out "Guam," in paragraph (4) (as redesignated by paragraph (1) of this section) and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands,";

(4) by inserting immediately after paragraph (16) (as redesignated by paragraph (1) of this section) the following new paragraph:

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"(17) The term 'special area management plan' means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone."; and

(5) by redesignating paragraph (17) (as redesignated by paragraph (1) of this section) as paragraph (18).

SEC. 5. ADMINISTRATIVE GRANTS.

(a) Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary may make grants to any coastal state for not more than 80 per centum of the costs of administering such state's management program if the Secretary—

"(1) finds that such program meets the requirements of section 305(b);

16 USC 1454.

"(2) approves such program in accordance with subsections (c), (d), and (e); and

"(3) finds, if such program has been administered with financial assistance under this section for at least one year, that the coastal state will expend as increasing proportion of each grant received under this section (but not more than 30 per centum of the grant unless the state chooses to expend a higher percentage) on activities that will result in significant improvement being made in achieving the coastal management objectives specified in section 303(2) (A) through (I).

Ante, p. 2060.

For purposes of this subsection, the costs of administering a management program includes costs incurred in the carrying out, in a manner consistent with the procedures and processes specified therein, of projects and other activities (other than those of a kind referred to in clauses (A), (B), or (C) of section 306A(c)(2)) that are necessary or appropriate to the implementation of the management program.";

Post, p. 2063.

(2) by striking out the first proviso to subsection (b) and by striking out "further" in the second proviso to such subsection; and

(3) by adding at the end thereof the following new subsection:

"(i) The coastal states are encouraged to provide in their management programs for—

"(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

"(B) specific and enforceable standards to protect such resources.

If the Secretary determines that a coastal state has failed to make satisfactory progress in the activities described in this subsection by September 30, 1984, the Secretary shall not make any grants to such state provided under section 306A after such date.".

Applicability; regulations. 16 USC 1455 note.

(b) The amendments made by subsection (a) (1) and (2) of this section apply with respect to grants made after September 30, 1980, under section 306 of the Coastal Zone Management Act of 1972 and, within two hundred and seventy days after such date, the Secretary of Commerce shall issue regulations relating to the administration of subsection (a) of such section 306 (as so amended by such subsection (a)(1)).

SEC. 6. COASTAL RESOURCE IMPROVEMENT PROGRAM.

The Coastal Zone Management Act of 1972 is further amended by adding immediately after section 306 the following new section:

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"RESOURCE MANAGEMENT IMPROVEMENT GRANTS

Definitions. 16 USC 1455a.

"SEC. 306A. (a) For purposes of this section—

"(1) The term 'eligible coastal state' means a coastal state that for any fiscal year for which a grant is applied for under this section—

"(A) has a management program approved under section 306; and

"(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I).

Ante, 2060.

"(2) The term 'urban waterfront and port' means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

"(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

16 USC 1455.

"(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306(c)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance.

16 USC 1454.

"(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under section 305(b)(3) in the state's management program as areas of particular concern.

"(3) The provision of access of public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 305(b)(7).

Uses, terms and conditions.

"(c)(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

"(2) Grants made under this section may be used for—

"(A) the acquisition of fee simple and other interests in land;

"(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

"(C) in the case of grants made for objectives described in subsection (b)(2)—

"(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

"(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

"(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not by treated as construction projects subject to the limitations in paragraph (B);

"(D) engineering designs, specifications, and other appropriate reports; and

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"(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

"(d)(1) No grant made under this section may exceed an amount equal to 80 per centum of the cost of carrying out the purpose or project for which it was awarded.

"(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

"(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

Allocation.

42 USC 3334.

"(e) With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

Federal assistance.

"(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.".

SEC. 7. COASTAL ENERGY IMPACT PROGRAM.

Section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a) is amended—

Grants.

(1) by adding after subsection (c)(2), the following new paragraph:

"(3)(A) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from the transportation, transfer, or storage of coal or from alternative ocean energy activities.

"(B) Such grants shall be allocated to any such state based on rules and regulations promulgated by the Secretary which shall take into account the number of coal or alternative ocean energy facilities, the nature of their impacts, and such other relevant factors deemed appropriate by the Secretary.", and

(2) by striking out subsection (d)(4).

SEC. 8. INTERSTATE COASTAL ZONE MANAGEMENT COORDINATION.

Section 309 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456b) is amended to read as follows:

"INTERSTATE GRANTS

"SEC. 309. (a) The coastal States are encouraged to give high priority—

"(1) to coordinating State coastal zone planning, policies, and programs with respect to contiguous areas of such States;

"(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas; and

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"(3) to establishing an effective mechanism, and adopting a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The coastal zone activities described in paragraphs (1), (2), and (3) of this subsection may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 percent of the cost of such activities, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

16 USC 1454, 1455.
Agreements or compacts.

"(b) The consent of the Congress is hereby given to two or more coastal States to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

"(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

"(2) establishing executive instrumentalities or agencies which such States deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any State or party thereto without further approval by the Congress.

"(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to give high priority to the coastal zone activities described in subsection (a). The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Energy, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

"(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal States to create and maintain a temporary planning and coordinating entity to carry out such activities. The amount of such grants shall not exceed 90 percent of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity for a Federal-State consultation.

"(e) A coastal State is eligible to receive financial assistance under this section if such State meets the criteria established under section 308(g)(1).".

16 USC 1456a.

SEC. 9. REVIEW OF PERFORMANCE.

(a) Section 312 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1458) is amended to read as follows:

"REVIEW OF PERFORMANCE

Written evaluation.

"SEC. 312. (a) The Secretary shall conduct a continuing review of the performance of coastal states with respect to coastal management. Each review shall include a written evaluation with an assessment

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and detailed findings concerning the extent to which the state has implemented and enforced the program approved by the Secretary, addressed the coastal management needs identified in section 303(2) (A) through (I), and adhered to the terms of any grant, loan, or cooperative agreement funded under this title.

Ante, p. 2060.

Meetings; comments.

"(b) For the purpose of making the evaluation of a coastal state's performance, the Secretary shall conduct public meetings and provide opportunity for oral and written comments by the public. Each such evaluation shall be prepared in report form and the Secretary shall make copies thereof available to the public.

16 USC 1455.

"(c) The Secretary shall reduce any financial assistance extended to any coastal state under section 306 (but not below 70 per centum of the amount that would otherwise be available to the coastal state under such section for any year), and withdraw any unexpended portion of such reduction, if the Secretary determines that the coastal state is failing to make significant improvement in achieving the coastal management objectives specified in section 303(2) (A) through (I).

Approval withdrawal.

"(d) The Secretary shall withdraw approval of the management program of any coastal state, and shall withdraw any financial assistance available to that state under this title as well as any unexpended portion of such assistance, if the Secretary determines that the coastal state is failing to adhere to, is not justified in deviating from (1) the management program approved by the Secretary, or (2) the terms of any grant or cooperative agreement funded under section 306, and refuses to remedy the deviation.

Notice; hearing.

"(e) Management program approval and financial assistance may not be withdrawn under subsection (d), unless the Secretary gives the coastal state notice of the proposed withdrawal and an opportunity for a public hearing on the proposed action. Upon the withdrawal of management program approval under this subsection (d), the Secretary shall provide the coastal state with written specifications of the actions that should be taken, or not engaged in, by the state in order that such withdrawal may be canceled by the Secretary.

"(f) The Secretary shall carry out research on, and offer technical assistance of the coastal states with respect to, those activities, projects, and other relevant matters evaluated under this section that the Secretary considers to offer promise toward improving coastal zone management."

Regulations.
16 USC 1458 note.

(b) Within two hundred and seventy days after the date of the enactment of this Act, the Secretary of Commerce shall issue such regulations as may be necessary or appropriate to administer section 312 of the Coastal Zone Management Act of 1972 (as amended by subsection (a) of this section).

SEC. 10. ANNUAL REPORT.

Section 316 of the Coastal Zone Management Act (16 U.S.C. 1462) is amended—

(1) by amending the section heading to read as follows: "COASTAL ZONE MANAGEMENT REPORT";

Submittal to President and Congress.

(2) by amending subsection (a)—

(A) by amending the matter appearing before clause (1) to read as follows: "(a) The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to",

(B) by striking out "or with respect to which grants have been terminated under this title" in clause (4),

(C) by redesignating clauses (5) through (12) as clauses (6) through (13), respectively; and

(D) by inserting immediately after clause (4) the following new clause: "(5) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of this section;"; and

16 USC 1458.

Program review.

(3) by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

Report to Congress.

"(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.".

SEC. 11. ESTUARINE SANCTUARIES.

Section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) is amended—

(1) by striking out "BEACH ACCESS" in the section heading and inserting in lieu thereof "ISLAND PRESERVATION";

(2) by amending paragraph (2) to read as follows:

"(2) acquiring lands to provide for the preservation of islands, or portions thereof."; and

(3) in the last sentence by deleting "$2,000,000." and substituting in lieu thereof "$3,000,000."; and

(4) by adding the following new sentence at the end of the section:

"No grant for acquisition of land may be made under this section without the approval of the Governor of the State in which is located the land proposed to be acquired.".

SEC. 12. CONGRESSIONAL DISAPPROVAL PROCEDURE.

Final rules, submittal to Congress.
16 USC 1463a.

(a)(1) The Secretary, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same date and to each House of the Congress while it is in session. Such final rule shall be referred to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House, respectively.

(2) Any such final rule shall become effective in accordance with its terms unless, before the end of the period of sixty calendar days of continuous session, after the date such final rule is submitted to the Congress, both Houses of the Congress adopt a concurrent resolution disapproving such final rule.

94 STAT. 2068

(b)(1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise in the rulemaking power of the House of Representatives and as such they are deemed a part of the Rules of the House of Representatives but applicable only with respect to the procedure to be followed in the House of Representatives in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time in the same manner and to the same extent as in the case of any other rule of that House.

(2) Any concurrent resolution disapproving a final rule of the Secretary shall, upon introduction or receipt from the other House of the Congress, be referred immediately by the presiding officer of such House to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Merchant Marine and Fisheries of the House, as the case may be.

(3)(A) When a committee has reported a concurrent resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives, and shall not be debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate in the House of Representatives on the concurrent resolution shall be limited to not more than ten hours which shall be divided equally between those favoring and those opposing such concurrent resolution and a motion further to limit debate shall not be debatable. In the House of Representatives, an amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such concurrent resolution was agreed to or disagreed to.

(4) Appeals from the decision of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a concurrent resolution shall be decided without debate.

(5) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution with respect to any final rule of the Secretary, then it shall not be in order to consider in such House any other concurrent resolution with respect to the same final rule.

(c)(1) If a final rule of the Secretary is disapproved by the Congress under subsection (a)(2), then the Secretary may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection. Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Secretary in accordance with section 553 of title 5, United States Code, in any case in which the Secretary determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Secretary considers necessary or appropriate.

(2) The Secretary after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of a concurrent resolution of disapproval under this section shall not be construed as an expression of approval of the final rule involved, and shall not be construed to create any presumption of validity with respect to such final rule.

Provisions, constitutionality.

(e)(1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

Supreme Court review.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than twenty days after the decision of the court of appeals.

(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under paragraph (1).

(f)(1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which the House of Representatives is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the periods specified in subsection (a)(2) and subsection (b).

(2) If an adjournment sine die of the Congress occurs after the Secretary has submitted a final rule under subsection (a)(1), but such adjournment occurs—

(A) before the end of the period specified in subsection (a)(2); and

(B) before any action necessary to disapprove the final rule is completed under subsection (a)(2);

then the Secretary shall be required to resubmit the final rule involved at the beginning of the next regular session of the Congress. The period specified in subsection (a)(2) shall begin on the date of such resubmission.

Definitions.

(g) For purposes of this section:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "concurrent resolution" means a concurrent resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the final rule promulgated by the Secretary of Commerce dealing with the matter of , which final rule was submitted to the Congress on .". (The blank spaces shall be filled appropriately.)

(3) The term "rule" means any rule promulgated by the Secretary pursuant to the Coastal Zone Management Act (16 U.S.C. 1450 et. seq.).

16 USC 1451 note.
Effective date.
16 USC 1463a note.

(h) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have any force or effect after September 30, 1985.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 318 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended—

(1) by amending subsection (a) to read as follows:

"SEC. 318. (a) There are authorized to be appropriated to the Secretary—

16 USC 1455.

"(1) such sums, not to exceed $48,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 306, to remain available until expended;

Ante, p. 2063.

"(2) such sums, not to exceed $20,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 306A, to remain available until expended;

16 USC 1456a.

"(3) such sums, not to exceed $75,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1988, as may be necessary for grants under section 308(b);

Ante, p. 2064.

"(4) such sums, not to exceed $3,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 309, to remain available until expended;

16 USC 1461.

"(5) such sums, not to exceed $9,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 315 to remain available until expended;

"(6) such sums, not to exceed $6,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for administrative expenses incident to the administration of this title.";

16 USC 1456a.

(2) by amending subsection (b) by striking after the phrase "provisions of section 308," all that follows and substituting in lieu thereof "other than subsection (b), of which not to exceed $150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section."; and

16 USC 1454, 1455, *ante*, p. 2064, 16 USC 1456c.

(3) by amending subsection (c) by striking out "section 305, 306, 309, or 310." and inserting in lieu thereof "section 306 or 309.".

Approved October 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1012 accompanying H.R. 6979 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-783 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 3, considered and passed Senate.
  Sept. 30, H.R. 6979 considered and passed House; passage vacated and S. 2622, amended, passed in lieu. Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 43:
  Oct. 18, Presidential statement.

Public Law 96-477
96th Congress

94 STAT. 2275

An Act

To amend the Federal securities laws to provide incentives for small business investment, and for other purposes.

Oct. 21, 1980
[H.R. 7554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Investment Incentive Act of 1980".

Small Business Investment Incentive Act of 1980.
15 USC 80a-51 note.

TITLE I—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

DEFINITIONS

Sec. 101. Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end thereof the following new paragraphs:

"(46) 'Eligible portfolio company' means any issuer which—

"(A) is organized under the laws of, and has its principal place of business in, any State or States;

"(B) is neither an investment company as defined in section 3 (other than a small business investment company which is licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958 and which is a wholly-owned subsidiary of the business development company) nor a company which would be an investment company except for the exclusion from the definition of investment company in section 3(c); and

15 USC 80a-3.
15 USC 661 note.
Post, p. 2276, 2295.

"(C) satisfies one of the following:

"(i) it does not have any class of securities with respect to which a member of a national securities exchange, broker, or dealer may extend or maintain credit to or for a customer pursuant to rules or regulations adopted by the Board of Governors of the Federal Reserve System under section 7 of the Securities Exchange Act of 1934;

15 USC 78g.

"(ii) it is controlled by a business development company, either alone or as part of a group acting together, and such business development company in fact exercises a controlling influence over the management or policies of such eligible portfolio company and, as a result of such control, has an affiliated person who is a director of such eligible portfolio company; or

"(iii) it meets such other criteria as the Commission may, by rule, establish as consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title.

"(47) 'Making available significant managerial assistance' by a business development company means—

"(A) any arrangement whereby a business development company, through its directors, officers, employees, or general partners, offers to provide, and, if accepted, does so provide, significant guidance and counsel concerning the management, operations, or business objectives and policies of a portfolio company;

"(B) the exercise by a business development company of a controlling influence over the management or policies of a portfolio company by the business development company acting individually or as part of a group acting together which controls such portfolio company; or

"(C) with respect to a small business investment company licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, the making of loans to a portfolio company.

15 USC 661 note.

For purposes of subparagraph (A), the requirement that a business development company make available significant managerial assistance shall be deemed to be satisfied with respect to any particular portfolio company where the business development company purchases securities of such portfolio company in conjunction with one or more other persons acting together, and at least one of the persons in the group makes available significant managerial assistance to such portfolio company, except that such requirement will not be deemed to be satisfied if the business development company, in all cases, makes available significant managerial assistance solely in the manner described in this sentence.

"(48) 'Business development company' means any closed-end company which—

"(A) is organized under the laws of, and has its principal place of business in, any State or States;

"(B) is operated for the purpose of making investments in securities described in sections 55(a) (1) through (3), and makes available significant managerial assistance with respect to the issuers of such securities, provided that a business development company must make available significant managerial assistance only with respect to the companies which are treated by such business development company as satisfying the 70 per centum of the value of its total assets condition of section 55; and

Post, p. 2278.

"(C) has elected pursuant to section 54(a) to be subject to the provisions of sections 55 through 65.".

Post, p. 2278.

Post, pp. 2278–2289.

ATTRIBUTION OF BENEFICIAL OWNERSHIP

SEC. 102. Section 3(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(1)) is amended to read as follows:

"(1) Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For purposes of this paragraph:

"(A) Beneficial ownership by a company shall be deemed to be beneficial ownership by one person, except that, if the company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper) unless, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by such company of all issuers which are or would, but for the exception set forth in this subparagraph, be excluded from the definition of investment company solely by this paragraph, does not exceed 10 per centum of the value of the

company's total assets. Such issuer nonetheless is deemed to be an investment company for purposes of section 12(d)(1).

15 USC 80a-12.

"(B) Beneficial ownership by any person who acquires securities or interests in securities of an issuer described in the first sentence of this paragraph shall be deemed to be beneficial ownership by the person from whom such transfer was made, pursuant to such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title, where the transfer was caused by legal separation, divorce, death, or other involuntary event.".

EXEMPTION FROM INVESTMENT COMPANY ACT OF 1940

SEC. 103. Section 6 of the Investment Company Act of 1940 (15 U.S.C. 80a-6) is amended by adding at the end thereof the following new subsection:

"(f) Any closed-end company which—

"(1) elects to be treated as a business development company pursuant to section 54; or *Post*, p. 2278.

"(2) would be excluded from the definition of an investment company by section 3(c)(1), except that it presently proposes to make a public offering of its securities as a business development company, and has notified the Commission, in a form and manner which the Commission may, by rule, prescribe, that it intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65,

shall be exempt from sections 1 through 53, except to the extent provided in sections 59 through 65.".

Post, pp. 2278-2289.
15 USC 80a-1—80a-52.
Post, pp. 2285-2289.

VALIDITY OF CONTRACTS

SEC. 104. Section 47(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-46(b)) is amended to read as follows:

"(b)(1) A contract that is made, or whose performance involves, a violation of this title, or of any rule, regulation, or order thereunder, is unenforceable by either party (or by a nonparty to the contract who acquired a right under the contract with knowledge of the facts by reason of which the making or performance violated or would violate any provision of this title or of any rule, regulation, or order thereunder) unless a court finds that under the circumstances enforcement would produce a more equitable result than nonenforcement and would not be inconsistent with the purposes of this title.

"(2) To the extent that a contract described in paragraph (1) has been performed, a court may not deny rescission at the instance of any party unless such court finds that under the circumstances the denial of rescission would produce a more equitable result than its grant and would not be inconsistent with the purposes of this title.

"(3) This subsection shall not apply (A) to the lawful portion of a contract to the extent that it may be severed from the unlawful portion of the contract, or (B) to preclude recovery against any person for unjust enrichment.".

94 STAT. 2278

REGULATION OF BUSINESS DEVELOPMENT COMPANIES

SEC. 105. The Investment Company Act of 1940 is amended by adding at the end thereof the following new sections:

"ELECTION TO BE REGULATED AS A BUSINESS DEVELOPMENT COMPANY

"SEC. 54. (a) Any company defined in sections 2(a)(48) (A) and (B) may elect to be subject to the provisions of sections 55 through 65 by filing with the Commission a notification of election, if such company— 15 USC 80a-53. *Ante*, p. 2275.

"(1) has a class of its equity securities registered under section 12 of the Securities Exchange Act of 1934; or 15 USC 78*l*.

"(2) has filed a registration statement pursuant to section 12 of the Securities Exchange Act of 1934 for a class of its equity securities.

"(b) The Commission may, by rule, prescribe the form and manner in which notification of election under this section shall be given. A business development company shall be deemed to be subject to sections 55 through 65 upon receipt by the Commission of such notification of election.

"(c) Whenever the Commission finds, on its own motion or upon application, that a business development company which has filed a notification of election pursuant to subsection (a) of this section has ceased to engage in business, the Commission shall so declare by order revoking such company's election. Any business development company may voluntarily withdraw its election under subsection (a) by filing a notice of withdrawal of election with the Commission, in a form and manner which the Commission may, by rule, prescribe. Such withdrawal shall be effective immediately upon receipt by the Commission.

"FUNCTIONS AND ACTIVITIES OF BUSINESS DEVELOPMENT COMPANIES

15 USC 80a-54. "SEC. 55. (a) It shall be unlawful for a business development company to acquire any assets (other than those described in paragraphs (1) through (7) of this subsection) unless, at the time the acquisition is made, assets described in paragraphs (1) through (6) below represent at least 70 per centum of the value of its total assets (other than assets described in paragraph (7) below):

"(1) securities purchased, in transactions not involving any public offering or in such other transactions as the Commission may, by rule, prescribe if it finds that enforcement of this title
15 USC 77a. and of the Securities Act of 1933 with respect to such transactions is not necessary in the public interest or for the protection of investors by reason of the small amount, or the limited nature of the public offering, involved in such transactions—

"(A) from the issuer of such securities, which issuer is an eligible portfolio company, or from any person who is, or who within the preceding thirteen months has been, an affiliated person of such eligible portfolio company; or

Ante, p. 2275. "(B) from the issuer of such securities, which issuer is described in sections 2(a)(46) (A) and (B) but is not an eligible portfolio company because it has issued a class of securities with respect to which a member of a national securities exchange, broker, or dealer may extend or maintain credit to or for a customer pursuant to rules or regulations adopted by the Board of Governors of the Federal Reserve System under

94 STAT. 2279

15 USC 78g. section 7 of the Securities Exchange Act of 1934, or from any person who is an officer or employee of such issuer, if—

"(i) at the time of the purchase, the business development company owns at least 50 per centum of—

"(I) the greatest number of equity securities of such issuer and securities convertible into or exchangeable for such securities; and

"(II) the greatest amount of debt securities of such issuer,

held by such business development company at any point in time during the period when such issuer was an eligible portfolio company, except that options, warrants, and similar securities which have by their terms expired and debt securities which have been converted, or repaid or prepaid in the ordinary course of business or incident to a public offering of securities of such issuer, shall not be considered to have been held by such business development company for purposes of this requirement; and

"(ii) the business development company is one of the 20 largest holders of record of such issuer's outstanding voting securities;

"(2) securities of any eligible portfolio company with respect to which the business development company satisfies the requirements of section 2(a)(46)(C)(ii); Ante, p. 2275.

"(3) securities purchased in transactions not involving any public offering from an issuer described in sections 2(a)(46) (A) and (B) or from a person who is, or who within the preceding thirteen months has been, an affiliated person of such issuer, or from any person in transactions incident thereto, if such securities were—

"(A) issued by an issuer that is, or was immediately prior to the purchase of its securities by the business development company, in bankruptcy proceedings, subject to reorganization under the supervision of a court of competent jurisdiction, or subject to a plan or arrangement resulting from such bankruptcy proceedings or reorganization;

"(B) issued by an issuer pursuant to or in consummation of such a plan or arrangement; or

"(C) issued by an issuer that, immediately prior to the purchase of such issuer's securities by the business development company, was not in bankruptcy proceedings but was unable to meet its obligations as they came due without material assistance other than conventional lending or financing arrangements;

"(4) securities of eligible portfolio companies purchased from any person in transactions not involving any public offering, if there is no ready market for such securities and if immediately prior to such purchase the business development company owns at least 60 per centum of the outstanding equity securities of such issuer (giving effect to all securities presently convertible into or exchangeable for equity securities of such issuer as if such securities were so converted or exchanged);

"(5) securities received in exchange for or distributed on or with respect to securities described in paragraphs (1) through (4) of this subsection, or pursuant to the exercise of options, warrants, or rights relating to securities described in such paragraphs;

94 STAT. 2280

"(6) cash, cash items, Government securities, or high quality debt securities maturing in one year or less from the time of investment in such high quality debt securities; and

"(7) office furniture and equipment, interests in real estate and leasehold improvements and facilities maintained to conduct the business operations of the business development company, deferred organization and operating expenses, and other noninvestment assets necessary and appropriate to its operations as a business development company, including notes of indebtedness of directors, officers, employees, and general partners held by a business development company as payment for securities of such company issued in connection with an executive compensation plan described in section 57(j). *Infra.*

"(b) For purposes of this section, the value of a business development company's assets shall be determined as of the date of the most recent financial statements filed by such company with the Commission pursuant to section 13 of the Securities Exchange Act of 1934, and shall be determined no less frequently than annually. 15 USC 78m.

"QUALIFICATIONS OF DIRECTORS

"SEC. 56. (a) A majority of a business development company's directors or general partners shall be persons who are not interested persons of such company. 15 USC 80a-55.

"(b) If, by reason of the death, disqualification, or bona fide resignation of any director or general partner, a business development company does not meet the requirements of subsection (a) of this section, or the requirements of section 15(f)(1) of this title with respect to directors, the operation of such provisions shall be suspended for a period of 90 days or for such longer period as the Commission may prescribe, upon its own motion or by order upon application, as not inconsistent with the protection of investors. 15 USC 80a-15.

"TRANSACTIONS WITH CERTAIN AFFILIATES

15 USC 80a-56.

"Sec. 57. (a) It shall be unlawful for any person who is related to a business development company in a manner described in subsection (b) of this section, acting as principal—

"(1) knowingly to sell any security or other property to such business development company or to any company controlled by such business development company, unless such sale involves solely (A) securities of which the buyer is the issuer, or (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities;

"(2) knowingly to purchase from such business development company or from any company controlled by such business development company, any security or other property (except securities of which the seller is the issuer);

"(3) knowingly to borrow money or other property from such business development company or from any company controlled by such business development company (unless the borrower is controlled by the lender), except as permitted in section 21(b) or section 62; or

15 USC 80a-21.

"(4) knowingly to effect any transaction in which such business development company or a company controlled by such business development company is a joint or a joint and several participant with such person in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such business development company or controlled company on a basis less advantageous than that of such person, except that nothing contained in this paragraph shall be deemed to preclude any person from acting as manager of any underwriting syndicate or other group in which such business development company or controlled company is a participant and receiving compensation therefor.

94 STAT. 2281

"(b) The provisions of subsection (a) of this section shall apply to the following persons:

"(1) Any director, officer, employee, or member of an advisory board of a business development company or any person (other than the business development company itself) who is, within the meaning of section 2(a)(3)(C) of this title, an affiliated person of any such person specified in this paragraph.

15 USC 80a-2.

"(2) Any investment adviser or promoter of, general partner in, principal underwriter for, or person directly or indirectly either controlling, controlled by, or under common control with, a business development company (except the business development company itself and any person who, if it were not directly or indirectly controlled by the business development company, would not be directly or indirectly under the control of a person who controls the business development company), or any person who is, within the meaning of section 2(a)(3) (C) or (D), an affiliated person of any such person specified in this paragraph.

Exemption order, application.

"(c) Notwithstanding paragraphs (1), (2), and (3) of subsection (a), any person may file with the Commission an application for an order exempting a proposed transaction of the applicant from one or more provisions of such paragraphs. The Commission shall grant such application and issue such order of exemption if evidence establishes that—

"(1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching of the business development company or its shareholders or partners on the part of any person concerned;

"(2) the proposed transaction is consistent with the policy of the business development company as recited in the filings made by such company with the Commission under the Securities Act of 1933, its registration statement and reports filed under the Securities Exchange Act of 1934, and its reports to shareholders or partners; and

15 USC 77a.
15 USC 78a.

"(3) the proposed transaction is consistent with the general purposes of this title.

"(d) It shall be unlawful for any person who is related to a business development company in the manner described in subsection (e) of this section and who is not subject to the prohibitions of subsection (a) of this section, acting as principal—

"(1) knowingly to sell any security or other property to such business development company or to any company controlled by such business development company, unless such sale involves solely (A) securities of which the buyer is the issuer, or (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities;

"(2) knowingly to purchase from such business development company or from any company controlled by such business development company, any security or other property (except securities of which the seller is the issuer);

"(3) knowingly to borrow money or other property from such business development company or from any company controlled by such business development company (unless the borrower is controlled by the lender), except as permitted in section 21(b); or

15 USC 80a-21.

"(4) knowingly to effect any transaction in which such business development company or a company controlled by such business development company is a joint or a joint and several participant with such affiliated person in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such business development company or controlled company on a basis less advantageous than that of such affiliated person, except that nothing contained in this paragraph shall be deemed to preclude any person from acting as manager of any underwriting syndicate or other group in which such business development company or controlled company is a participant and receiving compensation therefor.

"(e) The provisions of subsection (d) of this section shall apply to the following persons:

"(1) Any person (A) who is, within the meaning of section 2(a)(3)(A), an affiliated person of a business development company, (B) who is an executive officer or a director of, or general partner in, any such affiliated person, or (C) who directly or indirectly either controls, is controlled by, or is under common control with, such affiliated person.

15 USC 80a-2.

"(2) Any person who is an affiliated person of a director, officer, employee, investment adviser, member of an advisory board or promoter of, principal underwriter for, general partner in, or an affiliated person of any person directly or indirectly either controlling or under common control with a business development company (except the business development company itself and any person who, if it were not directly or indirectly controlled by the business development company, would not be directly or indirectly under the control of a person who controls the business development company).

For purposes of this subsection, the term 'executive officer' means the president, secretary, treasurer, any vice president in charge of a principal business function, and any other person who performs similar policymaking functions.

"Executive officer."

"(f) Notwithstanding subsection (d) of this section, a person described in subsection (e) may engage in a proposed transaction described in subsection (d) if such proposed transaction is approved by the required majority (as defined in subsection (o)) of the directors of or general partners in the business development company on the basis that—

"(1) the terms thereof, including the consideration to be paid or received, are reasonable and fair to the shareholders or partners of the business development company and do not involve overreaching of such company or its shareholders or partners on the part of any person concerned;

"(2) the proposed transaction is consistent with the interests of the shareholders or partners of the business development company and is consistent with the policy of such company as recited in filings made by such company with the Commission under the Securities Act of 1933, its registration statement and reports filed under the Securities Exchange Act of 1934, and its reports to shareholders or partners; and

15 USC 77a.
15 USC 78a.

94 STAT. 2283

"(3) the directors or general partners record in their minutes and preserve in their records, for such periods as if such records were required to be maintained pursuant to section 31(a), a description of such transaction, their findings, the information or materials upon which their findings were based, and the basis therefor.

"(g) Notwithstanding subsection (a) or (d), a person may, in the ordinary course of business, sell to or purchase from any company merchandise or may enter into a lessor-lessee relationship with any person and furnish the services incident thereto.

Inquiry procedures, adoption and review.

"(h) The directors of or general partners in any business development company shall adopt, and periodically review and update as appropriate, procedures reasonably designed to ensure that reasonable inquiry is made, prior to the consummation of any transaction in which such business development company or a company controlled by such business development company proposes to participate, with respect to the possible involvement in the transaction of persons described in subsections (b) and (e) of this section.

15 USC 80a-17.

"(i) Until the adoption by the Commission of rules or regulations under subsections (a) and (d) of this section, the rules and regulations of the Commission under sections 17 (a) and (d) applicable to registered closed-end investment companies shall be deemed to apply to transactions subject to subsections (a) and (d) of this section. Any rules or regulations adopted by the Commission to implement this section shall be no more restrictive than the rules or regulations adopted by the Commission under sections 17 (a) and (d) that are applicable to all registered closed-end investment companies.

"(j) Notwithstanding subsections (a) and (d) of this section, any director, officer, or employee of, or general partner in, a business development company may—

"(1) acquire warrants, options, and rights to purchase voting securities of such business development company, and securities issued upon the exercise or conversion thereof, pursuant to an executive compensation plan offered by such company which meets the requirements of section 61(a)(3)(B); and

"(2) borrow money from such business development company for the purpose of purchasing securities issued by such company pursuant to an executive compensation plan, if each such loan—

"(A) has a term of not more than ten years;

"(B) becomes due within a reasonable time, not to exceed sixty days, after the termination of such person's employment or service;

"(C) bears interest at no less than the prevailing rate applicable to 90-day United States Treasury bills at the time the loan is made;

"(D) at all times is fully collateralized (such collateral may include any securities issued by such business development company); and

"(E)(i) in the case of a loan to any officer or employee of such business development company (including any officer or employee who is also a director of such company), is approved by the required majority (as defined in subsection (o)) of the directors of or general partners in such company on the basis that the loan is in the best interests of such company and its shareholders or partners; or

"(ii) in the case of a loan to any director of such business development company who is not also an officer or employee of such company, or to any general partner in such company, is approved by order of the Commission, upon application, on the basis that the terms of the loan are fair and reasonable and do not involve overreaching of such company or its shareholders or partners.

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"(k) It shall be unlawful for any person described in subsection (l)—

"(1) acting as agent, to accept from any source any compensation (other than a regular salary or wages from the business development company) for the purchase or sale of any property to or for such business development company or any controlled company thereof, except in the course of such person's business as an underwriter or broker; or

"(2) acting as broker, in connection with the sale of securities to or by the business development company or any controlled company thereof, to receive from any source a commission, fee, or other remuneration for effecting such transaction which exceeds—

"(A) the usual and customary broker's commission if the sale is effected on a securities exchange;

"(B) 2 per centum of the sales price if the sale is effected in connection with a secondary distribution of such securities; or

"(C) 1 per centum of the purchase or sale price of such securities if the sale is otherwise effected,

unless the Commission, by rules and regulations or order in the public interest and consistent with the protection of investors, permits a larger commission.

"(l) The provisions of subsection (k) of this section shall apply to the following persons:

"(1) Any affiliated person of a business development company.

"(2)(A) Any person who is, within the meaning of section 2(a)(3) (B), (C), or (D), an affiliated person of any director, officer, employee, or member of an advisory board of the business development company.

15 USC 80a-2.

"(B) Any person who is, within the meaning of section 2(a)(3) (A), (B), (C), or (D), an affiliated person of any investment adviser of, general partner in, or person directly or indirectly either controlling, controlled by, or under common control with, the business development company.

"(C) Any person who is, within the meaning of section 2(a)(3)(C), an affiliated person of any person who is an affiliated person of the business development company within the meaning of section 2(a)(3)(A).

"(m) For purposes of subsections (a) and (d), a person who is a director, officer, or employee of a party to a transaction and who receives his usual and ordinary fee or salary for usual and customary services as a director, officer, or employee from such party shall not be deemed to have a financial interest or to participate in the transaction solely by reason of his receipt of such fee or salary.

Profit-sharing plan.

"(n)(1) Notwithstanding subsection (a)(4) of this section, a business development company may establish and maintain a profit-sharing plan for its directors, officers, employees, and general partners and such directors, officers, employees, and general partners may participate in such profit-sharing plan, if—

"(A)(i) in the case of a profit-sharing plan for officers and employees of the business development company (including any officer or employee who is also a director of such company), such profit-sharing plan is approved by the required majority (as defined in subsection (o)) of the directors of or general partners in such company on the basis that such plan is reasonable and fair to the shareholders or partners of such company, does not involve overreaching of such company or its shareholders or partners on the part of any person concerned, and is consistent with the interests of the shareholders or partners of such company; or

94 STAT. 2285

"(ii) in the case of a profit-sharing plan which includes one or more directors of the business development company who are not also officers or employees of such company, or one or more general partners in such company, such profit-sharing plan is approved by order of the Commission, upon application, on the basis that such plan is reasonable and fair to the shareholders or partners of such company, does not involve overreaching of such company or its shareholders or partners on the part of any person concerned, and is consistent with the interests of the shareholders or partners of such company; and

"(B) the aggregate amount of benefits which would be paid or accrued under such plan shall not exceed 20 per centum of the business development company's net income after taxes in any fiscal year.

"(2) This subsection may not be used where the business development company has outstanding any stock option, warrant, or right issued as part of an executive compensation plan, including a plan pursuant to section 61(a)(3)(B), or has an investment adviser registered or required to be registered under title II of this Act.

15 USC 80b-1.

"(o) The term 'required majority', when used with respect to the approval of a proposed transaction, plan, or arrangement, means both a majority of a business development company's directors or general partners who have no financial interest in such transaction, plan, or arrangement and a majority of such directors or general partners who are not interested persons of such company.

"CHANGES IN INVESTMENT POLICY

15 USC 80a-57.

"SEC. 58. No business development company shall, unless authorized by the vote of a majority of its outstanding voting securities or partnership interests, change the nature of its business so as to cease to be, or to withdraw its election as, a business development company.

"INCORPORATION OF PROVISIONS

15 USC 80a-58.
Ante, p. 2277.
15 USC 80a-1—80a-5, 80a-9, 80a-10, 80a-15—80a-17, 80a-19, 80a-20, 80a-31, 80a-32—80a-46, 80a-48—80a-52.

"SEC. 59. Notwithstanding the exemption set forth in section 6(f), sections 1, 2, 3, 4, 5, 6, 9, 10(f), 15 (a), (c), and (f), 16(b), 17 (f) through (j), 19(a), 20(b), 32 (a) and (c), 33 through 47, and 49 through 53 of this title shall apply to a business development company to the same extent as if it were a registered closed-end investment company.

"FUNCTIONS AND ACTIVITIES OF BUSINESS DEVELOPMENT COMPANIES

15 USC 80a-59.

"SEC. 60. Notwithstanding the exemption set forth in section 6(f), section 12 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except that the Commission shall not prescribe any rule, regulation, or order pursuant to section 12(a)(1) governing the circumstances in which a business development company may borrow from a bank in order to purchase any security.

15 USC 80a-12.

94 STAT. 2286

"CAPITAL STRUCTURE

15 USC 80a-60.
Ante, p. 2277, 15 USC 80a-18.

"SEC. 61. (a) Notwithstanding the exemption set forth in section 6(f), section 18 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except as follows:

"(1) The asset coverage requirements of section 18(a)(1) (A) and (B) applicable to business development companies shall be 200 per centum.

"(2) Notwithstanding section 18(c), a business development company may issue more than one class of senior security representing indebtedness if such business development company does not have outstanding any publicly held indebtedness, and all such securities of each class are—

"(A) privately held or guaranteed by the Small Business Administration, or banks, insurance companies, or other institutional investors; and

"(B) not intended to be publicly distributed.

"(3) Notwithstanding section 18(d)—

"(A) a business development company may issue senior securities representing indebtedness accompanied by warrants, options, or rights to subscribe or convert to voting securities of such company, if—

"(i) such warrants, options, or rights expire by their terms within ten years;

"(ii) such warrants, options, or rights are not separately transferable unless no class of such warrants, options, or rights and the senior securities accompanying them has been publicly distributed;

"(iii) the exercise or conversion price is not less than the current market value at the date of issuance, or if no such market value exists, the current net asset value of such voting securities; and

"(iv) the proposal to issue such securities is authorized by the shareholders or partners of such business development company, and such issuance is approved by the required majority (as defined in section 57(o)) of the directors of or general partners in such company on the basis that such issuance is in the best interests of such company and its shareholders or partners; and

"(B) a business development company may issue, to its directors, officers, employees, and general partners, warrants, options, and rights to purchase voting securities of such company pursuant to an executive compensation plan, if—

"(i)(I) in the case of warrants, options, or rights issued to any officer or employee of such business development company (including any officer or employee who is also a director of such company), such securities satisfy the conditions in clauses (i), (iii), and (iv) of subparagraph (A); or (II) in the case of warrants, options, or rights issued to any director of such business development company who is not also an officer or employee of such company, or to any general partner in such company, the proposal to issue such securities satisfies the conditions in clauses (i) and (iii) of subparagraph (A), is authorized by the shareholders or partners of such company, and is approved by order of the Commission, 94 STAT. 2287 upon application, on the basis that the terms of the proposal are fair and reasonable and do not involve overreaching of such company or its shareholders or partners;

"(ii) such securities are not transferable except for disposition by gift, will, or intestacy;

"(iii) no investment adviser of such business development company receives any compensation described in paragraph (1) of section 205 of title II of this Act, except to the extent permitted by clause (A) or (B) of that section; and 15 USC 80b-5.

"(iv) such business development company does not have a profit-sharing plan described in section 57(n).

Notwithstanding this paragraph, the amount of voting securities that would result from the exercise of all outstanding warrants, options, and rights at the time of issuance shall not exceed 25 per centum of the outstanding voting securities of the business development company, except that if the amount of voting securities that would result from the exercise of all outstanding warrants, options, and rights issued to such company's directors, officers, employees, and general partners pursuant to any executive compensation plan meeting the requirements of subparagraph (B) of this paragraph would exceed 15 per centum of the outstanding voting securities of such company, then the total amount of voting securities that would result from the exercise of all outstanding warrants, options, and rights at the time of issuance shall not exceed 20 per centum of the outstanding voting securities of such company.

15 USC 80a-18.

15 USC 661 note.

"(4) For purposes of measuring the asset coverage requirements of section 18(a), a senior security created by the guarantee by a business development company of indebtedness issued by another company shall be the amount of the maximum potential liability less the fair market value of the net unencumbered assets (plus the indebtedness which has been guaranteed) available in the borrowing company whose debts have been guaranteed, except that a guarantee issued by a business development company of indebtedness issued by a company which is a wholly-owned subsidiary of the business development company and is licensed as a small business investment company under the Small Business Investment Act of 1958 shall not be deemed to be a senior security of such business development company for purposes of section 18(a) if the amount of the indebtedness at the time of its issuance by the borrowing company is itself taken fully into account as a liability by such business development company, as if it were issued by such business development company, in determining whether such business development company, at that time, satisfies the asset coverage requirements of section 18(a).

"(b) A business development company shall comply with the provisions of this section at the time it becomes subject to sections 55 through 65, as if it were issuing a security of each class which it has outstanding at such time.

"LOANS

15 USC 80a-61.
Ante, p. 2277, 15 USC 80a-21.

94 STAT. 2288

"SEC. 62. Notwithstanding the exemption set forth in section 6(f), section 21 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except that nothing in that section shall be deemed to prohibit—

"(1) any loan to a director, officer, or employee of, or general partner in, a business development company for the purpose of purchasing securities of such company as part of an executive compensation plan, if such loan meets the requirements of section 57(j); or

"(2) any loan to a company controlled by a business development company, which companies could be deemed to be under common control solely because a third person controls such business development company.

"DISTRIBUTION AND REPURCHASE OF SECURITIES

15 USC 80a-62.
Ante, p. 2277, 15 USC 80a-23.

"SEC. 63. Notwithstanding the exemption set forth in section 6(f), section 23 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except as follows:

15 USC 80a-3.

"(1) The prohibitions of section 23(a)(2) shall not apply to any company which (A) is a wholly-owned subsidiary of, or directly or indirectly controlled by, a business development company, and (B) immediately after the issuance of any of its securities for property other than cash or securities, will not be an investment company within the meaning of section 3(a).

"(2) Notwithstanding the provisions of section 23(b), a business development company may sell any common stock of which it is the issuer at a price below the current net asset value of such stock, and may sell warrants, options, or rights to acquire any such common stock at a price below the current net asset value of such stock, if—

"(A) the holders of a majority of such business development company's outstanding voting securities, and the holders of a majority of such company's outstanding voting securities that are not affiliated persons of such company, approved such company's policy and practice of making such sales of securities at the last annual meeting of shareholders or partners within one year immediately prior to any such sale, except that the shareholder approval requirements of this subparagraph shall not apply to the initial public offering by a business development company of its securities;

"(B) a required majority (as defined in section 57(o)) of the directors of or general partners in such business development company have determined that any such sale would be in the best interests of such company and its shareholders or partners; and

"(C) a required majority (as defined in section 57(o)) of the directors of or general partners in such business development company, in consultation with the underwriter or underwriters of the offering if it is to be underwritten, have determined in good faith, and as of a time immediately prior to the first solicitation by or on behalf of such company of firm commitments to purchase such securities or immediately prior to the issuance of such securities, that the price at which such securities are to be sold is not less than a price which closely approximates the market value of those securities, less any distributing commission or discount.

"(3) A business development company may sell any common stock of which it is the issuer at a price below the current net asset value of such stock upon the exercise of any warrant, option, or right issued in accordance with section 61(a)(3).

94 STAT. 2289

"ACCOUNTS AND RECORDS

"SEC. 64. (a) Notwithstanding the exemption set forth in section 6(f), section 31 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except that the reference to the financial statements required to be filed pursuant to section 30 shall be construed to refer to the financial statements required to be filed by such business development company pursuant to section 13 of the Securities Exchange Act of 1934.

15 USC 80a-63.
Ante, p. 2277, 15 USC 80a-30.
15 USC 80a-29.
15 USC 78m.

"(b)(1) In addition to the requirements of subsection (a), a business development company shall file with the Commission and supply annually to its shareholders a written statement, in such form and manner as the Commission may, by rule, prescribe, describing the risk factors involved in an investment in the securities of a business development company due to the nature of such company's investment portfolio, and shall supply copies of such statement to any registered broker or dealer upon request.

Risk factors statement.

"(2) If the Commission finds it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title, the Commission may also require, by rule, any person who, acting as principal or agent, sells a security of a business development company to inform the purchaser of such securities, at or before the time of sale, of the existence of the risk statement prepared by such business development company pursuant to this subsection, and make such risk statement available on request. The Commission, in making such rules and regulations, shall consider, among other matters, whether any such rule or regulation would impose any unreasonable burdens on such brokers or dealers or unreasonably impair the maintenance of fair and orderly markets.

"LIABILITY OF CONTROLLING PERSONS; PREVENTING COMPLIANCE WITH TITLE

"SEC. 65. Notwithstanding the exemption set forth in section 6(f), section 48 shall apply to a business development company to the same extent as if it were a registered closed-end investment company, except that the provisions of section 48(a) shall not be construed to

15 USC 80a-64.
Ante, p. 2277, 15 USC 80a-47.

15 USC 80a-3.

require any company which is not an investment company within the meaning of section 3(a) to comply with the provisions of this title which are applicable to a business development company solely because such company is a wholly-owned subsidiary of, or directly or indirectly controlled by, a business development company.".

TITLE II—AMENDMENTS TO THE INVESTMENT ADVISERS ACT OF 1940

DEFINITION OF BUSINESS DEVELOPMENT COMPANY

SEC. 201. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end thereof the following new paragraph:

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Ante, p. 2275.
Ante, p. 2278.

"(22) 'Business development company' means any company which is a business development company as defined in section 2(a)(48) of title I of this Act and which complies with section 55 of title I of this Act, except that—

"(A) the 70 per centum of the value of the total assets condition referred to in sections 2(a)(48) and 55 of title I of this Act shall be 60 per centum for purposes of determining compliance therewith;

Ante, pp. 2278–2289.

"(B) such company need not be a closed-end company and need not elect to be subject to the provisions of sections 55 through 65 of title I of this Act; and

"(C) the securities which may be purchased pursuant to section 55(a) of title I of this Act may be purchased from any person.

For purposes of this paragraph, all terms in sections 2(a)(48) and 55 of title I of this Act shall have the same meaning set forth in such title as if such company were a registered closed-end investment company, except that the value of the assets of a business development company which is not subject to the provisions of sections 55 through 65 of title I of this Act shall be determined as of the date of the most recent financial statements which it furnished to all holders of its securities, and shall be determined no less frequently than annually.".

REGISTRATION REQUIREMENTS

Ante, p. 2278.

SEC. 202. Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended by striking out the period at the end of the paragraph (3) and inserting in lieu thereof the following: ", or a company which has elected to be a business development company pursuant to section 54 of title I of this Act and has not withdrawn its election. For purposes of determining the number of clients of an investment adviser under this paragraph, no shareholder, partner, or beneficial owner of a business development company, as defined in this title, shall be deemed to be a client of such investment adviser unless such person is a client of such investment adviser separate and apart from his status as a shareholder, partner, or beneficial owner.".

INVESTMENT ADVISORY CONTRACTS

SEC. 203. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5) is amended—

(1) by striking out "or" immediately before "(B)" in the sentence following paragraph (3) thereof; and

(2) by striking out the period at the end of such sentence and inserting in lieu thereof the following: ", or (C) apply with respect to any investment advisory contract between an investment adviser and a business development company, as defined in this title, if (i) the compensation provided for in such contract does not exceed 20 per centum of the realized capital gains upon the funds of the business development company over a specified

period or as of definite dates, computed net of all realized capital losses and unrealized capital depreciation, and the condition of section 61(a)(3)(B)(iii) of title I of this Act is satisfied, and (ii) the business development company does not have outstanding any option, warrant, or right issued pursuant to section 61(a)(3)(B) of title I of this Act and does not have a profit-sharing plan described in section 57(n) of title I of this Act.".

Ante, p. 2286.

Ante, p. 2280.

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TITLE III—AMENDMENTS TO OTHER FEDERAL SECURITIES LAWS

SMALL OFFERING INCREASE

SEC. 301. Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000".

AMENDMENTS TO THE TRUST INDENTURE ACT OF 1939

SEC. 302. (a) Section 304(a)(8) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(88)) is amended by striking out "more than $250,000 aggregate principal amount of any securities of the same issuer" and inserting in lieu thereof the following: "an aggregate principal amount of securities of the same issuer greater than the figure stated in section 3(b) of the Securities Act of 1933 limiting exemptions thereunder, or such lesser amount as the Commission may establish by its rules and regulations".

Supra.

(b) Section 304(a)(9) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(9)) is amended—

(1) by striking out "$1,000,000 or less" and inserting in lieu thereof "$10,000,000, or such lesser amount as the Commission may establish by its rules and regulations";

(2) by striking out "more than $1,000,000" and inserting in lieu thereof "more than $10,000,000"; and

(3) by inserting immediately before the semicolon at the end thereof the following: ", or such lesser amount as the Commission may establish by its rules and regulations".

TITLE IV—AUTHORIZATION

SEC. 401. Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence thereof, by striking out "and" immediately after "1979,";

(2) by inserting immediately before the period at the end of the first sentence thereof the following: ", $85,500,000 for the fiscal year ending September 30, 1981, $96,640,000 for the fiscal year ending September 30, 1982, and $106,610,000 for the fiscal year ending September 30, 1983"; and

(3) in the last sentence thereof, by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1983".

TITLE V—CAPITAL FORMATION

Omnibus Small Business Capital Formation Act of 1980.

SHORT TITLE AND TABLE OF CONTENTS

SEC. 501. This title may be cited as the "Omnibus Small Business Capital Formation Act of 1980".

15 USC 80c note.

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94 STAT. 2292

LIAISON BETWEEN SECURITIES AND EXCHANGE COMMISSION AND SMALL BUSINESS ADMINISTRATION

15 USC 80c.

SEC. 502. (a) The Securities and Exchange Commission shall gather, analyze, and make available to the public, information with respect to the capital formation needs, and the problems and costs involved with new, small, medium-sized, and independent businesses.

(b) The Commission shall make the results of such studies available to the Small Business Administration and otherwise have regular communication and liaison with such Administration in these matters.

ANNUAL GOVERNMENT-BUSINESS FORUM ON CAPITAL FORMATION

15 USC 80c-1.

SEC. 503. (a) Pursuant to the consultation called for in section 502, the Securities and Exchange Commission shall conduct an annual Government-business forum to review the current status of problems and programs relating to small business capital formation.

(b) The Commission shall invite other Federal agencies, such as the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Small Business Administration, organizations representing State securities commissioners, and leading small business and professional organizations concerned with capital formation, to participate in the planning for such forums.

(c) The Commission may request any of the Federal departments, agencies, or organizations such as those specified in subsection (b), or other groups or individuals, to prepare statements and reports to be delivered at such forums. Such departments and agencies shall cooperate in this effort.

Proceedings, transmittal to congressional committees.

(d) A summary of the proceedings of such forums and any findings or recommendations thereof shall be prepared and transmitted to the participants, appropriate committees of the Congress, and others who may be interested in the subject matter.

ADDITIONAL FUNDS AUTHORIZED FOR THE SECURITIES AND EXCHANGE COMMISSION

15 USC 80c-2.

SEC. 504. For fiscal year 1982, and for each of the three succeeding fiscal years, there are hereby authorized to be appropriated such amounts as may be necessary and appropriate to carry out the provisions and purposes of this title. Any sums so appropriated shall remain available until expended.

FEDERAL-STATE COOPERATION IN SECURITIES MATTERS FOR THE BENEFIT OF SMALL BUSINESS

SEC. 505. Section 19 of the Securities Act of 1933 (15 U.S.C. 77s) is amended by adding at the end thereof the following:

"(c)(1) The Commission is authorized to cooperate with any association composed of duly constituted representatives of State governments whose primary assignment is the regulation of the securities business within those States, and which, in the judgment of the Commission, could assist in effectuating greater uniformity in Federal-State securities matters. The Commission shall, at its discretion, cooperate, coordinate, and share information with such an association for the purposes of carrying out the policies and projects set forth in paragraphs (2) and (3).

94 STAT. 2293

"(2) It is the declared policy of this subsection that there should be greater Federal and State cooperation in securities matters, including—

"(A) maximum effectiveness of regulation,

"(B) maximum uniformity in Federal and State regulatory standards,

"(C) minimum interference with the business of capital formation, and

"(D) a substantial reduction in costs and paperwork to diminish the burdens of raising investment capital (particularly by small business) and to diminish the costs of the administration of the Government programs involved.

"(3) The purpose of this subsection is to engender cooperation between the Commission, any such association of State securities officials, and other duly constituted securities associations in the following areas:

"(A) the sharing of information regarding the registration or exemption of securities issues applied for in the various States;

"(B) the development and maintenance of uniform securities forms and procedures; and

Registration exemption.

"(C) the development of a uniform exemption from registration for small issuers which can be agreed upon among several States or between the States and the Federal Government. The Commission shall have the authority to adopt such an exemption as agreed upon for Federal purposes. Nothing in this Act shall be construed as authorizing preemption of State law.

Annual conference.

"(4) In order to carry out these policies and purposes, the Commission shall conduct an annual conference as well as such other meetings as are deemed necessary, to which representatives from such securities associations, securities self-regulatory organizations, agencies, and private organizations involved in capital formation shall be invited to participate.

"(5) For fiscal year 1982, and for each of the three succeeding fiscal years, there are authorized to be appropriated such amounts as may be necessary and appropriate to carry out the policies, provisions, and purposes of this subsection. Any sums so appropriated shall remain available until expended.".

REDUCTION OF COSTS OF SMALL SECURITIES ISSUES

15 USC 80c-3.

SEC. 506. (a) The Securities and Exchange Commission shall use its best efforts to identify and reduce the costs of raising capital in connection with the issuance of securities by firms whose aggregate outstanding securities and other indebtedness have a market value of $25,000,000 or less, through such means as studies, giving appropriate publicity to improved technology developments in fields such as printing, communications, and filing, and giving special attention to the effect of existing and proposed regulatory changes upon the small companies wishing to raise capital and independent broker-dealers which are in a key position with respect to the costs of underwriting and making markets in the securities of smaller companies.

Report.

(b) The Commission shall report on these efforts at the annual Government-business forum required by section 503.

94 STAT. 2294

EFFECTIVE DATE

15 USC 80c note.

SEC. 507. Except as otherwise specified, the amendments made by this title shall become effective January 1 of the year following the date of enactment of this Act.

TITLE VI—SMALL BUSINESS ISSUERS' SIMPLIFICATION

Small Business Issuers' Simplification Act of 1980.

SHORT TITLE

15 USC 77a note.

SEC. 601. This title may be cited as the "Small Business Issuers' Simplification Act of 1980".

TRANSACTIONS INVOLVING ACCREDITED INVESTORS

SEC. 602. Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under section 3(b) of this title, if

15 USC 77c.

there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.".

DEFINITIONS

SEC. 603. Section 2 of the Securities Act (15 U.S.C. 77b) is amended by adding at the end thereof the following new paragraphs:

"(15) The term 'accredited investor' shall mean—

15 USC 80a-51.
Ante, p. 2275.
29 USC 1001 note.
29 USC 1002.

"(i) a bank as defined in section 3(a)(2) of the Act whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Act; an investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; or an employee benefit plan, including an individual retirement account, which is subject to the provisions of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is either a bank, insurance company, or registered investment adviser; or

"(ii) any person who, on the basis of such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets under management qualifies as an accredited investor under rules and regulations which the Commission shall prescribe.".

TITLE VII—EMPLOYEE BENEFIT PLAN EXEMPTIONS

94 STAT. 2295
26 USC 401.
26 USC 404.
26 USC 414.

SEC. 701. Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking out "or any interest or participation in a single" and all that follows through "section 401(c)(1) of such Code." and inserting in lieu thereof the following: "or any interest or participation in a single trust fund, or in a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, (B) an annuity plan which meets the requirements for the deduction of the employer's contributions under section 404(a)(2) of such Code, or (C) a governmental plan as defined in section 414(d) of such Code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to the satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries, other than any plan described in clause (A), (B), or (C) of this paragraph (i) the contributions under which are held in a single trust fund or in a separate account maintained by an insurance company for a single employer and under which an amount in excesss of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or any company directly or indirectly controlling, controlled by, or under common control with the employer, (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code, or (iii) which is a plan funded by an annuity contract described in section 403(b) of such Code.".

SEC. 702. Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended by striking out "any interest or participation in any collective trust fund" and all that follows through "section 401(c)(1) of such Code," and inserting in lieu thereof the following: "any interest or participation in a single trust fund, or a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, or (C) a governmental plan as defined in section 414(d) of such code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to the satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries, other than any plan described in clause (A), (B), or (C) of this paragraph (i) which covers employees some or all of whom are employees within the meaning of section 401(c) of such Code, or (ii) which is a plan funded by an annuity contract described in section 403(b) of such Code;".

SEC. 703. Section 3(c)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(11)) is amended to read as follows:

"(11) Any employee's stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954 or which holds only assets of governmental plans described in section 3(a)(2)(C) of the Securities Act of 1933; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of section 401 of the Internal Revenue Code of 1954 or the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code, (B) contributions under governmental plans in connection with which interests, participations, or securities are exempted from the registration provisions of section 5 of the Securities Act of 1933 by section 3(a)(2)(C) of such Act, and (C) advances made by an insurance company in connection with the operation of such separate account.".

26 USC 401.
Ante, p. 2294.
94 STAT. 2296
26 USC 401.
26 USC 404.
Ante, p. 2294.

Approved October 21, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1341 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Sept. 22, 23, considered and passed House.
    Sept. 25, considered and passed Senate, amended.
    Oct. 1, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 43:
    Oct. 21, Presidential statement.

Public Law 96-481
96th Congress

94 STAT. 2321

An Act

To amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes.

Oct. 21, 1980
[H.R. 5612]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small business programs and Federal litigation assistance.

PART A.—SMALL BUSINESS ADMINISTRATION MINORITY BUSINESS DEVELOPMENT PROGRAM AMENDMENTS

15 USC 637.

SEC. 101. Section 8(a) of the Small Business Act is amended by striking "September 30, 1980" wherever it appears and by substituting in lieu thereof "September 30, 1981".

15 USC 637 note.

SEC. 102. Section 202(b) of the Act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958" approved October 24, 1978 (15 U.S.C. 631) is amended by—

(a) redesignating subsection (b) as subsection (b)(1);

(b) striking "June 30, 1980" and inserting in lieu thereof "January 31, 1981"; and

Quarterly reports to congressional committees.

(c) adding at the end thereof a new paragraph as follows:

"(2) The Small Business Administration and the agency designated pursuant to section 8(a)(1)(B) of the Small Business Act shall submit separate quarterly reports to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives. Such reports shall contain a review and evaluation of all activities conducted pursuant to section 8(a)(1)(B) of the Small Business Act during the previous three-month period including—

"(A) the number, dollar value, and description of all contracts awarded or being reserved for award pursuant to such section;

"(B) the status of all contracts awarded, including percent of completion and a description of problems incurred in the performance of such contracts;

"(C) the impact, if any, on small business concerns resulting from selection of any contract for award under such section; and

"(D) efforts made by the Administration to identify, match, and negotiate procurement requirements pursuant to such section.

The first such report shall be submitted commencing on January 2, 1981, for the preceding three-month period, and shall continue quarterly through, and include, the quarter ending September 30, 1981. The reports shall not be reviewed by any other agency or office prior to their submission.".

15 USC 633.

15 USC 636, 637.

SEC. 103. Section 4(b) of the Small Business Act is amended by striking all after the phrase "Capital Ownership Development" through the period and inserting in lieu thereof "and shall be responsible to the Administrator for the formulation and execution of the policies and programs under sections 7(j) and 8(a) of this Act which provide assistance to minority small business concerns.".

94 STAT. 2322

15 USC 636.

SEC. 104. The second sentence of section 7(j)(10) of the Small Business Act is amended to read as follows: "The program, and all other services and activities authorized under section 7(j) and 8(a) of this Act, shall be managed by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

Prejudice or bias determination.
15 USC 637.

SEC. 105. Section 8(a)(8) of the Small Business Act is amended to read as follows:

"(8) All determinations made pursuant to paragraph (5) with respect to whether a group has been subjected to prejudice or bias shall be made by the Administrator after consultation with the Associate Administrator for Minority Small Business and Capital Ownership Development. All other determinations made pursuant to paragraphs (4), (5), (6), and (7) shall be made by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

15 USC 636.

SEC. 106. (a) Section 7(j)(10)(A)(i) of the Small Business Act is amended by striking the semicolon at the end thereof and inserting in lieu thereof "for correcting the impairment of such concern's ability to compete, as determined for such concern pursuant to section 8(a)(6) of this Act, within a fixed period of time as mutually agreed upon by the applicant and the Administrator prior to acceptance in such program: *Provided*, That not less than one year prior to the expiration of such period, and upon the request of such concern, the

Administration shall review such period and may extend such period as necessary and appropriate: *Provided further,* That no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of this Act;".

Business plan, submittal.
15 USC 636 note.

(b) Notwithstanding the provisions of subsection (a) of this section, for concerns eligible to receive contracts pursuant to section 8(a) of the Small Business Act on the effective date of the amendment made by this section, each such concern shall submit to the Small Business Administration within two months after the promulgation of final regulations issued within one hundred and twenty days after the enactment of this Act the business plan required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section: *Provided however,* That the period of time required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section, shall be fixed as mutually agreed upon by the program participant and the Small Business Administration prior to the awarding or extending of contracts to such concern pursuant to section 8(a) of the Small Business Act after June 1, 1981, but the period shall be fixed in no case later than eighteen months after the effective date of this Act: *Provided further,* That no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of the Small Business Act.

Small business concern contracts.
15 USC 636.
15 USC 637.

SEC. 107. Section 7(j)(10)(C) of the Small Business Act is amended to read as follows:

"(C) No small business concern shall receive a contract pursuant to section 8(a) of this Act unless—

"(i) the business plan required pursuant to section 7(j)(10)(A)(i) is approved by the Administration; and

"(ii) the program is able to provide such concern with, but not limited to, such management, technical and financial services as may be necessary to achieve the targets, objectives, and goals of such business.".

15 USC 632.

SEC. 108. The second sentence of section 3(a) of the Small Business Act is amended by striking "business." and inserting in lieu thereof "business: *Provided,* That the Administration shall not promulgate, amend, or rescind any rule regulation with respect to size standards prior to March 31, 1981.".

PART B—SMALL BUSINESS EXPORT FINANCING

Small Business Export Expansion Act of 1980.
15 USC 631 note.
15 USC 649 note.

SEC. 110. This part may be cited as the "Small Business Export Expansion Act of 1980".

SEC. 111. (a) The Congress finds and declares that—

(1) a strong export policy is essential to the health and well-being of the United States economy;

(2) exports of goods and services account for one out of every six jobs in the manufacturing sector and 10 per centum of the gross national product.

(3) every billion dollars in new exports is estimated to provide forty thousand jobs;

(4) there is increased and fierce competition in international markets to United States goods and services;

(5) small businesses account for no more than 10 per centum of all United States export sales;

(6) Federal Government programs are not sufficently responsive to the needs of small business for export education and development of overseas marketing opportunities necessary to insure that small businesses realize their potential; and

(7) it is in the national interest to systematically and consistently promote and encourage small business participation in international markets.

(b) It is therefore the purpose of this part to encourage and promote small business exporting by—

(1) providing educational and marketing assistance to small businesses;

(2) insuring better access to export information and assistance for small businesses by upgrading and expanding the export development programs and services of the Department of Commerce and the Small Business Administration; and

(3) promoting the competitive viability of such firms in export trade and encouraging increased tourism in the United States by creating a program to provide limited financial, technical, and management assistance as may be necessary.

Extensions and revolving lines of credit.
15 USC 636.

SEC. 112. Section 7(a) of the Small Business Act is amended by inserting before the phrase "The foregoing powers shall be subject, however," the following new sentences: "The Administration is further empowered, only to such extent and in such amounts as are provided in appropriation Acts, to make or effect either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis extensions and revolving lines of credit for export purposes to enable small business concerns to develop foreign markets and for preexport financing: *Provided, however,* That no such extension or revolving line of credit may be made for a period or periods exceeding eighteen months. A bank or participating lending institution may establish the rate of interest on extensions and revolving lines of credit as may be legal and reasonable."

SEC. 113. The Small Business Act is amended by adding after section 21 the following new section.

94 STAT. 2324

Office of International Trade, establishment.
15 USC 649.

"SEC. 22. (a) There is established within the Administration an Office of International Trade which shall implement the programs pursuant to this section.

"(b) The Office shall promote sales opportunities for small business goods and services abroad. To accomplish this objective the office shall—

Export information.

"(1) provide small businesses with access to current and complete export information by—

"(A) making available, at the Adminstration's regional offices through cooperation with the Department of Commerce, export information, including, but not limited to, the worldwide information and trade system and world trade data reports;

"(B) maintaining a current list of financial institutions that finance export operations;

"(C) maintaining a current directory of all Federal, regional, State and private sector programs that provide export information and assistance to small businesses; and

"(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business exporting firms so as to insure that the maximum information is made available to small businesses in a readily usable form;

Trade fairs, shows, and missions.

"(2) encourage through cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

Export development specialists.

"(3) facilitate decentralized delivery of export information and assistance to small businesses by assigning full-time export development specialists to each Administration regional office and assigning primary responsibility for export development to one person in each district office. Such specialists shall—

"(A) assist small businesses in obtaining export information and assistance from other Federal departments and agencies;

"(B) maintain a current directory of all programs which provide export information and assistance to small businesses within the region;

"(C) encourage financial institutions to develop and expand programs for export financing;

"(D) provide advice to Administration personnel involved in granting loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small businesses engaged in exports; and

"(E) within one hundred and eighty days of their appointment, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine small businesses' needs for export information and assistance.".

Effective date.
15 USC 649 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1980, or the date of enactment of this Act, whichever occurs later.

94 STAT. 2325

TITLE II—EQUAL ACCESS TO JUSTICE ACT

Equal Access to Justice Act.

5 USC 504 note.

SEC. 201. This title may be cited as the "Equal Access to Justice Act".

FINDINGS AND PURPOSE

5 USC 504 note.

SEC. 202. (a) The Congress finds that certain individuals, partnerships, corporations, and labor and other organizations may be deterred from seeking review of, or defending against, unreasonable governmental action because of the expense involved in securing the vindication of their rights in civil actions and in administrative proceedings.

(b) The Congress further finds that because of the greater resources and expertise of the United States the standard for an award of fees against the United States should be different from the standard governing an award against a private litigant, in certain situations.

(c) It is the purpose of this title—

(1) to diminish the deterrent effect of seeking review of, or defending against, governmental action by providing in specified situations an award of attorney fees, expert witness fees, and other costs against the United States; and

(2) to insure the applicability in actions by or against the United States of the common law and statutory exceptions to the "American rule" respecting the award of attorney fees.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN AGENCY ACTIONS

SEC. 203. (a)(1) Subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

5 USC 504.

"§ 504. Costs and fees of parties

"(a)(1) An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency as a party to the proceeding was substantially justified or that special circumstances make an award unjust.

Application for fees and expenses, submittal.

"(2) A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in the adversary adjudication, submit to the agency an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized statement from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the agency was not substantially justified.

"(3) The adjudicative officer of the agency may reduce the amount to be awarded, or deny an award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of the adjudicative officer of the agency under this section shall be made a part of the record containing the final decision of the agency and shall include written findings and conclusions and the reason or basis therefor.

Definitions.

"(b)(1) For the purposes of this section—

94 STAT. 2326

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees (The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency involved, and (ii) attorney or agent fees shall not be awarded in excess of $75 per hour unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.);

5 USC 551.

"(B) 'party' means a party, as defined in section 551(3) of this title, which is an individual, partnership, corporation, association, or public or private organization other than an agency, but excludes (i) any individual whose net worth exceeded $1,000,000 at the time the adversary adjudication was initiated, and any sole owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated, except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, and (ii) any sole owner of an unincorporated business, or any partnership, corporation, association, or organization, having more than 500 employees at the time the adversary adjudication was initiated;

26 USC 501.

5 USC 554.

"(C) 'adversary adjudication' means an adjudication under section 554 of this title in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license; and

"(D) 'adjudicative officer' means the deciding official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication.

"(2) Except as otherwise provided in paragraph (1), the definitions provided in section 551 of this title apply to this section.

Applications, uniform procedures.

"(c)(1) After consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. If a court reviews the underlying decision of the adversary adjudication, an award for fees and other expenses may be made only pursuant to section 2412(d)(3) of title 28, United States Code.

Fee determination, review.

"(2) A party dissatisfed with the fee determination made under subsection (a) may petition for leave to appeal to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. If the court denies the petition for leave to appeal, no appeal may be taken from the denial. If the court grants the petition, it may modify the determination only if it finds that the failure to make an award, or the calculation of the amount of the award, was an abuse of discretion.

94 STAT. 2327

"(d)(1) Fees and other expenses awarded under this section may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made pursuant to section 2414 of title 28, United States Code.

Appropriation authorization.

"(2) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded under this section in such fiscal years.

Report to Congress.

"(e) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this subsection.".

(2) The table of sections of subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"504. Costs and fees of parties.".

(b) Section 202 of the Act entitled "An Act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes" approved June 4, 1976 (15 U.S.C. 634b), is amended—

(1) by striking out "and" after the semicolon in paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) advise, cooperate with, and consult with, the Chairman of the Administrative Conference of the United States with respect to section 504(e) of title 5 of the United States Code.".

Ante, p. 2325.
Repeal.
5 USC 504.

(c) Effective October 1, 1984, section 504, and the item relating to section 504 in the table of sections, of title 5, United States Code, as added by subsection (a) of this section, are repealed, except that the provisions of such section shall continue to apply through final disposition of any adversary adjudication as defined in subsection (b)(1)(C) of such section, initiated before the date of repeal.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN JUDICIAL PROCEEDINGS

SEC. 204. (a) Section 2412 of title 28, United States Code, is amended to read as follows:

"§ 2412. Costs and fees

28 USC 1920.

"(a) Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title, but not including the fees and expenses of attorneys, may be awarded to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. A judgment for costs when taxed against the United States

94 STAT. 2328

shall, in an amount established by statute, court rule, or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation.

"(b) Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys, in addition to the costs which may be awarded pursuant to subsection (a), to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. The United States shall be liable for such fees and expenses to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.

Judgment payments.

28 USC 2414, 2517.

"(c)(1) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for costs pursuant to subsection (a) shall be paid as provided in sections 2414 and 2517 of this title and shall be in addition to any relief provided in the judgment.

"(2) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for fees and expenses of attorneys pursuant to subsection (b) shall be paid as provided in sections 2414 and 2517 of this title, except that if the basis for the award is a finding that the United States acted in bad faith, then the award shall be paid by any agency found to have acted in bad faith and shall be in addition to any relief provided in the judgment.

"(d)(1)(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort) brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

Fee and expense applications, submittal.

"(B) A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the United States was not substantially justified.

Awards, reduction or denial.

"(C) The court, in its discretion, may reduce the amount to be awarded pursuant to this subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

Definitions.

"(2) For the purposes of this subsection—

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees (The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States; and (ii) attorney fees shall not be awarded in excess of $75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.);

94 STAT. 2329

"(B) 'party' means (i) an individual whose net worth did not exceed $1,000,000 at the time the civil action was filed, (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed $5,000,000 at the time the civil action was filed, except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, or (iii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization, having not more than 500 employees at the time the civil action was filed; and

"(C) 'United States' includes any agency and any official of the United States acting in his or her official capacity.

"(3) In awarding fees and other expenses under this subsection to a prevailing party in any action for judicial review of an adversary adjudication, as defined in subsection (b)(1)(C) of section 504 of title 5, United States Code, or an adversary adjudication subject to the Contract Disputes Act of 1978, the court shall include in that award fees and other expenses to the same extent authorized in subsection (a) of such section, unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust.

Ante, p. 2325.
41 USC 601 note.

"(4)(A) Fees and other expenses awarded under this subsection may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made in accordance with sections 2414 and 2517 of this title.

28 USC 2414, 2517.

Appropriation authorization.

"(B) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded pursuant to this subsection in such fiscal years.

Report to Congress.
28 USC 604.

"(5) The Director of the Administrative Office of the United States Courts shall include in the annual report prepared pursuant to section 604 of this title, the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards.".

(b) The item relating to section 2412 in the table of sections for chapter 161 of title 28, United States Code, is amended to read as follows:

"2412. Costs and fees.".

28 USC 2412.

(c) Effective October 1, 1984, subsection (d) of section 2412, as added by subsection (a) of this section, is repealed, except that the provisions of that subsection shall continue to apply through final disposition of any action commenced before the date of repeal.

94 STAT. 2330

TECHNICAL AND CONFORMING AMENDMENTS

Repeal.
28 USC app.

SEC. 205. (a) Subdivision (f) of rule 37 of the Federal Rules of Civil Procedure is repealed.

(b) The table of rules of the Federal Rules of Civil Procedure is amended by deleting the item relating to subdivision (f) of rule 37.

(c) Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by striking out "or in any civil action or proceeding by or on behalf of the United States of America, to enforce, or charging a violation of a provision of the United States Internal Revenue Code,".

26 USC 1.

EFFECT ON OTHER LAWS

28 USC 2412 note.
Ante, p. 2327.

SEC. 206. Nothing in section 2412(d) of title 28, United States Code, as added by section 204(a) of this title, alters, modifies, repeals, invalidates, or supersedes any other provision of Federal law which authorizes an award of such fees and other expenses to any party other than the United States that prevails in any civil action brought by or against the United States.

LIMITATION

5 USC 504 note.

SEC. 207. The payment of judgments, fees and other expenses in the same manner as the payment of final judgments as provided in this Act is effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

EFFECTIVE DATE AND APPLICATION

5 USC 504 note.

Ante, p. 2325.

SEC. 208. This title and the amendments made by this title shall take effect of October 1, 1981, and shall apply to any adversary adjudication, as defined in section 504(b)(1)(C) of title 5, United States Code, and any civil action or adversary adjudication described in section 2412 of title 28, United States Code, which is pending on, or commenced on or after, such date.

TITLE III—SMALL BUSINESS EXPORT EXPANSION ASSISTANCE

Export promotion center, establishment. 15 USC 649a.

SEC. 301. (a) The Secretary of Commerce, after consultation with the Administrator of the Small Business Administration, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, and the Director of the Internal Revenue Service, shall establish an export promotion center in each of two district offices of the International Trade Administration of the Department of Commerce which are located in metropolitan areas where district offices of the Small Business Administration and the Internal Revenue Service exist.

Staff, designation.

5 USC 5101 *et seq.*
5 USC 5331.

94 STAT. 2331

(b) The Export-Import Bank of the United States, the Internal Revenue Service, the Overseas Private Investment Corporation, the Department of Commerce, and the Small Business Administration shall each designate at least one full-time employee to serve as such agency's full-time representative in each such center. Each person designated shall be familiar with the needs and problems of small business exporting and shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Each export promotion center shall serve as a one-stop information center on Federal Government export assistance, financing programs available to small business, and other provisions of law governing exporting for small business.

Report to congressional committees.

(c) Not later than six months after the enactment of this title, the Secretary of Commerce shall report to the Select Committee on Small Business and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives on the progress made in implementing the provisions of this section.

Evaluations, submittal to Congress.

(d) Within two years after the date of enactment of this title, the Secretary of Commerce shall evaluate these export promotion centers, including, but not limited to, an analysis of the effectiveness of the centers in developing and expanding small business exports, and a comparison of the effectiveness of the centers in relation to district offices of the Department of Commerce which do not have an export promotion center. Such evaluation shall be submitted to the committees of the Senate and the House of Representatives referred to in subsection (c).

Effective date. 15 USC 649a note.

(e) This section shall take effect on October 1, 1980, or on the date of the enactment of this section whichever occurs later and shall expire on October 1, 1983.

Grants, contracts, and cooperative agreements. 15 USC 649b.

SEC. 302. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants (including contracts and cooperative agreements) to a qualified applicant to encourage the development and implementation of a small business international marketing program (hereinafter referred to as "the program"). Each qualified applicant under this title may receive a Federal grant not to exceed $150,000 annually for each of three years: *Provided*, That not more than one-third of these Federal funds may be used for the purpose of hiring personnel. Nothing in this section shall be construed as authorizing the Secretary to enter into contracts or incur obligations except to such extent and in such amounts as are provided in appropriation Acts.

Application requirements.

(b)(1) To be eligible for a grant under this section, an applicant proposing to carry out a small business international marketing program must submit to the Secretary an application demonstrating, at a minimum:

(A) the geographical area to be served;

(B) the number of firms to be assisted;

(C) the staff required to administer the program;

(D) the means to counsel small businesses interested in pursuing export sales, including providing information concerning available financing, credit insurance, tax treatment, potential markets and marketing assistance, export pricing, shipping, documentation, and foreign financing and business customs;

(E) the ability to provide market analysis of the export potential of small business concerns; and

(F) the capability for developing contacts with potential foreign customers and distributors for small business and their products, including arrangements and sponsorship of foreign trade missions for small business concerns to meet with identified potential customers, distributors, sales representatives, and organizations interested in licensing or joint ventures: *Provided, however,* That no portion of any Federal funds may be used to directly underwrite any small business participation in foreign trade missions abroad.

Program outreach services.

(2) Program services shall be provided to small business concerns through outreach services at the most local level practicable.

(3) Each small business international marketing program shall have a full-time staff director to manage program activities, and access to export specialists to counsel and to assist small business clients in international marketing.

Advisory board establishment.

(c)(1) Each small business international marketing program shall establish an advisory board of nine members to be appointed by the staff director of the program, not less than five members of whom shall be small business persons or representatives of small business associations.

(2) Each advisory board shall elect a chairman and shall advise, counsel, and confer with the staff director of the program on all policy matters pertaining to the operation of the program (including who may be eligible to receive assistance, ways to promote the sale of United States products and services in foreign markets or to encourage tourism in the United States, and how to maximize local and regional private consultant participation in the program).

Grant requirements.

(d) The Secretary shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that a sum equal to the amount of such grant be provided from sources other than the Federal Government: *Provided,* That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount.

Program evaluation.

(e) The Secretary shall develop a plan to evaluate programs approved under this section which shall only—

(1) determine the impact of small business international marketing programs on those small businesses assisted;

(2) determine the amount of export sales generated by small businesses assisted through such programs; and

Report to Congress.

(3) make recommendations concerning continuation and/or expansion of the program and possible improvements in the program structure. Such evaluation shall be submitted to the Congress by October 1, 1982.

(f) For the purpose of the evaluation under subsection (e), the Secretary is authorized to require any small business international marketing program, or party receiving assistance under this section, to furnish such information as is deemed appropriate to complete the required evaluation.

"Applicant."

(g) As used in this section, the term "applicant" means any State government or agency or instrumentality thereof, any Small Business Administration—designated small business development center, any for profit small business, any nonprofit corporation, any regional commission, or any combination of such entities, which will carry out a small business international marketing program.

Contract authority.

(h) The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriation Acts.

15 USC 649c.

Appropriation authorization.

SEC. 303. At least one small business international program shall be established within each region of the Department of Commerce. There are authorized to be appropriated to the Secretary $1,500,000 for each fiscal year 1981, 1982, and 1983, to carry out the program established in section 302.

94 STAT. 2333

Central information clearinghouse.
15 USC 649d.

SEC. 304. The Secretary through the International Trade Administration, shall, only to such extent and in such amounts as are provided in appropriation Acts on and after October 1, 1980, maintain a central clearinghouse to provide for the collection, dissemination, and exchange of information between programs established pursuant to sections 301 and 302 of this title, the Office of International Trade of the Small Business Administration, and other interested concerns.".

Approved October 21, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1004 (Comm. on Small Business) and No. 96-1434 (Comm. of Conference).
SENATE REPORT: No. 96-974 (Select Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 9, 10, considered and passed House.
Sept. 26, considered and passed Senate, amended.
Sept. 30, Senate agreed to conference report.
Oct. 1, House receded and concurred in Senate amendment with an amendment; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 43:
Oct. 21, Presidential statement.

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94 STAT. 3217

Public Law 96-547
96th Congress

An Act

Dec. 18, 1980
[S. 1391]

To amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, and for other purposes.

National Climate Program Act, appropriation authorization extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the National Climate Program Act (15 U.S.C. 2908) is amended to read as follows:

"SEC. 9. AUTHORIZATION FOR APPROPRIATIONS.

"In addition to any other funds otherwise authorized to be appropriated for the purpose of conducting climate-related programs, there are authorized to be appropriated to the Secretary, for the purpose of carrying out the provisions of this Act, not to exceed $50,000,000 for the fiscal year ending September 30, 1979, not to exceed $65,000,000 for the fiscal year ending September 30, 1980, and not to exceed $25,500,000 for the fiscal year ending September 30, 1981, of which amount not less than $2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.".

Sec. 2. Section 6(b) of the National Weather Modification Policy Act of 1976 (15 U.S.C. 330e) is amended to read as follows: "There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years 1973 through 1980, and $100,000 for the fiscal year ending September 30, 1981, to carry out the provisions of this chapter.".

Approved December 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1392 (Comm. on Science and Technology).
SENATE REPORT No. 96-782 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 27, considered and passed Senate
  Oct. 1, considered and passed House, amended.
  Dec. 4, Senate concurred in House amendments.

Public Law 96-342
96th Congress

94 STAT. 1077

An Act

To authorize appropriations for fiscal year 1981 for procurement of aircraft, missiles, naval vessels, track combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1981 for civil defense, and for other purposes.

Sept. 8, 1980
[H.R. 6974]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1981".

Department of Defense Authorization Act, 1981.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1981 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $1,076,400,000; for the Navy and the Marine Corps, $6,150,600,000, of which $33,600,000 shall be available only for procurement of aircraft for the Navy Undergraduate Helicopter Pilot Training Program; for the Air Force, $9,365,143,000, of which $518,800,000 shall be available only for procurement of War Reserve Materiel spares.

MISSILES

For missiles: for the Army, $1,580,500,000; for the Navy, $2,236,400,000; for the Marine Corps, $94,043,000; for the Air Force, $3,176,184,000.

NAVAL VESSELS

For naval vessels: for the Navy, $8,363,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $2,313,500,000; for the Marine Corps, $45,825,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy $386,600,000.

94 STAT. 1078

OTHER WEAPONS

For other weapons: for the Army, $334,500,000; for the Navy, $195,500,000; for the Marine Corps, $69,490,000.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTION TO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) FOR NATO

SEC. 102. There is authorized to be appropriated for fiscal year 1981 the sum of $382,000,000 to be available only for contribution by the

United States of its share of the cost for such fiscal year of the acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Waiver.

SEC. 103. (a) During fiscal year 1981, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

(1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

(A) auditing;
(B) quality assurance;
(C) codification;
(D) inspection;
(E) contract administration;
(F) acceptance testing;
(G) certification services; and
(H) planning, programming, and management services;

(2) waive any surcharge for administrative services otherwise chargeable; and

(3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1981, assume contingent liability for—

(A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

Contract authority.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

PATRIOT MISSILE SYSTEM

SEC. 104. Not more than $494,100,000 of the funds authorized to be appropriated by this title for the Army may be used for procurement of the PATRIOT missile system, and no funds authorized to be appropriated by this title for the Army may be obligated or expended for the procurement of PATRIOT missile system end-items unless and until the Secretary of Defense certifies to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that, based upon operational and development testing conducted by the Army, the PATRIOT missile system is suitable for hardware production.

94 STAT. 1079

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1981 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $3,248,005,000.

For the Navy (including the Marine Corps), $5,112,775,000, of which $45,251,000 is authorized only for the research, development, test, and evaluation of Lightweight Armored Vehicles.

For the Air Force, $7,159,857,000.

For the Defense Agencies, $1,367,802,000, of which $42,100,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1981 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in this title.

MX MISSILE AND BASING MODE

Congressional findings.
10 USC 139 note.

SEC. 202. (a) The Congress finds that a survivable land-based intercontinental ballistic missile (ICBM) system is vital to the security of the United States and to a stable strategic balance between the United States and the Soviet Union and that timely deployment of a new basing mode is essential to the survivability of this Nation's land-based intercontinental ballistic missiles. It is, therefore, the purpose of this section to commit the Congress to the development and deployment of the MX missile system, consisting of 200 missiles and 4,600 hardened shelters, and to insure that deployment of the entire MX system is carried out as soon as practicable.

(b) The Secretary of Defense shall proceed immediately with the full-scale engineering development of the MX missile and a Multiple Protective Structure (MPS) basing mode and shall continue such development in a manner that will achieve an Initial Operational Capability of such missile and basing mode not later than December 31, 1986.

(c) Notwithstanding any other provision of law, the initial phase of construction shall be limited to 2,300 protective shelters for the MX missile in the initial deployment area.

Study.

(d) In accordance with the finding of the Congress expressed in subsection (a), a full system of at least 4,600 protective shelters may be deployed in the initial deployment area if, after completion of a study to be conducted by the Secretary of Defense of an alternate site for a portion of the system, it is determined by the Congress that adverse cost, military considerations, or other reasons preclude split basing.

C–X AIRCRAFT PROGRAM

94 STAT. 1080

SEC. 203. (a) None of the funds authorized to be appropriated by this title may be obligated or expended for the full-scale engineering development or procurement of the C–X or any other new transport aircraft until the Secretary of Defense has certified in writing to the Congress—

(1) that the national security requirements of the United States for additional military airlift capability merit initiation of the C–X aircraft program;

(2) that the magnitude and nature of the military cargo and material to be airlifted to the Indian Ocean area and other areas of potential conflict are sufficiently well defined to permit identification of a deficiency in military airlift capability;

(3) that the magnitude and characteristics of military cargo and material to be transported by air to such areas are sufficiently well defined to provide clear justification and design parameters for such aircraft; and

(4) that plans for such aircraft are sufficiently well developed to make such full-scale engineering development both economical and technically feasible.

Study.

(b) The Secretary of Defense shall conduct a study to determine overall United States military mobility requirements. Such study shall include an analysis of the total mix of airlift, sealift, and prepositioning of war materials required for the United States to

Report to congressional committees.

respond to military contingencies in the Indian Ocean area and other areas of potential conflict during the decade of the 1980's. The Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than February 1, 1981, on the results of such study, together with such comments and recommendations as the Secretary considers appropriate, including recommendations for specific programs to provide an adequate overall military transportation capacity for the United States.

Expiration date.

(c) Not more than $35,000,000 of the funds authorized to be appropriated by this title may be obligated or expended for the C-X aircraft program. Of such amount, not more than $15,000,000 may be obligated or expended before February 1, 1981, and the remainder of such amount may be obligated or expended only after the expiration of 60 days following the submission to the Congress of the report required by subsection (b).

MULTI-ROLE STRATEGIC BOMBER

SEC. 204. (a) The Secretary of Defense shall vigorously pursue full-scale engineering development of a strategic multi-role bomber which maximizes range, payload, and ability to perform the missions of conventional bomber, cruise missile launch platform, and nuclear weapons delivery system in both the tactical and strategic role.

(b) Of the funds authorized to be appropriated for the Air Force under this title, $300,000,000 may be obligated or expended for full-scale development, following compliance with subsection (c), of a multi-role bomber aircraft to achieve an Initial Operational Capability as soon as practicable, consistent with the aircraft selected, but not later than 1987. Such aircraft shall have the capability of performing the missions of conventional bomber, cruise missile launch platform, and nuclear weapons delivery system.

Status report to congressional committees.

(c) The Secretary of Defense shall submit a status report to the Committees on Armed Services of the Senate and House of Representatives by March 15, 1981, on the results of the development effort

94 STAT. 1081

to date. The Secretary shall include in such report comparisons of the various candidate aircraft in terms of cost and military effectiveness. Candidate aircraft shall include, but not be limited to, advanced technology aircraft, the B-1 bomber aircraft and derivatives of the B-1 aircraft, and the FB-111B/C aircraft.

EXTREMELY LOW FREQUENCY (ELF) COMMUNICATIONS SYSTEM

SEC. 205. (a) Notwithstanding the provisions of section 202 of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1612), and section 203 of the Department of Defense Authorization Act, 1980 (Public Law 96-107; 93 Stat. 805), the Secretary of the Navy shall resume research and development work on the Extremely Low Frequency (ELF) Communications System. Notwithstanding any provision of law restricting the availability of such funds, the Secretary of the Navy shall use any unobligated funds previously appropriated for such system for fiscal year 1979 for the purpose of resuming such work.

Plan, submittal to Congress.

(b) Not later than April 1, 1981, the President shall submit to the Congress a plan for the deployment of an operational Extremely Low Frequency (ELF) Communications System.

RESTRICTION ON FUNDS FOR DEVELOPMENT OF THE 120-MILLIMETER TANK GUN

Plan, submittal to Congress.

SEC. 206. Of the amount authorized to be appropriated for the Army by this title, not more than $62,061,000 is authorized for development of the 120-millimeter tank gun. However, none of such funds may be obligated or expended for development of such gun until (1) the Secretary of the Army prepares a plan on how the life-cycle costs for incorporating the 120-millimeter gun into the tank force of the Army can be reduced by $600,000,000 through efficient training practices,

(2) the Secretary of Defense approves such plan, and (3) such plan is submitted to the Congress.

STUDY OF FAST LOGISTIC SURFACE EFFECT SHIP

SEC. 207. Of the funds appropriated to the Department of Defense for fiscal year 1980 which have not previously been obligated or expended, not more than $6,000,000 are available for study of a logistic surface effect ship weighing between 5,000 and 7,000 tons and capable of a speed of not less than 70 knots.

INCREASES IN DOLLAR CEILINGS FOR INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

SEC. 208. Section 203 of Public Law 91-441 (84 Stat. 906; 10 U.S.C. 2358 note) is amended—

(1) by striking out "$2,000,000" and "$250,000" in subsection (a)(1) and inserting in lieu thereof "$4,000,000" and "$500,000", respectively; and

(2) by adding at the end of such section the following new subsection:

"(f) On October 1, 1983, and once every three years thereafter, the Secretary of Defense may, based upon economic indices that the Secretary has selected, adjust the amounts in subsection (a)(1) of this section in accordance with economic changes reflected in those indices.".

TITLE III—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 301. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1981, as follows:

(1) The Army, 775,300.
(2) The Navy, 537,456.
(3) The Marine Corps, 188,100.
(4) The Air Force, 564,500.

LIMITATION ON ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES WHOSE SCORE ON THE ARMED FORCES QUALIFICATION TEST IS BELOW A PRESCRIBED LEVEL

10 USC 520 note.

SEC. 302. (a) The number of male individuals (with no prior military service) enlisted or inducted into the Army during the fiscal year beginning on October 1, 1980, who are not high school graduates may not exceed, as of September 30, 1981, 35 percent of all male individuals (with no prior military service) enlisted or inducted into the Army during such fiscal year.

(b)(1) Chapter 31 of title 10, United States Code, relating to enlistments in the Armed Forces, is amended by adding at the end thereof the following new section:

10 USC 520.

"§ 520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level

"(a) For the fiscal year beginning on October 1, 1980, the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in the armed forces during such fiscal year whose score on the Armed Forces Qualification Test is at or above the tenth percentile and below the thirty-first percentile may not exceed 25 percent of the number of such persons enlisted or inducted into the armed forces during such fiscal year. For the fiscal year beginning on October 1, 1981, the number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in any armed force during such fiscal year whose score on the Armed Forces Qualification Test is at or above the tenth percentile and below the thirty-first percentile may not exceed 25 percent of the number of such persons enlisted or inducted into such armed force during such fiscal year. For any fiscal year beginning after September 30, 1982, the number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in any armed force during such fiscal year whose score on the Armed Forces Qualification Test is at or above the tenth percentile and below the thirty-first percentile may not exceed 20 percent of the number of such persons enlisted or inducted into such armed force during such fiscal year.

Waiver.

"(b) When the Secretary of Defense determines that, because of national security reasons, the limitation contained in subsection (a) should not be effective for any fiscal year, the Secretary may waive such limitation for such fiscal year to the extent he considers necessary, but any such waiver shall be effective only if—

"(1) the Secretary notifies the Congress in writing of such determination, of the reasons therefor, and the extent to which he proposes to waive such limitation; and

94 STAT. 1083

"(2) the Congress adopts a concurrent resolution stating in substance that it approves the proposed waiver.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level.".

Report to congressional committees.

(c) The Secretary of Defense shall report to the Committees on Armed Services of the Senate and House of Representatives at the end of each quarter of fiscal year 1981 whether the requirements of section 520 of title 10, United States Code, as added by subsection (b), have a negative impact on combat readiness.

Recruitment in secondary educational institutions.
10 USC 503 note.

(d) It is the sense of the Congress—

(1) that secondary educational institutions in the United States, the Commonwealth of Puerto Rico, and the territories of the United States should cooperate with the Armed Forces by allowing recruiting personnel access to such institutions; and

(2) that it is appropriate for such institutions to release to the Armed Forces information regarding students at such institutions (including such data as names, addresses, and education levels) which is relevant to recruiting individuals for service in the Armed Forces.

COMPREHENSIVE MANPOWER MOBILIZATION PLAN

Plan, submittal to Congress.

SEC. 303. (a) The Secretary of Defense, in conjunction with the Director of Selective Service, shall prepare and submit to the Congress, not later than April 2, 1981, a comprehensive plan for the effective management during peacetime of the potential military manpower of the United States and for the effective mobilization during a war or national emergency of the military manpower and defense-related manpower of the United States. Such plan shall include—

Registration procedures.
50 USC app. 451.

(1) any new and improved procedures for the registration and classification of persons under the Military Selective Service Act, placing special emphasis on administrative and medical procedures that will result in more efficient and cost-effective screening of registrants;

Deferment.

(2) new categories and equitable standards for the deferment and exemption of persons from training and service under the Military Selective Service Act; and

(3) such other administrative changes considered necessary or appropriate to manage effectively during peacetime the potential military manpower of the United States and to mobilize effectively during a war or national emergency the military manpower and defense-related manpower of the United States.

Study.

(b) The Secretary of Defense and the Director of Selective Service shall conduct a study of the impact, if any, of the reinstatement of registration under the Military Selective Service Act, and the impact

of implementing the plan described in subsection (a), on the recruitment and retention of personnel for the active duty and reserve forces of the United States. The Secretary of Defense shall submit the results of such study to the Congress not later than April 2, 1981.

Study, submittal to Congress.

Report to Congress.

(c) The Secretary of Defense shall submit a report to the Congress not later than January 31, 1981, containing the Secretary's projections for each of the five fiscal years 1981 through 1985 with respect to (1) the total manpower needs of each active duty and reserve component of the Armed Forces, and (2) the desired and planned characteristics (including educational attainment, mental ability, marital status, sex, and other pertinent personal characteristics) for the personnel of each such component.

94 STAT. 1084

Study. Report to Congress.

(d) The Secretary of Defense shall conduct a study to identify the number of military personnel in each of the several skill categories needed to respond effectively in situations in which a military conflict is most likely to occur and shall submit a report to the Congress not later than April 2, 1981, containing the results of such study. Such report shall include (1) the estimated shortages in each skill category in each of the situations in which a military conflict is most likely to occur, (2) recommendations for the procedures necessary for locating and obtaining such additional skilled personnel as may be needed by the Armed Forces to respond effectively in such situations, and (3) such recommendations for changes in existing law as may be necessary to facilitate the compilation and maintenance of a current list of personnel who possess the skills required by the Armed Forces to respond effectively in such situations.

TITLE IV—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS

SEC. 401. (a) For fiscal year 1981, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 371,300.
(2) The Army Reserve, 204,500.
(3) The Naval Reserve, 87,400.
(4) The Marine Corps Reserve, 33,700.
(5) The Air National Guard of the United States, 94,300.
(6) The Air Force Reserve, 58,800.
(7) The Coast Guard Reserve, 11,700.

(b) Within the average strengths prescribed in subsection (a), the reserve components of the Armed Forces are authorized, as of September 30, 1981, the following number of reserve component members to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 10,159.
(2) The Army Reserve, 5,400.
(3) The Naval Reserve, 708.
(4) The Marine Corps Reserve, 67.
(5) The Air National Guard of the United States, 3,207.
(6) The Air Force Reserve, 698.

(c) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

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TITLE V—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 501. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1981, of 986,000.

Report to Congress.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Employment.

5 USC 3404. Transfer of functions.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Personnel employed under a part-time career employment program established under section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

Excess employees.

Notification of Congress.

(d) When the Secretary of Defense determines that such action is necessary in the national interest or if any conversion of commercial and industrial type functions from performance by Department of Defense personnel to performance by private contractors which was anticipated to be made during fiscal year 1981 in the Budget of the President submitted for such fiscal year is not determined to be appropriate for such conversion under established administrative criteria, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

Manpower resources, management.

(e) During fiscal year 1981, the Secretary of Defense shall manage the manpower resources of the Department of Defense in a manner that will insure that functions of the Department of Defense involving maintenance, construction, engineering acquisition, or repair activities will be provided civilian manpower resources sufficient to fulfill the work requirements for which funds have been appropriated, on a schedule consistent with the requirements of national security and military readiness.

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STRENGTHENING OF RESTRICTIONS ON CONVERSION OF PERFORMANCE OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS FROM DEPARTMENT OF DEFENSE PERSONNEL TO PRIVATE CONTRACTORS

10 USC 2304 note.

SEC. 502. (a) No commercial or industrial type function of the Department of Defense that on October 1, 1980, is being performed by Department of Defense personnel may be converted to performance by a private contractor—

(1) to circumvent any civilian personnel ceiling; or

(2) unless the Secretary of Defense provides to the Congress in a timely manner—

Notification of Congress.

(A) notification of any decision to study such commercial or industrial type function for possible performance by a private contractor;

Cost comparison.

(B) a detailed summary of a comparison of the cost of performance of such function by Department of Defense personnel and by private contractor which demonstrates that the performance of such function by a private contractor will result in a cost savings to the Government over the life of the contract and a certification that the entire cost comparison is available;

Certification of calculation.

(C) a certification that the Government calculation for the cost of performance of such function by Department of Defense personnel is based on an estimate of the most efficient and cost effective organization for performance of such function by Department of Defense personnel; and

Report.

(D) a report, to be submitted with the certification required by subparagraph (C), showing—

(i) the potential economic effect on employees affected, and the potential economic effect on the local community and Federal Government if more than 50 employees are involved, of contracting for performance of such function;

(ii) the effect of contracting for performance of such function on the military mission of such function; and

(iii) the amount of the bid accepted for the performance of such function by the private contractor whose bid is accepted and the cost of performance of such function by Department of Defense personnel, together with costs and expenditures which the Government will incur because of the contract.

Notification of Congress.

(b) If, after completion of the studies required for completion of the certification and report required by subparagraphs (C) and (D) of subsection (a)(2), a decision is made to convert to contractor performance, the Secretary of Defense shall notify Congress of such decision.

Report to Congress.

(c) The Secretary of Defense shall submit a written report to the Congress by February 1 of each fiscal year describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during the preceding fiscal year. The Secretary shall include in each such report an estimate of the percentage of commercial and industrial type functions of the Department of Defense that will be performed by Department of Defense personnel, and the percentage of such functions that will be performed by private contractors, during the fiscal year during which the report is submitted.

Effective date.

(d) This section shall take effect on October 1, 1980.

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TITLE VI—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 601. (a) For fiscal year 1981, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 53,128.

(2) The Navy, 64,545.

(3) The Marine Corps, 21,393.

(4) The Air Force, 46,238.

(5) The Army National Guard of the United States, 7,177.

(6) The Army Reserve, 6,880.

(7) The Naval Reserve, 953.

(8) The Marine Corps Reserve, 3,144.

(9) The Air National Guard of the United States, 1,930.

(10) The Air Force Reserve, 1,139.

(b) In addition to the number authorized in subsection (a), the following components of the Armed Forces are authorized a military training student load to be utilized solely for one station unit training of not less than the following:

(1) The Army, 18,890.

(2) The Army National Guard of the United States, 6,839.

(3) The Army Reserve, 2,468.

(c) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1981 shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TEMPORARY REDUCTION IN THE NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS FOR THE UNIT TO BE MAINTAINED

10 USC 2031 note.

SEC. 602. Notwithstanding the provisions of section 2031(b) of title 10, United States Code, relating to the establishment and maintenance of units of the Junior Reserve Officers' Training Corps, during the period beginning on September 1, 1980, and ending on August 31, 1981, the Secretary of any military department may maintain a unit of the Junior Reserve Officers' Training Corps at any public or private secondary educational institution if—

(1) the number of physically fit students in such unit who are at least 14 years of age and are citizens or nationals of the United States is not less than (A) 10 percent of the number of students enrolled in the institution who are at least 14 years of age, or (B) 100, whichever is less; and

(2) the unit meets such other requirements (in addition to the requirements prescribed by section 2031(b) of title 10, United States Code) as may be established by the Secretary of the military department concerned.

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TITLE VII—ATTACK-RELATED CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There is hereby authorized to be appropriated for fiscal year 1981 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251–2297) the sum of $120,000,000.

IMPROVED CIVIL DEFENSE PROGRAM

SEC. 702. (a) The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251–2297) is amended by adding after title IV the following new title:

"TITLE V—IMPROVED CIVIL DEFENSE PROGRAM

"SENSE OF CONGRESS

50 USC app. 2301.

"SEC. 501. (a) It is the sense of Congress that—

"(1) a civil defense program providing for the relocation of the population of risk areas, including the larger United States cities, during a period of strategic warning resulting from an international crisis may be effective in protecting the population;

"(2) the present civil defense program should be improved; and

"(3) an improved civil defense program can be developed which could enhance the civil defense capability of the United States.

"(b) It is further the sense of Congress that an improved civil defense program should be implemented which—

"(1) enhances the survivability of the American people and its leadership in the event of nuclear war and thereby improves the basis for eventual recovery and reduces the Nation's vulnerability to a major attack;

"(2) enhances deterrence, contributes to perceptions of the United States-Soviet strategic balance and crisis stability, and reduces the possibility that the United States might be susceptible to coercion by an enemy in times of increased tension;

"(3) does not suggest any change in the United States policy of relying on strategic nuclear forces as the preponderant factor in maintaining deterrence;

"(4) includes planning for the relocation of certain segments of the population during times of international crisis; and

"(5) is adaptable to help deal with natural disasters and other peacetime emergencies.

"ELEMENTS OF AN IMPROVED CIVIL DEFENSE PROGRAM

50 USC app. 2302.

"SEC. 502. (a) In order to carry out the sense of Congress expressed in section 501, the President shall, to the extent practicable, develop and implement an improved civil defense program which includes—

Attack and disaster—related defense programs.

"(1) a program structure for the resources to be used for attack-related civil defense;

"(2) a program structure for the resources to be used for disaster-related civil defense; and

"(3) criteria and procedures under which those resources planned for attack-related civil defense and those planned for disaster-related civil defense can be used interchangeably.

"(b) In developing a program structure for attack-related civil defense pursuant to subsection (a), the President shall give consideration to including in such program structure the following elements:

"(1) Nuclear civil protection planning for more rapid population relocation during times of international crisis.

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"(2) Nuclear civil protection planning for improved inplace population protection during times of international crisis in the event circumstances preclude population relocation.

"(3) A survey of the shelters inherent in existing facilities.

"(4) Planning for the development during times of crisis of additional shelter.

"(5) Development of capabilities for shelter management.

"(6) Marking and stocking of shelters.

"(7) Development and procurement of ventilation kits for shelters.

"(8) The development of emergency evacuation plans for areas in which nuclear powerplants are located.

"(9) The improvement of civil defense warning systems.

"(10) The improvement of systems and capabilities for direction and control of emergency operations by civil governments at all levels, including further development of a network of emergency operating centers.

"(11) The improvement of radiological defense capabilities.

"(12) The improvement of emergency public information and training programs and capabilities.

"(13) The development of plans for postattack economic recovery and the development of plans for postdisaster economic recovery to the extent that planning for postdisaster economic recovery planning does not detract from planning for postattack economic recovery.

"(14) The improvement of and training in self-help nuclear war survival skills.

"(15) Civil defense-related research and development.

"(16) The development of other appropriate systems and capabilities to increase the lifesaving potential of the civil defense program.

"ADMINISTRATIVE PROVISIONS

50 USC app. 2303. 50 USC app. 2281, 2253.

"SEC. 503. The powers contained in titles II and IV of this Act shall be used in developing and implementing the program required by section 502.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE V—IMPROVED CIVIL DEFENSE PROGRAM

"Sec. 501. Sense of Congress.
"Sec. 502. Elements of an improved civil defense program.
"Sec. 503. Administrative provisions.".

REQUIREMENT FOR MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS

SEC. 703. (a)(1) Title II of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281-2286) is amended by adding at the end thereof the following new section:

"REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS

50 USC app. 2288.

"SEC. 206. Notwithstanding any other provision of this Act, funds appropriated to carry out this Act may not be used for the purpose of 94 STAT. 1090 constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this Act for such purpose.".

(2) The table of contents at the beginning of such Act is amended by adding below the item relating to section 205 the following new item:

"206. Requirement for State matching funds for construction of emergency operating centers.".

Effective date. 50 USC app. 2288 note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1980.

PILOT PROGRAM TO STUDY DESIGN AND CONSTRUCTION OF BUILDINGS TO MINIMIZE EFFECTS OF NUCLEAR EXPLOSIONS

50 USC app. 2281 note.

SEC. 704. (a) The Director of the Federal Emergency Management Agency shall establish a pilot program of designing and constructing buildings to enhance the ability of the buildings to withstand nuclear explosions and to minimize the damage to such buildings caused by a nuclear explosion. Such program shall include the designing and constructing of at least two building projects chosen by the Director so that the buildings in the projects will be able to better withstand nuclear explosions and so that any damage to the buildings in the project caused by a nuclear explosion will be minimized.

Report to Congress.

(b) The Director of the Federal Emergency Management Agency shall submit a report to the Senate and the House of Representatives not later than April 1, 1981, on the establishment under subsection (a) of the pilot program.

Appropriation authorization.

(c) Of the sums authorized to be appropriated under section 701, $400,000 shall be available to carry out the pilot program established pursuant to subsection (a).

Effective date.

(d) This section shall take effect on October 1, 1980.

AUTHORIZATION TO ACQUIRE CERTAIN LEASED REAL PROPERTY AT THE FEDERAL EMERGENCY MANAGEMENT AGENCY FACILITY AT OLNEY, MARYLAND

Effective date.

SEC. 705. Effective October 1, 1980, the Director of the Federal Emergency Management Agency is authorized to acquire, in accordance with the provisions of section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), fee title to those parcels of real property which are currently leased by such agency at the facility of such agency in Olney, Maryland, which (1) are used as a site for a communications antenna, or (2) contain the water wells for such facility.

TITLE VIII—COMPENSATION AND RELATED BENEFITS

PAY INCREASE OF 11.7 PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES

37 USC 1009 note.

SEC. 801. (a) Any adjustment required under the provisions of section 1009 of title 37, United States Code, relating to adjustments in the compensation of members of the uniformed services, which would otherwise first become effective beginning with any pay period in fiscal year 1981 shall not become effective.

Effective date.

(b)(1) Subject to the provisions of paragraph (2), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 11.7 percent effective with the first pay period beginning after September 30, 1980.

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(2) The President may allocate the percentage increase specified under paragraph (1) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, as amended by section 803 of this Act, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title, except that—

Infra.

37 USC 1009.

(A) the provisions of subsection (d)(2)(B) of such section shall not apply to this subsection or any action of the President under this subsection; and

(B) the overall average percentage increase in the elements of compensation specified in subsection (a) of such section in the case of any member of the uniformed services with four years or less service may not exceed 11.7 percent.

RECOMMENDATIONS WITH RESPECT TO METHOD OF ADJUSTMENT OF MILITARY PAY

Submittal to Congress.

SEC. 802. The President shall submit to the Congress not later than April 1, 1981, such recommendations as he considers necessary or appropriate to improve the method for determining adjustments in the pay and allowances for members of the uniformed services.

AUTHORITY TO ALLOCATE PAY INCREASES AMONG PAY GRADES AND YEARS-OF-SERVICE CATEGORIES

SEC. 803. Section 1009 of title 37, United States Code, relating to adjustments in compensation, is amended—

(1) by striking out "subsection (c)" in clause (3) of subsection (b) and inserting in lieu thereof "subsections (c) and (d) of this section,";

(2) in subsection (c)—

(A) by inserting "(1)" before "Whenever";

(B) by inserting "of this section" after "subsection (b)(3)" both places it appears and after "subsection (a)"; and

(C) by striking out "per centum" and inserting in lieu thereof "percent";

(3) by redesignating subsection (d) as paragraph (2) and in such paragraph (as so redesignated)—

(A) by striking out "under subsection (c)" both places it appears and inserting in lieu thereof "under paragraph (1) of this subsection";

(B) by inserting "of this section" after "subsection (a)" and after "subsection (b)(3)"; and

(C) by inserting "of this title" after "section 403 (b) or (c)" both places it appears;

(4) by inserting after subsection (c) the following new subsection (d):

"(d)(1) Subject to paragraph (2) of this subsection, whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the element of basic pay that would otherwise be effective after any allocation made under subsection (c) of this section among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1) of this subsection—

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"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection or under subsection (c) of this section (or under both such subsections) may not be less than 75 percent of the amount of the increase in the element of basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (b)(3) of this section; and

"(B) the overall percentage increase in the elements of compensation specified in subsection (a) of this section in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.";

(5) in subsection (e)—

(A) by inserting "or (d) of this section" after "subsection (c)"; and

(B) by striking out "among the different elements of compensation"; and

(6) in subsection (f)—

(A) by striking out "among the three elements of compensation"; and

37 USC 1008.

(B) by inserting "of this title" after "section 1008(b)".

ENLISTMENT AND REENLISTMENT BONUSES FOR ACTIVE FORCES

SEC. 804. (a)(1) Subsection (a) of section 308 of title 37, United States Code, relating to reenlistment bonuses, is amended—

(A) by striking out "ten years" in clause (A) and inserting in lieu thereof "fourteen years";

(B) by striking out "$15,000" and inserting in lieu thereof "$20,000"; and

(C) by striking out "twelve years" and inserting in lieu thereof "sixteen years".

(2) Subsection (f) of such section is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982".

37 USC 308a.

(b)(1) Subsection (a) of section 308a of such title, relating to enlistment bonuses, is amended by striking out "$3,000" and inserting in lieu thereof "$5,000".

(2) Subsection (c) of such section is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982".

Effective date.
37 USC 308 note.

(c) The amendments made by this section shall only apply to enlistments, reenlistments, and extensions of enlistments made after September 30, 1980.

ENLISTMENT AND REENLISTMENT BONUSES FOR RESERVE FORCES

SEC. 805. (a)(1) Chapter 5 of title 37, United States Code, relating to special and incentive pays, is amended by inserting after section 308c the following new sections:

"§ 308d. Special pay: bonus for enlistment, reenlistment, or extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

37 USC 308d.

"(a)(1) Except as provided in paragraph (2) of this subsection, any person who enlists or reenlists, or voluntarily extends an enlistment, in an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of not less than three years may be paid a bonus as provided in subsection (b) of this section.

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"(2) A bonus may not be paid under this section to any person who failed to complete satisfactorily any original term of enlistment in the armed forces.

"(b) Eligibility for a bonus under this section, and the amount and method of payment of such a bonus, shall be determined in accordance with regulations prescribed under subsection (c) of this section, except that the amount of such a bonus may not exceed $600.

Eligibility.

"(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

Regulations.

"(d)(1) A member who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such member as the period which such member failed to satisfactorily serve bears to the total period for which the bonus was paid.

Refund to U.S.

"(2) An obligation to reimburse the United States imposed under paragraph (1) of this subsection is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1980.

Discharge in bankruptcy.
11 USC 101.

"(e) No bonus may be paid under this section to any person for an enlistment, reenlistment, or voluntary extension of an enlistment after September 30, 1981.

Restriction.

"§ 308e. Special pay: bonus for reserve affiliation agreement

37 USC 308e.

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may pay a bonus for reserve affiliation to any person—

"(1) who—

"(A) is serving on active duty, has 180 days or less remaining of his active duty obligation, and upon discharge or release from active duty upon the completion of such active duty obligation will have a reserve service obligation under section 651 of title 10 or under section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)); or

"(B) has served on active duty for any period of time, was discharged or released from such active duty under honorable conditions, and is serving a period of reserve service obligation under section 651 of title 10 or section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)); and

"(2) who meets the requirements of subsection (b) of this section.

"(b) To be eligible to receive a bonus for reserve affiliation under this section, a person must—

Eligibility.

"(1) be eligible for reenlistment or for an extension of his active duty service;

"(2) have completed satisfactorily any term of enlistment or period of obligated active duty service;

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"(3) hold and be qualified in a military specialty designated by the Secretary of Defense for the purposes of this section;

"(4) have a grade for which there is a vacancy in the reserve component in which the person is to become a member;

"(5) not be affiliating in a reserve component to become a Reserve, Army National Guard, or Air National Guard technician;

"(6) enter into a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of the Ready Reserve of an armed force for the period of obligated reserve service such person has remaining or, if such person is on active duty, will have remaining at the time of his discharge or release from active duty; and

"(7) meet all the other requirements for becoming a member of the Selected Reserve of the Ready Reserve of an armed force.

Determination of amount.

"(c)(1) The amount of the bonus paid to any person under this section shall be an amount determined by multiplying $25 times the number of months of reserve obligation such person has remaining or, if such person is on active duty, will have remaining at the time of his discharge or release from active duty.

"(2) In the case of a person who has, or at the time of discharge or release from active duty will have, eighteen months or less reserve service obligation remaining, the Secretary concerned may pay the total amount of the bonus at the time such person signs a reserve affiliation agreement under this section. In the case of a person who has, or at the time of discharge or release from active duty will have, more than eighteen months of such service remaining, the Secretary concerned may pay one-half of the bonus at the time such person signs a reserve affiliation agreement under this section and the remaining one-half on the date of the fifth anniversary of such person's original enlistment or call to active duty.

Refund to U.S.

"(d)(1) A person who signs a reserve affiliation agreement under this section and who fails during the period covered by such agreement to serve satisfactorily in the Selected Reserve in which such person agrees to serve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to satisfactorily serve bears to the total period for which the bonus was paid.

"(2) An obligation to reimburse the United States imposed under paragraph (1) of this subsection is for all purposes a debt owed to the United States.

Discharge in bankruptcy. 11 USC 101.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1980.

Restriction.

"(e) No bonus may be paid under this section to any person for a reserve obligation agreement entered into after September 30, 1981.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 308c the following new items:

"308d. Special pay: bonus for enlistment, reenlistment, or extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
"308e. Special pay: bonus for reserve affiliation agreement.".

Effective date. 37 USC 308d note. *Ante*, p. 1092.

(3) Section 308d of title 37, United States Code, as added by paragraph (1), shall apply only to enlistments, reenlistments, and extensions of enlistments made after September 30, 1980. Agree-

ments may not be entered into under section 308e of such title, as added by such paragraph, before October 1, 1980.

Ante, p. 1093.

(b) Sections 308b(g) and 308c(f) of such title, relating to reenlistment and enlistment bonuses for members of the Selected Reserve of the Ready Reserve, are amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1985".

37 USC 308b, 308c.

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CONTINUATION BONUS FOR AVIATION CAREER OFFICERS

SEC. 806. (a)(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301a the following new section:

37 USC 301b.

"§ 301b. Special pay: aviation career officers extending period of active duty

"(a) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of this title;

"(2) is in a pay grade below the pay grade of O-7;

"(3) is qualified to perform operational flying duty (as such term is defined in clause (6) of section 301a(a) of this title);

"(4) has at least 6 but less than 18 years of aviation service as an officer;

"(5) executes a written agreement to remain on active duty in aviation service for at least one year; and

"(6) is in an aviation specialty designated as critical;

may, upon the acceptance of the written agreement by the Secretary of Defense or the Secretary of Transportation, as applicable, be paid an amount not to exceed the product of four months' basic pay (computed at the rate applicable to the officer at the time the agreement is executed) and the number of years (or the monthly fractions thereof) that the officer agrees to remain on active duty under the agreement. An agreement under this section may not extend beyond the date on which the officer would complete 19 years of aviation service. Upon acceptance of the agreement by the Secretary of Defense or the Secretary of Transportation, as appropriate, and subject to subsection (d) of this section, the total amount payable becomes fixed and may be paid in either a lump sum or in installments.

"(b) Special pay under this section is in addition to any other pay and allowances to which an officer is entitled.

"Aviation service."

"(c) For the purpose of this section, the term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer) under regulations prescribed by the Secretary of Defense or the Secretary of Transportation. The years of aviation service are computed beginning with the effective date of the initial order to perform aviation service.

Refund to U.S.

"(d)(1) Under regulations prescribed by the Secretary of Defense or by the Secretary of Transportation, as appropriate, refunds shall be required, on a pro-rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty in aviation service specified in the agreement. Nothing in this section shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion of the agreed-upon period of active duty in aviation service under this section shall not obligate the President to accept a resignation submitted by a regular officer.

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"(2) An obligation to reimburse the United States imposed under paragraph (1) of this subsection is for all purposes a debt owed to the United States.

Discharge in bankruptcy.
11 USC 101.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1980.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301a the following new item:

"301b. Special pay: aviation career officers extending period of active duty.".

Effective date.
37 USC 301b note.

(b) Agreements may not be entered into under section 301b of title 37, United States Code, as added by subsection (a), before October 1, 1980.

PER DIEM ALLOWANCE FOR MEMBERS TRAVELING ON OFFICIAL BUSINESS

SEC. 807. (a) Section 404(d) of title 37, United States Code, relating to per diem travel and transportation expenses, is amended by striking out "$35" and "$50" and inserting in lieu thereof "$50" and "$75", respectively.

Effective date.
37 USC 404 note.

(b) The amendments made by subsection (a) shall only apply to travel and transportation expenses incurred after September 30, 1980.

EXPENSES FOR TRANSPORTATION OF HOUSE TRAILERS AND MOEILE HOMES

SEC. 808. (a)(1) Section 409 of title 37, United States Code, is amended to read as follows:

"§409. Travel and transportation allowances: house trailers and mobile homes

37 USC 406.

"(a)(1) A member, or in the case of a member's death, the member's dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may be provided transportation of a house trailer or mobile home dwelling within the continental United States, within Alaska, or between the continental United States and Alaska (or reimbursement for such transportation), if the house trailer or mobile home dwelling is intended for use as a residence by such member or dependent. Such transportation may be limited to such modes and maximum costs as may be prescribed by regulations under subsection (d) of this section.

"(2) Except as provided in subsection (c) of this section, transportation of a house trailer or mobile home dwelling under paragraph (1) of this subsection is in place of the transportation of baggage and household effects the member or member's dependent would otherwise be entitled to have provided.

"(3) The cost of transportation of a house trailer or mobile home dwelling under paragraph (1) of this subsection may not be more than the total cost of transportation (including packing, pick-up, line-haul or drayage, delivery, and unpacking) of baggage and household effects of the member or dependent having the maximum weight

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authorized for the member or dependent under regulations prescribed by the Secretary concerned.

"(4) A house trailer or mobile home dwelling in transit under this section may be stored up to 180 days in accordance with regulations prescribed by the Secretary concerned.

"(b) Any payment authorized by this section may be made in advance of the transportation concerned.

"(c) A member or member's dependent who is entitled to the transportation of baggage and household effects from a place inside the continental United States or Alaska to a place outside the continental United States or Alaska, or from a place outside the continental United States or Alaska to a place inside the continental United States or Alaska, may be provided the transportation of a house trailer or mobile home dwelling under this section, but the total cost to the Government of the transportation of baggage and household effects and the transport of a house trailer or mobile home dwelling may not exceed the cost of transporting baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

"(d) The Secretaries concerned shall prescribe regulations to carry out this section.

Regulations.

"(e) In this section, 'continental United States' means the 48 contiguous States and the District of Columbia.".

"Continental United States."

(2) The item relating to section 409 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"409. Travel and transportation allowances: house trailers and mobile homes.".

(b) The amendments made by subsection (a) shall only apply to transportation of house trailers and mobile home dwellings which is completed after September 30, 1980.

Effective date.
37 USC 409 note.

FAMILY SEPARATION ALLOWANCE FOR JUNIOR ENLISTED MEMBERS

SEC. 809. (a) Section 427(b) of title 37, United States Code, relating to family separation allowance, is amended by striking out "(other than a member in pay grade E-1, E-2, E-3, or E-4 (4 years' or less service))".

(b) The amendment made by subsection (a) shall take effect with respect to months after September 1980.

Effective date.
37 USC 427 note.

IMPROVEMENT IN CERTAIN BENEFITS UNDER THE CHAMPUS PROGRAM

SEC. 810. (a) Subsection (a) of section 1079 of title 10, United States Code, relating to contracts for medical care for dependents of members on active duty, is amended—

(1) by inserting "of dependents over two years of age" in clause (2) after "immunizations"; and

(2) by striking out "routine care of the newborn, well-baby care, and" in clause (3).

(b) Subsection (e)(2) of such section is amended by striking out "$350" and inserting in lieu thereof "$1,000".

(c) The amendments made by this section shall apply to medical care provided after September 30, 1980.

Effective date.
10 USC 1079 note.

94 STAT. 1098

SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 811. (a) Section 209 of title 37, United States Code, relating to members of precommissioning programs, is amended by adding at the end thereof the following new subsection:

"(d)(1) Except when serving on active duty, a member who is enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as an officer and who is not enrolled in a program established under chapter 103 of title 10 or an academy established under chapter 403, 603, or 903 of title 10 may be paid a subsistence allowance at the same rate as that prescribed by subsection (a) of this section for a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10.

10 USC 2101 *et seq.*
10 USC 4331 *et seq.*, 6951 *et seq.*, 9331 *et seq.*

"(2) No subsistence allowance may be paid under paragraph (1) of this subsection for any period after September 30, 1982.".

Restriction.

(b) The Act entitled "An Act to provide subsistence allowances for members of the Marine Corps officer candidate programs", approved November 24, 1971 (37 U.S.C. 209 note), is repealed.

Repeal.

CONTINGENT ONCE-A-YEAR ADJUSTMENT OF RETIRED AND RETAINER PAY

SEC. 812. (a)(1) The increase in the retired and retainer pay of members and former members of the uniformed services which but

10 USC 1401a note.

for this section would be made effective September 1, 1980, under the provisions of paragraph (2)(B) of section 1401a(b) of title 10, United States Code, shall not be made.

(2)(A) In making the determination required by the provisions of paragraph (1)(A) of section 1401a(b) of title 10, United States Code, to be made on January 1, 1981, or within a reasonable time thereafter, the Secretary of Defense shall determine the percent change in the index (as such term is defined in section 1401a(a) of title 10, United States Code) published for December 1980 over the index published for December 1979 (rather than over the index published for June 1980).

(B) The increase in the retired and retainer pay of members and former members of the uniformed services to be made effective March 1, 1981, under the provisions of paragraph (2)(A) of such section shall, in lieu of the increase prescribed by such paragraph, be the percent change computed under subparagraph (A), adjusted to the nearest $\frac{1}{10}$ of one percent.

Executive order.

(3) The President shall by Executive order provide for only one cost-of-living adjustment in the annuities paid under the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) during the period beginning on September 1, 1980, and ending on August 31, 1981. Such adjustment shall be effective March 1, 1981, and shall be made in the same manner and percentage as the adjustment provided for in paragraphs (1) and (2) for the retired and retainer pay of members and former members of the uniformed services.

Restriction.

5 USC 8331.

(4) Paragraphs (1), (2), and (3) shall not take effect unless similar legislation is enacted which provides for only one cost-of-living increase in annuities paid under subchapter III of chapter 83 of title 5, United States Code, during the period beginning on September 1, 1980, and ending on August 31, 1981.

Effective date.

94 STAT. 1099

(b)(1) Effective August 31, 1981, but subject to paragraph (3), section 1401a(b) of title 10, United States Code, relating to adjustment of retired pay and retainer pay to reflect changes in the Consumer Price Index, is amended to read as follows:

5 USC 8331.

"(b) Each time that an increase is made under section 8340(b) of title 5 in annuities paid under subchapter III of chapter 83 of such title, the Secretary of Defense shall at the same time increase the retired and retainer pay of members and former members of the armed forces by the same percent as the percentage by which annuities are increased under such section.".

Restriction.
10 USC 1401a note.

Effective date.

(2) The amendment made by paragraph (1) shall not take effect unless legislation is enacted which provides for the adjustment of annuities paid under subchapter III of chapter 83 of title 5, United States Code, on a once-a-year basis. In the event such legislation is enacted, such amendment shall become effective with respect to adjustments in the retired pay and retainer pay of members and former members of the uniformed services at the same time that the legislation providing for such a once-a-year adjustment of annuities paid under subchapter III of chapter 83 of title 5, United States Code, becomes effective.

(3) If legislation described in paragraph (2) is enacted to provide for the adjustment of annuities paid under subchapter III of chapter 83 of title 5, United States Code, on a once-a-year basis, the President shall exercise the authority vested in him under section 292 of the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) to provide for cost-of-living adjustments in the annuities paid under such Act on an identical basis.

(4) If at the time the first adjustment in retired and retainer pay is made under section 1401a(b) of title 10, United States Code, as amended by paragraph (1) of this subsection, the period upon which the most recent adjustment in such retired and retainer pay was computed is not identical to the period upon which the most recent adjustment in annuities under subchapter III of chapter 83 of title 5,

United States Code, was computed, then the percentage increase to be made under such section 1401a(b) at the time of the first such adjustment shall be computed in the same manner as the percentage increase made at the same time in annuities under subchapter III of chapter 83 of title 5, United States Code, is computed, but shall be based on the period beginning on the last day of the period upon which the most recent adjustment in such retired and retainer pay was computed and ending on the last day of the period upon which the adjustment being made at the same time in annuities under such subchapter III is computed. The President shall by Executive order provide for a similar computation of the adjustment in annuities paid under the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) which is made at the same time as the increase in retired and retainer pay to which the preceeding sentence is applicable.

Executive order.

"Uniformed services."

(c) For the purposes of this section, the term "uniformed services" means—

(1) the Armed Forces; and

(2) the commissioned corps of the National Oceanic and Atmospheric Administration and of the Public Health Service.

94 STAT. 1100

CHANGE IN METHOD OF COMPUTATION OF RETIRED PAY FOR PERSONS BECOMING MEMBERS OF THE UNIFORMED SERVICES AFTER THE ENACTMENT OF THIS ACT

SEC. 813. (a)(1) Chapter 71 of title 10, United States Code, relating to computation of retired pay, is amended by adding at the end thereof the following new section:

10 USC 1407.

"§ 1407. Retired pay base

"(a)(1) The retired pay or retainer pay of any person who first became a member of a uniformed service on or after the date of the enactment of the Department of Defense Authorization Act, 1981, is determined using the monthly retired pay base or monthly retainer pay base computed under this section. In making any computation under this section, the rates of basic pay to be used are those most favorable to the member.

Ante, p. 1077.

"Uniformed service."

"(2) In this section, 'uniformed service' means—

"(A) any of the armed forces;

"(B) the commissioned corps of the Public Health Service; or

"(C) the commissioned corps of the National Oceanic and Atmospheric Administration.

10 USC 1201, 1202.

"(b)(1) In the case of a member who is retired under section 1201 or 1202 of this title, the monthly retired pay base is—

"(A) one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service; or

"(B) in the case of a member who served on active duty for less than 36 months, the amount equal to the total amount of basic pay which the member received during the period he served on active duty as a member of a uniformed service divided by the number of months (including any fraction thereof) which he served on active duty.

10 USC 1204, 1205.

"(2) In the case of a member who is retired under section 1204 or 1205 of this title, the monthly retired pay base is—

"(A) one thirty-sixth of the total amount of monthly basic pay which the member would have received if he had served on active duty as a member of a uniformed service during any 36 months (whether or not consecutive) during the period he was a member of a uniformed service preceding the date on which he became entitled to retired pay; or

"(B) in the case of a member who was a member for less than 36 months, the amount equal to the total amount of basic pay which he would have received if he had served on active duty during the period he was a member of a uniformed service divided by the number of months (including any fraction thereof) he was such a member.

10 USC 1331.

"(3) In the case of a member who is retired under section 1331 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay to which the member would have been entitled during any 36 months (whether or not consecutive) during the period he was a member of a uniformed service had he served on active duty during such months.

10 USC 564, 1263, 1293, 1305.

"(4) In the case of a member who is retired under section 564, 1263, 1293, or 1305 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

Post, p. 1102.

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"(5) In the case of a member whose retired or retainer pay is recomputed under section 1402a(d) of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

10 USC 3991.
10 USC 3914.
10 USC 3992.

"(c)(1) In the case of a member whose retired pay is computed under section 3991 of this title (other than a member who is retired under section 3914 of this title) or who is entitled to retired pay under section 3992 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

10 USC 3914.

"(2) In the case of a member who is retired under section 3914 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as an enlisted member.

10 USC 6322, 6323, 6325, 6326, 6381, 6383, 6390, 6394, 6396, 6398, 6400.
10 USC 6151.

"(d)(1) In the case of a member whose retired pay is computed under section 6322, 6323, 6325, 6326, 6381, 6383, 6390, 6394, 6396, 6398, or 6400 of this title or who is advanced on the retired list under section 6151 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

10 USC 6330.

"(2) In the case of a member transferred to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the monthly retainer pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as an enlisted member.

10 USC 8991.
10 USC 8914.
10 USC 8992.

"(e)(1) In the case of a member whose retired pay is computed under section 8991 of this title (other than a member who is retired under section 8914 of this title) or who is entitled to retired pay under section 8992 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

10 USC 8914.

"(2) In the case of a member who is retired under section 8914 of this title, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as an enlisted member.

14 USC 1.

"(f) In the case of a member who is retired under any section of title 14, the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

"(g) In the case of a member whose retired pay is computed under section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o), the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.

"(h) In the case of a member who is retired under section 210(g) or

211(a) of the Public Health Service Act (42 U.S.C. 211(g) and 212(a)), the monthly retired pay base is one thirty-sixth of the total amount of monthly basic pay which the member received for any 36 months (whether or not consecutive) of active duty as a member of a uniformed service.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"Sec. 1407. Retired pay base.".

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(b)(1) The table contained in section 1401 of title 10, United States Code, is amended by striking out "Take" in the heading in column 1 and inserting in lieu thereof the following: "For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, take the monthly retired pay base as computed under section 1407(b). For all others, take".

Ante, p. 1100.
Ante, p. 1077.

(2) Section 1402 of such title is amended by inserting "who first became a member of the armed forces before the date of the enactment of the Department of Defense Authorization Act, 1981, and" in subsections (a), (b), and (c) after "of an armed force". 10 USC 1402.

(3)(A) Chapter 71 of such title is amended by inserting after section 1402 the following new section:

"§ 1402a. Recomputation of retired or retainer pay to reflect later active duty in case of members who first became members after the enactment of the Department of Defense Authorization Act, 1981

10 USC 1402a.

"(a) A member of an armed force who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, who has become entitled to retired pay or retainer pay, and who thereafter serves on active duty (other than for training), is entitled to recompute his retired pay or retainer pay upon his release from that duty as follows:

Ante, p. 1100.
Ante, p. 1077.

Column 1 Take	Column 2 Multiply by	Column 3 Subtract
Monthly retired or retainer pay base under section 1407 of this title which he would be entitled to use if— (1) he were retiring upon release from that active duty; or (2) he were transferring to the Fleet Reserve or Fleet Marine Corps Reserve upon that release from active duty.	2½ percent of the sum of— (1) the years of service that may be credited to him in computing retired pay or retainer pay; and (2) his years of active service after becoming entitled to retired pay or retainer pay.[1]	Excess over 75 percent of monthly retired or retainer pay base upon which computation is based.

[1] Before applying the percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.

"(b) A member of an armed force who first became a member of a uniformed service on or after the date of the enactment of the Department of Defense Authorization Act, 1981, who has been retired other than for physical disability and who while on active duty incurs a physical disability of at least 30 percent for which he would otherwise be eligible for retired pay under chapter 61 of this title, is entitled, upon his release from active duty, to retired pay under subsection (d).

10 USC 1201 *et seq.*

94 STAT. 1103

Ante, p. 1077.

"(c) A member of an armed force who first became a member of a uniformed service on or after the date of the enactment of the Department of Defense Authorization Act, 1981, and who—

10 USC 1201, 1204.

"(1) was retired for physical disability under section 1201 or 1204 of this title or any other law or whose name is on the temporary disability retired list;

"(2) incurs, while on active duty after retirement or after his name was placed on the temporary disability retired list, a physical disability that is in addition to or that aggravates the physical disability for which he was retired or for which his name was placed on that list; and

10 USC 1201, 1202, 1204, 1205.

"(3) is qualified under section 1201, 1202, 1204, or 1205 of this title;

is entitled, upon his release from active duty, to retired pay under subsection (d).

10 USC 1401a.

"(d) A member of an armed force covered by subsection (b) or (c) may elect to receive either (1) the retired pay to which he became entitled when he retired, increased by any applicable adjustments in that pay under section 1401a of this title after he initially became entitled to that pay, or (2) retired pay computed as follows:

Column 1 Take	Column 2 Multiply by	Column 3 Add	Column 4 Subtract
The monthly retired pay base computed under section 1407(b) of this title.	As member elects— (1) 2½ percent of years of service credited under section 1208 of this title;[1] or (2) the highest percentage of disability attained while on active duty after retirement or after the date when his name was placed on temporary disability retired list, as the case may be.	Amount necessary to increase product of columns 1 and 2 to 50 percent of pay upon which computation is based, if member is on temporary disability retired list.	Excess over 75 percent of monthly retired or retainer pay base upon which computation is based.

[1] Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.

"(e) Notwithstanding subsection (a), a member covered by that subsection may elect, upon his release from that active duty, to have his retired pay or retainer pay—

"(1) computed according to the formula set forth in subsection (a) but using the monthly retired pay base under which his retired pay or retainer pay was computed when he entered on that active duty; and

"(2) increased by any applicable adjustments in that pay under section 1401a of this title after he initially became entitled to that pay.".

94 STAT. 1104

10 USC 1402.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1402 the following new item:

"Sec. 1402a. Recomputation of retired or retainer pay to reflect later active duty in case of members who first became members after the enactment of the Department of Defense Authorization Act, 1981.".

10 USC 1373, 1403.

(C) Sections 1373 and 1403 of such title are amended by inserting "or 1402a(d)" after "1402(d)".

(D) The second sentence of section 205(a) of title 37, United States

Code, is amended by inserting "and section 1402a(a)-(d)" after "1402(a)-(d)".

(c) The tables contained in sections 3991 and 3992 of title 10, United States Code, are amended by striking out "Take" in the heading in column 1 and inserting in lieu thereof the following: "For a person who first became a member of uniformed service (as defined in *Ante*, p. 1100. section 1407(a)(2) of this title) on or after the date of the enactment of *Ante*, p. 1077. the Department of Defense Authorization Act, 1981, take the monthly retired pay base as computed under section 1407(c). For all others, take".

(d)(1) Subsection (c) of section 6322 of title 10, United States Code, is amended to read as follows:

"(c) Each officer who is retired under this section is entitled to retired pay—

"(1) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 75 percent of the highest basic pay of the grade in which retired: or

"(2) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 75 percent of the monthly retired pay base computed under section 1407(d) of this title.". 10 USC 6323.

(2) Subsection (e) of section 6323 of such title is amended to read as follows:

"(e) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay—

"(1) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which retired; or

"(2) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to 10 USC 1405. him under section 1405 of this title, but the retired pay so computed may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.". 10 USC 6325.

(3)(A) Subsection (a)(2) of section 6325 of such title is amended to read as follows:

"(2) unless otherwise entitled to higher pay, is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of 94 STAT. 1105 the basic pay of the grade in which he retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this *Ante*, p. 1100. title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ *Ante*, p. 1077. percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay so 10 USC 1405. computed may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.".

(B) Subsection (b)(2) of such section is amended to read as follows:

"(2) unless otherwise entitled to higher pay, is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade he would hold if he had not received such an appointment; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay so computed may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.".

10 USC 6326. (4) Clause (2) of section 6326(c) of such title is amended to read as follows:

"(2) unless otherwise entitled to higher pay, is entitled to retired pay—

"(A) in the case of a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 75 percent of the basic pay of the pay grade in which he was serving on the day before retirement or, if he has served as senior enlisted advisor of the Navy or as sergeant major of the Marine Corps, 75 percent of the highest basic pay to which he was entitled while so serving, if that rate is higher; or

"(B) in the case of a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, computed by multiplying the monthly retired pay base computed under section 1407(d) of this title by 75 percent.".

10 USC 6330. (5) Subsection (c) of section 6330 of such title is amended to read as follows:

"(c)(1) Each member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under this section is entitled, when not on active duty, to retainer pay—

94 STAT. 1106

Ante, p. 1100.

Ante, p. 1077.

"(A) in the case of a member who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay that he received at the time of transfer or, in the case of a member who has served as senior enlisted advisor of the Navy or sergeant major of the Marine Corps, of the highest basic pay to which he was entitled while so serving, if that basic pay is higher than the basic pay received at the time of transfer; or

"(B) in the case of a member who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retainer pay base computed under section 1407(d) of this title;

multiplied by the number of years of active service in the armed forces.

10 USC 1402, *ante*, p. 1102. "(2) A member may recompute his retainer pay under section 1402 or 1402a of this title, as appropriate, to reflect active duty after transfer.

Extraordinary heroism. "(3) If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent.

"(4) In no case may a member's retainer pay be more than 75 percent of the basic pay or monthly retainer pay base upon which the computation of retainer pay is based.".

(6)(A) Subsection (a)(2) of section 6381 of such title is amended to read as follows: 10 USC 6381.

"(2) is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which she retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.". 10 USC 1405.

(B) Subsections (b) and (c) of such section are amended by inserting "or monthly retired pay base, as the case may be," after "basic pay".

(7) Section 6383(c)(2) of such title is amended to read as follows: 10 USC 6383.

"(2) is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which he retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title), on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under 94 STAT. 1107 section 1407(d) of this title; *Ante*, p. 1100.

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.". 10 USC 1405.

(8) Section 6390(b)(2) of such title is amended to read as follows: 10 USC 6390.

"(2) to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which he retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ *Ante*, p. 1077. percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.".

(9) Subsection (h) of section 6394 of such title is amended to read as follows: 10 USC 6394.

"(h) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay—

"(1) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which he retired; or

"(2) in the case of a officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.".

10 USC 6396. (10) Clause (2) of section 6396(b) of such title is amended to read as follows:

"(2) with retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which she retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay
94 STAT. 1108 base upon which the computation of retired pay is based and, in the case of retired pay computed under clause (A), may not be less than 50 percent of the basic pay upon which the computation of retired pay is based.".

10 USC 6398. (11) Clause (2) of section 6398(c)(2) of such title is amended to read as follows:

"(2) is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this
Ante, p. 1100. title) before the date of the enactment of the Department of
Ante, p. 1077. Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which she retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited
10 USC 1405. to her under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based and, in the case of retired pay computed under clause (A), may not be less than 50 percent of the basic pay upon which the computation of retired pay is based.".

10 USC 6400. (12) Clause (2) of section 6400(b) of such title is amended to read as follows:

"(2) is entitled to retired pay—

"(A) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade in which she retired; or

"(B) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.".

10 USC 6151.

(13) Subsections (b) and (c) of section 6151 of such title are amended to read as follows:

"(b)(1) Each member, other than a former member of the Fleet Reserve or the Fleet Marine Corps Reserve, who is advanced on the retired list under this section is, unless otherwise entitled to higher retired pay, entitled to retired pay—

"(A) in the case of a member who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the grade to which advanced; or

"(B) in the case of a member who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title;

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Ante, p. 1100.

10 USC 1405.

multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay is based.

"(2) In determining the number of years to be used as a multiplier under this subsection, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded.

Former Fleet Reserve or Fleet Marine Corps Reserve members.
Ante, p. 1077.

"(c)(1) Each former member of the Fleet Reserve or the Fleet Marine Corps Reserve who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) before the date of the enactment of the Department of Defense Authorization Act, 1981, who is advanced on the retired list under this section is entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of 2½ percent of the basic pay of the grade to which advanced, determined by the same period of service used to determine the basic pay of the grade upon which his retainer pay is based, multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

"(2) Each former member of the Fleet Reserve or the Fleet Marine Corps Reserve who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, who is advanced on the retired list under this section is entitled to retired pay at the rate of 2½ percent of the monthly retired pay base computed under section 1407(d) of this title, multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the monthly retired pay base upon which the computation of retired pay is based.".

(e) The tables contained in sections 8991 and 8992 of title 10, United States Code, are amended by striking out "Take" in the heading in column 1 and inserting in lieu thereof the following: "For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, take the monthly retired pay base as computed under section 1407(e). For all others, take".

(f)(1) Subsection (b) of section 288 of title 14, United States Code, is amended to read as follows:

Infra.

"(b) Except as provided in section 423(b) of this title, the retired pay of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.".

14 USC 423.

(2) Section 423 of such title is amended—

(A) by striking out "The" at the beginning of such section and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and

(B) by adding at the end thereof the following new subsection:

Coast Guard officers or enlisted men.

"(b) Notwithstanding any other provision of this title, the retired pay of each officer or enlisted member of the Coast Guard who first became a member of a uniformed service (as defined in section 1407(a)(2) of title 10) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, is computed at the rate of 2½ percent of the monthly retired pay base (computed under section 1407(f) of title 10) multiplied by the number of years of service that may be credited to him under section 1405 of title 10, but the retired pay so computed may not be more than 75 percent of such monthly retired pay base.".

94 STAT. 1110

Ante, p. 1100.

10 USC 1405.

(g) Section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended to read as follows:

Commissioned officers, retired pay computation.

"Sec. 16. (a) Each commissioned officer on the retired list shall receive retired pay—

Ante, p. 1077.

"(1) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of title 10, United States Code) before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the basic pay of the rank with which retired; or

"(2) in the case of an officer who first became a member of a uniformed service (as defined in section 1407(a)(2) of title 10, United States Code) on or after the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ percent of the monthly retired pay base computed under section 1407(g) of title 10, United States Code;

multiplied by the number of years of service that may be credited to him under section 1405 of title 10, United States Code, as if his service were service as a member of the Armed Forces, but the retired pay so computed may not exceed 75 percent of the basic pay of the rank with which retired or 75 percent of the monthly retired pay base, as the case may be.

"(b) A fractional part of a year of six months or more shall be considered a full year in computing the number of years of service for the purposes of subsection (a).".

Commissioned officers, retired pay computation.

(h)(1) Paragraph (3) of section 210(g) of the Public Health Service Act (42 U.S.C. 211(g)(3)) is amended by striking out "law)" and all that follows in such paragraph and inserting in lieu thereof "law)—

"(A) in the case of an officer who first became a member of a uniformed service before the date of the enactment of the Department of Defense Authorization Act, 1981, at the rate of 2½ per centum of basic pay of the permanent grade held by him at the time of retirement for each year, not in excess of thirty, of his active commissioned service in the Service; or

"(B) in the case of an officer who first became a member of a uniformed service on or after the date of the enactment of the Department of Defense Authorization Act, 1981, 2½ per centum of the monthly retired pay base computed under section 1407(h) of title 10, United States Code, for each year, not in excess of thirty, of his active commissioned service in the Service.".

(2) Section 211(a) of such Act (42 U.S.C. 212(a)) is amended—

(A) by striking out "A commissioned officer" in paragraph (4) and inserting in lieu thereof "Except as provided in paragraph (6), a commissioned officer";

(B) by striking out "and his" in paragraph (5) and inserting in lieu thereof "and except as provided in paragraph (6), his"; and

(C) by adding at the end thereof the following new paragraph:

"(6) In computing retired pay under paragraph (4) or (5) in the case of any commissioned officer who first became a member of a uniformed service on or after the date of the enactment of the Department of Defense Authorization Act, 1981, the monthly retired pay base computed under section 1407(h) of title 10, United States Code, shall be used in lieu of using the basic pay of the highest grade held by him as such officer.".

94 STAT. 1111

TITLE IX—ARMED FORCES EDUCATIONAL ASSISTANCE PROGRAMS

DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAM FOR PERSONS ENLISTING OR REENLISTING FOR SERVICE ON ACTIVE DUTY

SEC. 901. (a) Subtitle A of title 10, United States Code, is amended by inserting after chapter 106 the following new chapter:

"CHAPTER 107—EDUCATIONAL ASSISTANCE FOR PERSONS ENLISTING FOR ACTIVE DUTY

"Sec.

"2141. Educational assistance program: establishment.
"2142. Educational assistance program: eligibility.
"2143. Educational assistance: amount.
"2144. Subsistence allowance.
"2145. Adjustments of amount of educational assistance and of subsistence allowance.
"2146. Right of member upon subsequent reenlistment to lump-sum payment in lieu of educational assistance.
"2147. Right of member after reenlisting to transfer entitlement to spouse or dependent children.
"2148. Duration of entitlement.
"2149. Applications for educational assistance.

"§ 2141. Educational assistance program: establishment

10 USC 2141.

"(a) To encourage enlistments and reenlistments for service on active duty in the armed forces, the Secretary of each military department may establish a program in accordance with this chapter to provide educational assistance to persons enlisting or reenlisting in an armed force under his jurisdiction. The costs of any such program shall be borne by the Department of Defense, and a person participating in any such program may not be required to make any contribution to the program.

Costs.

"(b) The Secretary of Defense shall prescribe regulations for the administration of this chapter. Such regulations shall take account of the differences among the several armed forces.

Regulations.

"(c) In this chapter, 'enlistment' means original enlistment or reenlistment.

"Enlistments."

"§ 2142. Educational assistance program: eligibility

10 USC 2142.

"(a)(1) A program of educational assistance established under this chapter shall provide that any person enlisting or reenlisting in an armed force under the jurisdiction of the Secretary of the military department concerned who meets the eligibility requirements established by the Secretary in accordance with subsection (b) shall, subject to paragraph (3), become entitled to educational assistance under section 2143 of this title at the time of such enlistment.

"(2) The period of educational assistance to which such a person becomes entitled is one standard academic year (or the equivalent) for each year of the enlistment of such person, up to a maximum of four years. However, if the person is discharged or otherwise released from active duty after completing two years of the term of such enlistment but before completing the full term of such enlistment (or before completing four years of such term, in the case of an enlistment of more than four years), then the period of educational assistance to which the person is entitled is one standard academic year (or the equivalent) for each year of active service of such person during such term. For the purposes of the preceding sentence, a portion of a year of active service shall be rounded to the nearest month and shall be prorated to a standard academic year.

94 STAT. 1112

"(3)(A) A member who is discharged or otherwise released from active duty before completing two years of active service of an enlistment which is the basis for entitlement to educational assistance under this chapter or who is discharged or otherwise released from active duty under other than honorable conditions is not entitled to educational assistance under this chapter.

"(B) Entitlement to educational assistance under this chapter may not be used until a member has completed two years of active service of the enlistment which is the basis for entitlement to such educational assistance.

"(b) In establishing requirements for eligibility for an educational assistance program under this chapter, the Secretary concerned shall limit eligibility to persons who—

"(1) enlist or reenlist for service on active duty as a member of the Army, Navy, Air Force, or Marine Corps after September 30, 1980, and before October 1, 1981;

"(2) are graduates from a secondary school; and

"(3) meet such other requirements as the Secretary may consider appropriate for the purposes of this chapter and the needs of the armed forces.

10 USC 2143.

"§ 2143. Educational assistance: amount

"(a) Subject to subsection (b), an educational assistance program established under section 2141 of this title shall provide for payment by the Secretary concerned of educational expenses incurred for instruction at an accredited institution by a person entitled to such assistance under this chapter. Expenses for which payment may be made under this section include tuition, fees, books, laboratory fees, and shop fees for consumable materials used as part of classroom or laboratory instruction. Payments under this section shall be limited to those educational expenses normally incurred by students at the institution involved.

"(b)(1) The Secretary concerned shall establish the amount of educational assistance for a standard academic year (or the equivalent) to which a person becomes entitled under this chapter at the time of an enlistment described in section 2142 of this title. Depending on the needs of the service, different amounts may be established for different categories of persons or enlistments. The amount of educational assistance to which any person is entitled shall be adjusted in accordance with section 2145 of this title.

"(2) The amount of educational assistance which may be provided to any person for a standard academic year (or the equivalent) may not exceed $1,200, adjusted in accordance with section 2145 of this title.

"Accredited institution."

"(c) In this section, 'accredited institution' means a civilian college or university or a trade, technical, or vocational school in the United States (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) that provides education at the postsecondary level and that is accredited by a nationally recognized accrediting agency or association or by an accrediting agency or association recognized by the Secretary of Education.

10 USC 2144.

"§ 2144. Subsistence allowance

"(a) Subject to subsection (b), a person entitled to educational assistance under this chapter is entitled to receive a monthly subsistence allowance during any period for which educational assistance is provided such person. The amount of a subsistence allowance under this section is $300 per month, adjusted in accordance with section 2145 of this title, in the case of a person pursuing a course of instruction on a full-time basis and is one-half of such amount (as so adjusted) in the case of a person pursuing a course of instruction on less than a full-time basis.

94 STAT. 1113

"(b) The number of months for which a subsistence allowance may be provided to any person under this section is computed on the basis of nine months for each standard academic year of educational assistance to which such person is entitled.

Full-time basis.

"(c) For purposes of subsection (a), a person shall be considered to be pursuing a course of instruction on a full-time basis if the person is enrolled in twelve or more semester hours of instruction (or the equivalent, as determined by the Secretary concerned).

"§ 2145. Adjustments of amount of educational assistance and of subsistence allowance

10 USC 2145.

"(a) Once each year, the Secretary of Defense shall adjust the amount of educational assistance which may be provided to any person in any standard academic year under section 2143 of this title, and the amount of the subsistence allowance authorized under section 2144 of this title for pursuit of a course of instruction on a full-time basis, in a manner consistent with the change over the preceding twelve-month period in the average actual cost of attendance at public institutions of higher education.

"(b) In this section, 'actual cost of attendance' means the actual cost of attendance as determined by the Secretary of Education pursuant to section 411(a)(2)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1070a(a)(2)(B)(iv)).

"Actual cost of attendance."

"§ 2146. Right of member upon subsequent reenlistment to lump-sum payment in lieu of educational assistance

10 USC 2146.

"(a) A member who is entitled to educational assistance under this chapter and who reenlists at the end of the enlistment which established such entitlement may, at the time of such reenlistment, elect to receive a lump-sum payment computed under subsection (b) in lieu of receiving such educational assistance. An election to receive such a lump-sum payment is irrevocable.

"(b) The amount of a lump-sum payment under subsection (a) is 60 percent of the sum of—

"(1) the product of (A) the rate for educational assistance under section 2143(b) of this title applicable to such member which is in effect at the time of such reenlistment, and (B) the number of standard academic years of entitlement of such member to such assistance; and

"(2) the product of (A) the rate for the subsistence allowance authorized under section 2144 of this title for pursuit of a course of instruction on a full-time basis at the time of such reenlistment, and (B) the number of months of entitlement of such member to such allowance.

"§ 2147. Right of member after reenlisting to transfer entitlement to spouse or dependent children

10 USC 2147.

"(a)(1) A person who is entitled to educational assistance under section 2142 of this title and who reenlisted in an armed force at any time after the end of the enlistment which established such entitlement may at any time after such reenlistment elect to transfer all or any part of such entitlement to the spouse or dependent child of such person. Any transfer under the preceding sentence may be revoked at any time by the person making the transfer.

94 STAT. 1114

"(2) If a person described in paragraph (1) dies before making an election authorized by such paragraph but has never made an election not to transfer such entitlement, any unused entitlement of such person shall be automatically transferred to such person's surviving spouse or (if there is no eligible surviving spouse) to such person's dependent children. A surviving spouse to whom entitlement to educational assistance is transferred under this paragraph may elect to transfer such entitlement to the dependent children of the person whose service established such entitlement.

"(3) Any transfer of entitlement under this subsection shall be made in accordance with regulations prescribed by the Secretary of the military department concerned.

"(b) A spouse or surviving spouse or a dependent child to whom entitlement is transferred under subsection (a) is entitled to educational assistance under this chapter in the same manner and at the same rate as the person from whom the entitlement was transferred.

"(c) The total amount of educational assistance available to a person entitled to educational assistance under section 2142 of this title and to the person's spouse, surviving spouse, and dependent children is the amount of educational assistance to which the person is entitled. If more than one person is being provided educational assistance for the same period by virtue of the entitlement of the same person, the subsistence allowance authorized by section 2144 of this title shall be divided in such manner as the person may specify or (if the person fails to specify) as the Secretary concerned may prescribe.

Definitions.

"(d) In this section:

"(1) 'Dependent child' has the meaning given the term 'dependent' in section 1072(2)(E) of this title.

10 USC 1072.

"(2) 'Surviving spouse' means a widow or widower who is not remarried.

10 USC 2148.

"§ 2148. Duration of entitlement

"The entitlement of any person to educational assistance under this chapter expires at the end of the ten-year period beginning on the date of the retirement or discharge or other separation from active duty of the person upon whose service such entitlement is based. In the case of a member entitled to educational assistance under this chapter who dies while on active duty and whose entitlement is transferred to a spouse or dependent child, such entitlement expires at the end of the ten-year period beginning on the date of such member's death.

10 USC 2149.

"§ 2149. Applications for educational assistance

"To receive educational assistance benefits under this chapter, a person entitled to such assistance under section 2142 or 2147 of this title shall submit an application for such assistance to the Secretary concerned in such form and manner as the Secretary concerned may prescribe.".

(b) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 106 the following new item:

"107. Educational assistance for persons enlisting for active duty .... 2141".

94 STAT. 1115

AUTHORIZATION TO REPAY LOANS FOR SERVICE IN THE ARMED FORCES

10 USC 2141 note.

SEC. 902. (a)(1) Subject to the provisions of this section, the Secretary of Defense may repay any loan made, insured, or guaranteed under part B of the Higher Education Act of 1965, or any loan made under part E of such Act, after October 1, 1975. Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

Loan repayment criteria.

(2) The Secretary of Defense may repay loans described in paragraph (1) in the case of any person for—

(A) service performed (i) as an enlisted member of the Selected Reserve of the Ready Reserve of an Armed Force after September 30, 1980, and (ii) in a Reserve component and military specialty specified by the Secretary of Defense; or

(B) service performed on active duty as an enlisted member of the Armed Forces after September 30, 1980, in a military specialty specified by the Secretary of Defense.

In the case of service described in clause (A) of the first sentence of this paragraph, the Secretary of Defense may repay a loan described in paragraph (1) only if the person to whom the loan was made performed such service after the loan was made.

Percentage.

(b) The portion or amount of a loan that may be repaid under subsection (a) is—

(1) 15 percent or $500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(A); or

(2) 33⅓ percent or $1,500, whichever is greater, for each year of

service, in the case of service described in subsection (a)(2)(B).

(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) Any individual who transfers from service described in clause (A) or (B) of subsection (a)(1) of this section to service described in the other clause of such subsection during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

Fund allocation schedule.

(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).

(g) The authority provided under this section shall apply only in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an Armed Force or enlist or reenlist for service on active duty after September 30, 1980, and before October 1, 1981.

EDUCATIONAL ASSISTANCE PILOT PROGRAM

10 USC 2141 note.

SEC. 903. (a)(1) As a means of encouraging enlistments and reenlistments in the Armed Forces, the Secretary of Defense, on behalf of any person who enlists or reenlists in the Armed Forces after September 30, 1980, and before October 1, 1981, and who elects or has elected to participate in the Post-Vietnam Era Veterans' Educational Assistance Program provided for under chapter 32 of title 38, United States Code, may pay the monthly contribution otherwise deducted from the military pay of such person. No deduction may be made under section 1622 of title 38, United States Code, from the military pay of any person for any month to the extent that the contribution otherwise required to be made by such person under such section for such month is paid by the Secretary of Defense.

38 USC 1601 *et seq.*

94 STAT. 1116

(2) No payment may be made under this section on behalf of any person for any month before the month in which such person enlisted or reenlisted in the Armed Forces or for any month before October 1980.

(b) The amount paid by the Secretary of Defense under this section on behalf of any person shall be deposited to the credit of such person in the Post-Vietnam Era Veterans Education Account established under section 1622(a) of title 38, United States Code.

38 USC 1601 *et seq.*

(c)(1) Except as provided in paragraph (2), the provisions of chapter 32 of title 38, United States Code, shall be applicable to payments made by the Secretary of Defense under this section.

Monthly payments to spouse or child.

(2) Notwithstanding the provisions of section 1631(a)(4) of title 38, United States Code, the Secretary of Defense, in the case of any person who enlists or reenlists in the Armed Forces or any officer who is ordered to active duty with the Armed Forces after September 30, 1980, and before October 1, 1981, or whose active duty obligation with the Armed Forces is extended after September 30, 1980, and before October 1, 1981, and who is a participant in the educational assistance program described in subsection (a), may make monthly payments out of the Post-Vietnam Era Veterans Education Account to the spouse or child of such person to assist such spouse or child in the pursuit of a program of education. Payments under this subsection may be made to the spouse or child of a person participating in such educational assistance program only upon the request of such person and only for such period of time as may be specified by such person. The total amount paid under this subsection in the case of any spouse or child may not exceed the amount credited to such person in the Post-Vietnam Era Veterans Education Account.

(d)(1) The authority conferred on the Secretary of Defense under this section shall be used by the Secretary only for the purpose of encouraging persons who possess critical military specialties (as determined by the Secretary of Defense) to enter or to remain in the Armed Forces.

(2) Except as otherwise provided in this section, the Secretary of Defense may offer the benefits of this section to persons eligible therefor for such period as the Secretary determines necessary or appropriate to achieve the purpose of this section.

Definitions.

(f) As used in this section:

(1) The term "program of education" shall have the same meaning as provided in chapter 32 of title 38, United States Code.

(2) The term "child" shall have the same meaning as provided in section 101(4) of title 38, United States Code.

(3) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps.

AUTHORIZATION OF APPROPRIATIONS

10 USC 2141 note.

SEC. 904. (a) There is hereby authorized to be appropriated to carry out chapter 107 of title 10, United States Code (as added by section 901), and sections 902 and 903 a total of $75,000,000.

(b) The Secretary of Defense shall equitably allocate the amount appropriated under this section among the educational assistance program provided for under chapter 107 of title 10, United States Code (as added by section 901), the repayment as authorized by section 902 of loans made, insured, or guaranteed under part B of the Higher Education Act of 1965 and of loans made under part E of such Act, and the educational assistance program provided for under section 903.

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REPORT ON EDUCATIONAL BENEFITS INCENTIVE PROGRAMS

Submittal to congressional committees. 10 USC 2141 note.

SEC. 905. (a) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, within 30 days after the end of each quarter of fiscal year 1981, a report on the implementation and operation of the educational assistance program provided for under chapter 107 of title 10, United States Code (as added by section 901), and of the programs provided for under sections 902 and 903.

38 USC 1601 *et seq.*

Contents.

(b) The Secretary of Defense shall also submit to such committees, not later than December 31, 1981, a report on the extent to which the educational assistance program provided for under chapter 107 of title 10, United States Code (as added by section 901), the Post-Vietnam Era Veterans' Educational Assistance Program provided for under chapter 32 of title 38, United States Code, and the program established under section 902 have encouraged persons to enter or remain in the Armed Forces. The Secretary shall include in such report—

(1) an evaluation of contributory and noncontributory educational assistance programs as incentives for individuals to enter or remain in the Armed Forces;

(2) an analysis of the costs and benefits of various educational assistance incentive programs designed to encourage persons to enter and remain in the Armed Forces; and

(3) recommendations for such new programs or revision of existing programs as the Secretary determines necessary or appropriate to successfully encourage persons to enter and remain in the Armed Forces.

IMPROVEMENT AND EXTENSION OF EDUCATIONAL ASSISTANCE PROGRAM FOR ENLISTED MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE

SEC. 906. (a)(1) Section 2131(c) of title 10, United States Code, relating to educational assistance for enlisted members of the Selected Reserve of the Ready Reserve, is amended by striking out

"$500" and "$2,000" and inserting in lieu thereof "$1,000" and "$4,000", respectively.

Effective date.
10 USC 2131 note.

(2) The amendments made by paragraph (1) shall take effect on October 1, 1980.

(b) Section 2135 of such title 10, United States Code, is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1985".

TITLE X—GENERAL PROVISIONS

REQUIREMENT OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE

SEC. 1001. (a)(1) Section 138(a) of title 10, United States Code, relating to annual authorization of appropriations, is amended—

(A) by striking out "or" at the end of clause (5);

(B) by inserting "or" at the end of clause (6); and

(C) by inserting after clause (6) the following new clause:

94 STAT. 1118

"(7) the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments);".

10 USC 138 note.

(2) The amendments made by paragraph (1) shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1981.

10 USC 138.

(b) Section 138 of such title is further amended—

(1) by striking out "subsection (e) of this section" in subsection (a)(6) and inserting in lieu thereof "subsection (f)";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

Report to Conmgress.

Contents.

"(e)(1) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year. The Secretary shall include in each such report recommendations for—

"(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

"(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

"(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

Funding level recommendation.

"(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks, and vehicle overhauls.

Combat readiness projection.

"(3) The Secretary shall also include in each such report a projection (made in accordance with paragraph (4)) of the combat readiness proposed to be maintained during the next fiscal year of—

"(A) each Army and Marine Corps division, brigade, and regiment;

"(B) each Navy, Air Force, and Marine Corps air wing and squadron;

"(C) each Navy aircraft carrier, other major surface combatant, general purpose submarine, ballistic missile submarine, and amphibious ship;

"(D) each Air Force strategic and tactical airlift squadron; and

"(E) such other units as the Secretary considers appropriate.

"(4) Each projection made pursuant to paragraph (3) shall be made—

"(A) using the overall readiness ratings and the four resource-related readiness ratings of the Unit Status and Identity Report of the Department of Defense; and

"(B) using the levels of funding proposed in the Budget of the President for the next fiscal year.".

(c) Subsection (f) of such section, as redesignated by subsection (b)(2), is amended—

94 STAT. 1119

(1) by striking out "For purposes of subsection (a)(6) of this section" and inserting in lieu thereof "(1) In subsection (a)(6)"; and

(2) by adding at the end of such subsection the following new paragraph:

Definitions.

"(2) In subsection (f):

"(A) 'Combat arms battalions' means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

"(B) 'Major repair work' means, in the case of any ship to which such subsection is applicable, any overhaul, modification, alteration, or conversion work which will result in a total cost to the United States of more than $10,000,000.".

(d)(1) The heading of such section is amended to read as follows:

"§ 138. Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports".

(2) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"138. Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports.".

DENIAL OF CERTAIN BENEFITS TO PERSONS WHO FAIL TO COMPLETE AT LEAST TWO YEARS OF AN ORIGINAL ENLISTMENT

SEC. 1002. (a) Chapter 49 of title 10, United States Code, relating to prohibitions and penalties, is amended by adding at the end thereof the following new section:

10 USC 977.

"§ 977. Denial of certain benefits to persons who fail to complete at least two years of an original enlistment

"(a) Notwithstanding any other provision of law and except as provided in subsection (b), any person who originally enlists in a regular component of the armed forces on or after the date of the enactment of the Department of Defense Authorization Act, 1981, and who fails to complete at least twenty-four months of such person's period of original enlistment shall not be eligible for any right, privilege, or benefit for which persons become eligible under any Federal program by reason of serving on active duty in the armed forces if the claim for the eligibility of such person for such right, privilege, or benefit is based upon any period of service performed by such person under such enlistment.

Ante, p. 1077.

"(b) Subsection (a) shall not apply to any person (1) who was discharged under section 1173 or chapter 61 of this title, or (2) if it is later established that such person is suffering from a disability which resulted from an injury or disease incurred in or aggravated during the period of the enlistment completed by such person and is not the result of the person's intentional misconduct and was not incurred during a period of unauthorized absence.".

10 USC 1173, 1201 *et seq.*

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"977. Denial of certain benefits to persons who fail to complete at least two years of an original enlistment.".

94 STAT. 1120

DELAY OF EFFECTIVE DATE FOR CEILING ON NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AND OF REDUCTION IN NUMBER OF SENIOR-GRADE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

SEC. 1003. Section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), is amended—

(1) by striking out "October 1, 1980" in paragraph (1) and inserting in lieu thereof "October 1, 1981"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) After September 30, 1981, the total number of civilian employees of the Department of Defense in grades GS-13 through GS-18 (including positions authorized under section 1581 of title 10, United States Code) may not exceed the number equal to 96 percent of the number of such employees employed by the Department of Defense on July 30, 1977. After September 30, 1982, the total number of such employees may not exceed the number equal to 94 percent of the number of such employees employed by the Department of Defense on July 30, 1977.".

44 FR 58671.

BASIC PAY OF WOMEN OFFICERS OF THE NAVY SERVING IN THE GRADE OF REAR ADMIRAL

SEC. 1004. (a) Subsection (k) of section 202 of title 37, United States Code, relating to assignment of certain officers to the pay grade of rear admiral of the upper half, is amended to read as follows:

"(k) When initially appointed as a rear admiral under section 5767(c) of title 10, a woman officer of the Navy is entitled to the pay of a rear admiral of the lower half. A woman officer serving as a rear admiral under such an appointment or a subsequent appointment under that section is entitled to the basic pay of a rear admiral of the upper half when any officer who is junior to her is entitled to the basic pay of a rear admiral of the upper half as determined under subsection (a) of this section.".

Effective date.
37 USC 202 note.

(b) The amendment made by subsection (a) shall apply with respect to basic pay payable for periods beginning on or after the date of the enactment of this Act.

EXEMPTION OF CERTAIN CONTRACTS FROM CERTAIN PROFIT LIMITATIONS

10 USC 2382 note.

SEC. 1005. (a) The provisions of sections 2382 and 7300 of title 10, United States Code, relating to profit limitation on contracts for the construction or manufacture of aircraft and naval vessels and parts thereof, shall not apply with respect to any contract for the construction or manufacture of all or any part of any aircraft or naval vessel, or to any subcontract of such a contract, for which final payment is made before October 1, 1981.

(b) Neither the Secretary of Defense nor the Secretary of the Treasury may require that any report be submitted under section 2382 or 7300 of title 10, United States Code, before October 1, 1981, and neither such Secretary may prescribe regulations to implement such sections (or either of such sections) to take effect before October 1, 1981.

REPORT ON ALLIED COMMITMENTS TO DEFENSE SPENDING

22 USC 1928 note.

94 STAT. 1121

63 Stat. 2241.

11 UST 1632.

SEC. 1006. (a) In recognition of the growth, relative to the United States, in the economic strength of Japan, Canada, and Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security Treaty between Japan and the United States on January 19, 1960, it is the sense of Congress that—

(1) the burdens of mutual defense now assumed by the countries allied with the United States under those agreements are not commensurate with their economic resources; and

(2) the continued unwillingness of those countries to increase

their contributions to the common defense to more appropriate levels would endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

Report to Congress.

(c) The Secretary of Defense shall submit to the Congress not later than March 1, 1981, a report providing—

(1) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist;

(2) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(3) estimates of the real growth in defense spending in fiscal year 1981 projected for each NATO member nation compared to the annual real growth goal in the range of 3 percent set in May 1978;

(4) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1981; and

(5) an explanation of those instances in which the commitments to real growth in defense spending and to the Long-Term Defense Program have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments.

CIVIL AIR PATROL

SEC. 1007. (a) Subsection (b) of section 9441 of title 10, United States Code, relating to support of the Civil Air Patrol by the Air Force, is amended—

(1) by striking out the semicolon at the end of clause (3) and inserting in lieu thereof ", including unit capability testing missions and training missions;";

(2) by striking out "and" at the end of clause (6);

(3) by striking out the period at the end of clause (7) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new clause: "(8) authorize the payment of aircraft maintenance expenses relating to operational missions, unit capability testing missions, and training missions.".

94 STAT. 1122

(b)(1) Subsection (c) of such section is amended by striking out the period and inserting in lieu thereof ", and for purposes of determining the civil liability of the Civil Air Patrol (or any member thereof) with respect to any act or omission committed by the Civil Air Patrol (or any member thereof) in fulfilling such mission, the Civil Air Patrol shall be deemed to be an instrumentality of the United States.".

Effective date.
10 USC 9441 note.

(2) The amendment made by paragraph (1) shall be effective with respect to services of the Civil Air Patrol provided to the Department of the Air Force before the date of the enactment of this Act as well as to such services provided on or after such date, but such amendment shall not be construed (A) to revive any cause of action barred by an applicable statute of limitation, or (B) to serve as grounds for the reopening or appeal of any case which became final before the date of the enactment of this Act.

ADHERENCE TO THE WAR POWERS RESOLUTION

SEC. 1008. Whereas, the National Command Authority must have the capacity to carry out any military mission which is essential to the national security of the United States having in its hands in the Rapid Deployment Force an increased capability to extend the reach of our military power in an expedited manner; and whereas, without the significant safeguard of the War Powers Resolution (Public Law 93-148), United States foreign and defense policies could be subject to misinterpretation; it is therefore the sense of the Congress that the provisions of the War Powers Resolution be strictly adhered to and that the congressional consultation process specified by such Resolution be utilized strictly according to the terms of the War Powers Resolution.

50 USC 1541 note.

50 USC 1541 note.

Approved September 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-916 (Comm. on Armed Services) and No. 96-1222 (Comm. of Conference).
SENATE REPORTS: No. 96-826 (Comm. on Armed Services) and No. 96-895 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 13-15, 21, considered and passed House.
June 28, 30, July 1, 2, considered and passed Senate, amended.
Aug. 26, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 37:
Sept. 8, Presidential statement.

Public Law 96-343
96th Congress

94 STAT. 1123

An Act

To extend certain expiring provisions of law relating to personnel management of the Armed Forces, to provide a variable housing allowance for members of the uniformed services to reflect housing costs in different areas of the United States, to improve certain special and incentive pays for members of the uniformed services, and for other purposes.

Sept. 8, 1980
[H.R. 5168]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Personnel and Compensation Amendments of 1980.
37 USC 101 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Compensation Amendments of 1980".

FLIGHT INCENTIVE PAY

SEC. 2. (a) Section 301 of title 37, United States Code, relating to hazardous duty pay, is amended—

(1) by striking out "(1), (2), or (3)" in subsection (b) and inserting in lieu thereof "(2) or (3)";

(2) by striking out "(b)" before "For the performance of" and inserting in lieu thereof "(2)"; and

(3) by inserting after subsection (a) the following:

"(b)(1) For the performance of the hazardous duty described in clause (1) of subsection (a) of this section, a member is entitled to monthly incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	$131	$131	$131	$131	$131	$131	$131
E-8	131	131	131	131	131	131	131
E-7	100	106	106	106	113	119	131
E-6	88	94	94	100	106	113	119
E-5	75	88	88	100	100	106	113
E-4	69	81	81	88	94	100	100
E-3	69	75	75	75	75	75	75
E-2	63	75	75	75	75	75	75
E-1	63	69	69	69	69	69	69
E-1 under 4 months	63						
Aviation cadets	63						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9	$131	$131	$131	$131	$131	$131	$131
E-8	131	131	131	131	131	131	131
E-7	131	131	131	131	131	131	131
E-6	119	125	125	125	125	125	125
E-5	119	119	119	119	119	119	119
E-4	100	100	100	100	100	100	100
E-3	75	75	75	75	75	75	75
E-2	75	75	75	75	75	75	75
E-1	69	69	69	69	69	69	69".

37 USC 301a.

94 STAT. 1124

(b)(1) The tables in clause (1) of section 301a(b) of such title, relating to aviation career incentive pay for officers, are amended to read as follows:

"Phase I

"Years of aviation service (including flight training) as an officer:	Monthly rate
2 or less	$125
Over 2	156
Over 3	188
Over 4	206
Over 6	306

"Phase II

"Years of service as an officer as computed under section 205:	
Over 18	$281
Over 20	256
Over 22	231
Over 24 but not over 25	206".

(2) The last sentence in such clause is amended by striking out "$160" and "$165" and inserting in lieu thereof "$200" and "$206", respectively.

(3) The table in clause (2) of such section is amended to read as follows:

"Years of aviation service as an officer:	Monthly rate
2 or less	$125
Over 2	138
Over 6	250".

Effective date.
37 USC 301 note.

(c) The amendments made by this section shall be effective with respect to incentive pay payable for months after August 1980.

CAREER SEA PAY FOR ENLISTED MEMBERS

SEC. 3. (a) Section 305a(b) of title 37, United States Code, relating to career sea pay, is amended to read as follows:

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"Years of sea duty:	Monthly rate
Over 3	$29
Over 5	40
Over 7	52
Over 9	63
Over 10	75
Over 11	86
Over 12	115".

(b) Section 804(a)(2) of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 37 U.S.C. 305a note) is repealed.

Repeal.
37 USC 305a.

(c) The amendments made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after August 1980.

Effective date.
37 USC 305a note.

94 STAT. 1125

VARIABLE HOUSING ALLOWANCE

SEC. 4. (a)(1) Section 403(a) of title 37, United States Code, relating to basic allowance for quarters, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) A member of a uniformed service entitled to basic allowance for quarters is entitled to a variable housing allowance under this paragraph whenever assigned to duty in an area of the United States (other than Alaska or Hawaii) which is a high housing cost area with respect to such member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States is entitled to a variable housing allowance while serving such tour of duty for any period during which the member's dependents reside in an area of the United States which would qualify the member to receive a variable housing allowance under this paragraph if assigned to duty in that area.

"(B) The monthly amount of a variable housing allowance under this paragraph for any member is the difference between (i) the average monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member (as determined under regulations prescribed under subsection (j) of this section), and (ii) 115 percent of the amount of the basic allowance for quarters to which that member is entitled.

"(C) For the purposes of this paragraph, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the average monthly cost of housing in that area for members serving in the same pay grade as that member (as determined under regulations prescribed under subsection (j) of this section) exceeds 115 percent of the amount of the basic allowance for quarters of that member.".

(2) The heading of section 403 of such title is amended to read as follows:

37 USC 403.

"§ 403. Basic allowance for quarters; variable housing allowance".

(3) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"403. Basic allowance for quarters; variable housing allowance.".

(b) Paragraph (2) of section 403(a) of title 37, United States Code, as added by subsection (a), shall take effect on September 30, 1981.

Effective date.
37 USC 403 note.

(c)(1) During fiscal year 1981, a member of a uniformed service entitled to basic allowance for quarters under section 403 of title 37, United States Code, may be paid a variable housing allowance under this subsection whenever assigned to duty in an area of the United States (other than Alaska or Hawaii) which is a high housing cost area with respect to such member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States may be paid a variable housing allowance under this subsection while serving such tour of duty for any period during which the member's dependents reside in an area of the United States which would qualify the member to receive a variable housing allowance under this subsection if assigned to duty in that area.

37 USC 403 note.

(2) The monthly amount of a variable housing allowance under this subsection for any member may not exceed the difference between (A) the average monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member (as determined under regulations prescribed under paragraph (4)), and (B) 115 percent of the amount of the basic allowance for quarters to which that member is entitled.

94 STAT. 1126

(3) For the purposes of this subsection, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the average monthly cost of housing in that area for members serving in the same pay grade as that member (as determined under regulations prescribed under paragraph (4)) exceeds 115 percent of the amount of the basic allowance for quarters of that member.

Regulations.

(4) Regulations shall be prescribed for the administration of this subsection in the same manner that regulations are prescribed under subsection (j) of section 403 of title 37, United States Code, for the administration of such section.

TRAVEL AND TRANSPORTATION ALLOWANCES

Sec. 5. (a) Section 404(d) of title 37, United States Code, relating to travel and transportation allowances, is amended—

(1) by striking out "that is not more than 7 cents a mile" in clause (1) and inserting in lieu thereof "per mile prescribed by the Secretaries concerned and"; and

(2) by striking out "of not more than 10 cents a mile" in clause (3) and inserting in lieu thereof "at a rate per mile prescribed by the Secretaries concerned and".

37 USC 411.

(b) Section 411(b) of such title, relating to travel and transportation allowances, is amended—

(1) by striking out "first-class transportation, including sleeping accommodations," in clause (1) and inserting in lieu thereof "common carrier transportation";

(2) by inserting "and designating areas as high cost areas" after "rates" in clause (2); and

(3) by striking out "first-class transportation" and all that follows in clause (3) and inserting in lieu thereof "transportation and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage allowances.".

Effective date.
37 USC 404 note.

(c) The amendments made by this section shall be effective with respect to travel and transportation performed after August 31, 1980.

STABILIZATION OF PAY AND ALLOWANCES OF COMMISSIONED OFFICERS WHO PREVIOUSLY SERVED AS ENLISTED MEMBERS OR WARRANT OFFICERS

Sec. 6. (a)(1) Section 907 of title 37, United States Code, relating to the pay and allowances of enlisted members appointed as officers, is amended to read as follows:

"§ 907. Enlisted members and warrant officers appointed as officers: pay and allowances stabilized

"(a) An enlisted member who accepts an appointment as an officer shall, for service as an officer, be paid the greater of—

"(1) the pay and allowances to which he is entitled as an officer; or

94 STAT. 1127

"(2) the pay and allowances to which he would be entitled if he were in the last enlisted grade he held before his appointment as an officer.

"(b) A warrant officer who accepts an appointment as a commissioned officer in a pay grade above W-4 shall, for service as such a commissioned officer, be paid the greater of—

"(1) the pay and allowances to which he is entitled as such a commissioned officer;

"(2) the pay and allowances to which he would be entitled if he were in the last warrant officer grade he held before his appointment as such a commissioned officer; or

"(3) in the case of an officer who was formerly an enlisted member, the pay and allowances to which he would be entitled if he were in the last enlisted grade he held before his appointment as an officer.

"(c) For the purposes of this section—

"(1) the pay and allowances of a grade formerly held by an officer include—

"(A) subject to subsection (d) of this section, special and incentive pays under chapter 5 of this title; and

"(B) subject to subsection (e) of this section, allowances under chapter 7 of this title; and

"(2) the rates of pay and allowances of a grade which an officer formerly held are those to which the officer would have been entitled had he remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title.

"(d) In determining the amount of the pay and allowances of a grade formerly held by an officer, incentive pay for hazardous duty under section 301 of this title, special pay for diving duty under section 304 of this title, for duty at certain places under section 305 of this title, and for sea duty under section 305a of this title, and proficiency pay under section 307 of this title may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for that pay and would otherwise be eligible to receive that pay in his former grade.

37 USC 301.
37 USC 304.
37 USC 305a, *ante*, p. 1124.
37 USC 307.

"(e) The clothing allowance under section 418 of this title may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer if the officer is entitled to a uniform allowance under section 415 of this title.".

37 USC 418.
37 USC 415.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking out the item relating to section 907 and inserting in lieu thereof the following:

37 USC 907.

"907. Enlisted members and warrant officers appointed as officers: pay and allowances stabilized.".

(b) Section 203 of such title, relating to rates of pay for members of the uniformed services, is amended by adding at the end thereof the following new subsection:

37 USC 203.

"(d) The basic pay of commissioned officers who are in pay grades O-1, O-2, and O-3 and who are credited with over four years' active service as warrant officers shall be computed in the same manner as the basic pay of commissioned officers in the same pay grades who have been credited with over four years' active service as enlisted members.".

(c) The amendments made by this section shall be effective with respect to periods for which pay and allowances are payable which begin after August 31, 1980.

Effective date.
37 USC 907 note.

INCREASE IN BASIC ALLOWANCE FOR SUBSISTENCE

94 STAT. 1128

SEC. 7. Effective September 1, 1980, the rates of basic allowance for subsistence authorized by section 402 of title 37, United States Code, as in effect on the day before the date of the enactment of this Act (as prescribed by the President under section 1009 of such title), are increased by 10 percent.

Effective date.
37 USC 402 note.
37 USC 1009.

EXPANSION OF AUTHORITY TO MAKE ADVANCE PAYMENTS

SEC. 8. Subsection (a) of section 1006 of title 37, United States Code, relating to advance payments, is amended to read as follows:

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be paid in advance—

"(1) not more than three months' pay of such member upon such member's change of permanent station; or

"(2) the amount of an allotment made from such member's pay to a dependent if such member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment is made by such member not more than sixty days before the scheduled date of the assignment of such member to such duty.".

AMENDMENTS TO MAKE CERTAIN RETIREMENT PROVISIONS RELATING TO REGULAR ENLISTED MEMBERS OF THE ARMY AND AIR FORCE APPLICABLE TO RESERVE ENLISTED MEMBERS

SEC. 9. (a)(1) Section 3914 of title 10, United States Code, relating to the retirement of regular enlisted members, is amended to read as follows:

"§ 3914. Twenty to thirty years: enlisted members

10 USC 3925.

"Under regulations to be prescribed by the Secretary of the Army, an enlisted member of the Army who has at least 20, but less than 30, years of service computed under section 3925 of this title may, upon his request, be retired. A regular enlisted member then becomes a member of the Army Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 3925 of this title, plus his inactive service as a member of the Army Reserve, equals 30 years.".

(2) Section 3925 of such title, relating to the computation of years of service of enlisted members of the Army in determining eligibility for voluntary retirement, is amended—

(A) by striking out "a regular" in subsection (a) and inserting in lieu thereof "an"; and

(B) by striking out "**regular**" in the catchline.

10 USC 3914, 3925.

(3) The table of sections at the beginning of chapter 367 of such title is amended by striking out "regular" in the items relating to sections 3914 and 3925.

(b)(1) Section 8914 of such title is amended to read as follows:

10 USC 8914.

"§ 8914. Twenty to thirty years: enlisted members

94 STAT. 1129

10 USC 8925.

"Under regulations to be prescribed by the Secretary of the Air Force, an enlisted member of the Air Force who has at least 20, but less than 30, years of service computed under section 8925 of this title may, upon his request, be retired. A regular enlisted member then becomes a member of the Air Force Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 8925 of this title, plus his inactive service as a member of the Air Force Reserve, equals 30 years.".

(2) Section 8925 of such title, relating to the computation of years of service of enlisted members of the Air Force in determining eligibility for voluntary retirement, is amended—

(A) by striking out "a regular" in subsection (a) and inserting in lieu thereof "an"; and

(B) by striking out "**regular**" in the catchline.

10 USC 8914, 8925.

(3) The table of sections at the beginning of chapter 867 of such title is amended by striking out "regular" in the items relating to sections 8914 and 8925.

Effective date.
10 USC 3914 note.

(c) The amendments made by this section shall apply with respect to retired pay payable for months beginning after the date of the enactment of this Act.

EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO PERSONNEL MANAGEMENT OF THE ARMED FORCES

SEC. 10. (a) Public Law 93-397 (10 U.S.C. 8202 note) is amended by striking out "beginning with October 1, 1974, through September 30, 1979" and inserting in lieu thereof "through September 30, 1982".

(b) Subsections (a) and (b) of section 2 of Public Law 95-377 (92 Stat. 719) are amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1982". 10 USC 5707 note.

(c)(1) Section 1201(3) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subclause (B)(ii);

(B) by striking out the period at the end of subclause (B)(iii) and inserting in lieu thereof "; or"; and

(C) by adding at the end of subclause (B) a new item as follows:

"(iv) the disability was incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect.".

(2) Section 1203(4)(A) of such title is amended— 10 USC 1203.

(A) by striking out "or" at the end of item (i); and

(B) by striking out the semicolon at the end of item (ii) and inserting in lieu thereof ", or (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect;".

(3) Section 1203(4)(C) of such title is amended by striking out "the proximate result of performing active duty nor incurred in line of duty in time of war or national emergency" and inserting in lieu thereof "(i) the proximate result of performing active duty, (ii) incurred in line of duty in time of war or national emergency, nor (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect".

(d) Section 5703(a)(1) of title 10, United States Code, is amended to read as follows: 94 STAT. 1130

"(1) A board to recommend brigadier generals for promotion to the grade of major general, consisting of nine officers holding permanent appointments in the grade of major general or above, except that before October 1, 1982, such a board may consist of nine officers serving in the grade of major general or above.".

(e) Sections 5787c(b)(2) and 5787d(g) of title 10, United States Code, are amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1982".

ESTABLISHMENT OF NAVY CHAPLAIN CORPS AS A STAFF CORPS OF THE NAVY

SEC. 11. (a) Chapter 513 of title 10, United States Code, relating to Bureaus of the Navy, is amended by striking out section 5142 and inserting in lieu thereof the following:

"§ 5142. Chaplain Corps and Chief of Chaplains 10 USC 5142.

"(a) The Chaplain Corps is a staff corps of the Navy and shall be organized in accordance with regulations prescribed by the Secretary of the Navy.

"(b) There is in the executive part of the Department of the Navy the office of the Chief of Chaplains of the Navy. The Chief of Chaplains shall be appointed by the President, by and with the advice and consent of the Senate, from officers of the Chaplain Corps in the grade of commander or above who are serving on active duty, who are not on the retired list, and who have served on active duty in the Chaplain Corps for at least eight years. Appointment.

"(c) An officer appointed as the Chief of Chaplains shall be Term of office.

appointed for a term of four years. However, the President may terminate or extend the appointment at any time.

"(d)(1) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Navy and by law.

"(2) The Chief of Chaplains shall, with respect to all duties pertaining to the procurement, distribution, and support of personnel of the Chaplain Corps, report to and be supported by the Chief of Naval Personnel.

"(e) The Chief of Chaplains of the Navy is entitled to the same rank and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title. 10 USC 5133.

10 USC 5142a.

"§ 5142a. Deputy Chief of Chaplains

"The Secretary of the Navy may detail as the Deputy Chief of Chaplains an officer of the Chaplain Corps in the grade of commander or above who is on active duty, who is not on the retired list, and who has served on active duty in the Chaplain Corps for at least eight years.".

(b) The table of sections at the beginning of chapter 513 of such title is amended by striking out the item relating to section 5142 and inserting in lieu thereof the following: 10 USC 5142.

"5142. Chaplain Corps and Chief of Chaplains.
"5142a. Deputy Chief of Chaplains.".

DEPUTY JUDGE ADVOCATE GENERAL, AIR FORCE

SEC. 12. (a) Section 8072 of title 10, United States Code, is amended by adding at the end thereof the following new subsection: 94 STAT. 1131

Appointment.

"(d)(1) There is a Deputy Judge Advocate General in the Air Force, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Deputy Judge Advocate General is two years, but may be sooner terminated or extended by the President. An officer appointed as Deputy Judge Advocate General shall be appointed in a regular grade to be determined by the Secretary of Defense. Term of office.

Vacancy.

"(2) When there is a vacancy in the office of the Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy Judge Advocate General shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

"(3) When paragraph (2) cannot be complied with because of the absence or disability of the Deputy Judge Advocate General, the heads of the major divisions of the Office of the Judge Advocate General, in the order directed by the Secretary of the Air Force, shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.".

(b)(1) The heading of such section is amended to read as follows:

10 USC 8072

"§ 8072. Judge Advocate General, Deputy Judge Advocate General: appointment; duties".

(2) The item relating to such section in the table of sections at the beginning of chapter 807 of such title is amended to read as follows:

"8072. Judge Advocate General, Deputy Judge Advocate General: appointment; duties.".

AUTHORITY TO RETIRE IN A HIGHER GRADE RESERVE OFFICERS WHO HAVE SERVED IN SPECIAL POSITIONS

SEC. 13. (a)(1) Section 3962(a) of title 10, United States Code, relating to retirement in a higher grade for service in special positions, is amended by striking out "Regular" and by striking out "held by him at any time on the active list" and inserting in lieu thereof "in which he served on active duty". 10 USC 3962

(2) Section 3962(b) of such title is amended by striking out "Regular".

(3) The heading of section 3962 of such title is amended to read as follows:

"§ 3962. Higher grade for service in special positions".

(4) The item relating to section 3962 in the table of sections at the beginning of chapter 369 of such title is amended to read as follows:

"3962. Higher grade for service in special positions.".

(b)(1) Section 8962(a) of title 10, United States Code, relating to retirement in a higher grade for service in special positions, is amended by striking out "Regular" and by striking out "held by him at any time on the active list" and inserting in lieu thereof "in which he served on active duty".

(2) The heading of section 8962 of such title is amended to read as follows:

10 USC 8962.

"§ 8962. Higher grade for service in special positions".

(3) The item relating to section 8962 in the table of sections at the beginning of chapter 869 of such title is amended to read as follows:

"8962. Higher grade for service in special positions.".

94 STAT. 1132

Appointment to retired grade.
10 USC 3962 note.

(c)(1) The President may, by and with the advice and consent of the Senate, appoint any commissioned officer of a reserve component of the Armed Forces who retired after December 31, 1967, to the retired grade in which such officer could have been retired had such officer retired on or after the date of the enactment of this Act.

Applicability.

(2) The retired pay of any retired officer who is appointed to a higher retired grade under paragraph (1) shall be recalculated as if such officer had retired in the grade to which appointed, but any increase in such retired pay by virtue of such appointment or this subsection shall be effective only with respect to periods beginning on or after the date on which such appointment is made.

Approved September 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-440 (Comm. on Armed Services) and No. 96-1233 (Comm. of Conference).
SENATE REPORT No. 96-424 (Comm. on Armed Services).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 24, 25, considered and passed House.
Vol. 126 (1980): Feb 1, 4, considered and passed Senate, amended.
June 17, House agreed to Senate amendments with amendments.
Aug. 20, Senate agreed to conference report.
Aug. 26, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 37 (1980): Sept. 8, Presidential statement.

Public Law 96-418
96th Congress

94 STAT. 1749

An Act

To authorize certain construction at military installations for fiscal year 1981, and for other purposes.

Oct. 10, 1980
[H.R. 7301]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1981".

Military Construction Authorization Act, 1981.

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION PROJECTS

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $16,350,000.
Fort Campbell, Kentucky, $14,200,000.
Fort Carson, Colorado, $129,960,000.
Fort Devens, Massachusetts, $1,000,000.
Fort Drum, New York, $5,900,000.
Fort Gillem, Georgia, $2,600,000.
Fort Hood, Texas, $24,420,000.
Fort Hunter-Liggett, California, $5,100,000.
Fort Lewis, Washington, $16,000,000.
Fort Ord, California, $4,700,000.
Fort Polk, Louisiana, $14,800,000.
Fort Riley, Kansas, $890,000.
Fort Sam Houston, Texas, $3,750,000.
Fort Stewart/Hunter Army Air Field, Georgia, $31,700,000.
Presidio of San Francisco, California, $750,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $12,220,000.
Tripler Army Medical Center, Hawaii, $84,500,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort A. P. Hill, Virginia, $930,000.
Fort Belvoir, Virginia, $2,310,000.
Fort Benning, Georgia, $13,390,000.
Fort Bliss, Texas, $2,400,000.
94 STAT. 1750 Fort Dix, New Jersey, $4,510,000.
Fort Eustis, Virginia, $1,100,000.
Fort Gordon, Georgia, $2,500,000.
Fort Jackson, South Carolina, $20,140,000.
Fort Knox, Kentucky, $5,400,000.
Fort Leavenworth, Kansas, $1,250,000.
Fort Leonard Wood, Missouri, $7,900,000.
Fort Rucker, Alabama, $30,560,000.
Fort Sill, Oklahoma, $4,100,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Anniston Army Depot, Alabama, $3,550,000.
Badger Army Ammunition Plant, Wisconsin, $2,100,000.
Corpus Christi Army Depot, Texas, $1,600,000.
Fort Monmouth, New Jersey, $2,000,000.
Holston Army Ammunition Plant, Tennessee, $4,690,000.
Indiana Army Ammunition Plant, Indiana, $2,800,000.
Iowa Army Ammunition Plant, Iowa, $1,650,000.
Jefferson Proving Ground, Indiana, $960,000.
Letterkenny Army Depot, Pennsylvania, $9,250,000.
Lone Star Army Ammunition Plant, Texas, $4,350,000.
Louisiana Army Ammunition Plant, Louisiana, $1,050,000.
McAlester Army Ammunition Plant, Oklahoma, $620,000.

Picatinny Arsenal, New Jersey, $1,400,000.
Pine Bluff Arsenal, Arkansas, $3,150,000.
Red River Army Depot, Texas, $3,800,000.
Redstone Arsenal, Alabama, $12,190,000.
Rock Island Arsenal, Illinois, $6,870,000.
Rocky Mountain Arsenal, Colorado, $10,400,000.
Sacramento Army Depot, California, $1,930,000.
Sierra Army Depot, California, $550,000.
St. Louis Support Activity, Illinois, $3,050,000.
Tobyhanna Army Depot, Pennsylvania, $680,000.
Tooele Army Depot, Utah, $2,050,000.
Twin City Army Ammunition Plant, Minnesota, $820,000.
Umatilla Army Depot, Oregon, $620,000.
Volunteer Army Ammunition Plant, Tennessee, $2,150,000.
White Sands Missile Range, New Mexico, $1,000,000.
Yuma Proving Ground, Arizona, $2,650,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $300,000.
Indiana Army Ammunition Plant, Indiana, $3,570,000.
Iowa Army Ammunition Plant, Iowa, $2,300,000.
Lake City Army Ammunition Plant, Missouri, $220,000.
Lone Star Army Ammunition Plant, Texas, $540,000.
Longhorn Army Ammunition Plant, Texas, $260,000.
Louisiana Army Ammunition Plant, Louisiana, $380,000.
Milan Army Ammunition Plant, Tennessee, $210,000.
Radford Army Ammunition Plant, Virginia, $5,890,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Cold Regions Laboratory, New Hampshire, $6,100,000.

MILITARY DISTRICT OF WASHINGTON

94 STAT. 1751

Cameron Station, Virginia, $930,000.
Fort McNair, Washington, District of Columbia, $690,000.
Fort Myer, Virginia, $1,150,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $4,650,000.
Fort Ritchie, Maryland, $1,750,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,350,000.
Fitzsimmons Army Medical Center, Colorado, $790,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Terminal, New Jersey, $660,000.
Sunny Point Terminal, North Carolina, $1,800,000.

OUTSIDE THE UNITED STATES

EIGHTH UNITED STATES ARMY, KOREA

Various Locations, $62,074,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $5,440,000.

UNITED STATES ARMY FORCES COMMAND

Panama Area, Canal Zone, $8,100,000.

UNITED STATES ARMY, JAPAN

Kawakami, Japan, $3,000,000.

UNITED STATES ARMY, EUROPE

Various Locations, $168,340,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND

Korea, $1,186,000.

EMERGENCY CONSTRUCTION

94 STAT. 1752

Notification to congressional committees.

Expiration date.

SEC. 102. The Secretary of the Army may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, (4) improved production schedules, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Army, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1981, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

MINOR CONSTRUCTION

SEC. 103. The Secretary of the Army is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $44,560,000.

DEFICIENCY AUTHORIZATION FOR FISCAL YEAR 1979 PROJECTS

SEC. 104. Section 602(1) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 580), is amended to read as follows:

> "(1) for title I: inside the United States $503,794,000; outside the United States $232,510,000; minor construction $35,365,000; for a total of $771,669,000.".

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION PROJECTS

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $930,000.

Marine Corps Base, Camp Lejeune, North Carolina, $24,700,000.

Marine Corps Base, Camp Pendleton, California, $8,050,000.

Marine Corps Air Station, Cherry Point, North Carolina, $16,700,000.

Marine Corps Air Station, El Toro, California, $11,500,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $620,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $6,800,000.

Marine Corps Development and Education Command, Quantico, Virginia, $5,800,000.

Marine Corps Air Ground Combat Center, Twentynine Palms, California, $9,400,000.

Marine Corps Air Station, Yuma, Arizona, $2,200,000.

OFFICE OF NAVAL RESEARCH

94 STAT. 1753

Naval Research Laboratory, Washington, District of Columbia, $7,300,000.

CHIEF OF NAVAL OPERATIONS

Naval Submarine Base, Bangor, Bremerton, Washington, $8,562,000.

Naval Submarine Support Base, Kings Bay, Kingsland, Georgia, $18,000,000.

Commandant Naval District, Washington, District of Columbia, $790,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $4,100,000.

Naval Station, Charleston, South Carolina, $13,200,000.

Naval Air Station, Jacksonville, Florida, $3,830,000.

Naval Amphibious Base, Little Creek, Virginia, $8,100,000.

Naval Station, Mayport, Florida, $24,620,000.

Naval Submarine Base, New London, Groton, Connecticut, $8,030,000.

Headquarters Support Activity, Atlantic Fleet, Norfolk, Virginia, $3,400,000.

Naval Air Station, Norfolk, Virginia, $2,450,000.

Naval Station, Norfolk, Virginia, $15,500,000.

Naval Air Station, Oceana, Virginia, $19,350,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Air Station, Alameda, California, $10,850,000.

Naval Air Station, Barbers Point, Hawaii, $2,500,000.

Naval Air Station, Fallon, Nevada, $330,000.

Naval Air Station, Lemoore, California, $5,810,000.

Naval Magazine, Lualualei, Hawaii, $6,600,000.

Naval Air Station, Miramar, California, $1,200,000.

Naval Air Station, North Island, California, $850,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $1,900,000.

Naval Station, San Diego, California, $4,950,000.

Navy Submarine Support Facility, San Diego, California, $4,150,000.

Naval Air Station, Whidbey Island, Washington, $2,390,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina, $1,100,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $4,700,000.

Naval Submarine School, Groton, Connecticut, $1,150,000.

Naval Education and Training Center, Newport, Rhode Island, $620,000.

Naval Training Center, Orlando, Florida, $7,050,000.

Fleet Combat Training Center, Pacific, San Diego, California, $540,000.

Naval Submarine Training Center, San Diego, California, $4,450,000.

Naval Air Station, Whiting Field, Florida, $3,680,000.

94 STAT. 1754

BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, $23,000,000.

Naval Regional Medical Center, San Diego, California, $293,000,000, including land acquisition.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $2,350,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $35,000,000.

Naval Supply Center, Puget Sound, Bremerton, Washington, $2,200,000.

Naval Fuel Annex, Casco Bay, Maine, $3,900,000.

Charleston Naval Shipyard, Charleston, South Carolina, $6,600,000.

Naval Weapons Station, Charleston, South Carolina, $3,410,000.

Polaris Missile Facility, Atlantic, Charleston, South Carolina, $8,400,000.

Naval Weapons Center, China Lake, California, $9,050,000.

Naval Construction Battalion Center, Davisville, Rhode Island, $550,000.

Navy Public Works Center, Great Lakes, Illinois, $8,400,000.

Naval Undersea Warfare Engineering Station, Keyport, Washington, $860,000.

Portsmouth Naval Shipyard, Kittery, Maine, $13,880,000.

Long Beach Naval Shipyard, Long Beach, California, $4,400,000.

Naval Ordnance Station, Louisville, Kentucky, $2,050,000.

Naval Supply Center, Norfolk, Virginia, $13,150,000.

Navy Public Works Center, Norfolk, Virginia, $1,560,000.

Naval Supply Center, Oakland, California, $4,600,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $5,783,000.

Naval Air Rework Facility, Pensacola, Florida, $1,550,000.

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $10,710,000.

Pacific Missile Test Center, Point Mugu, California, $8,750,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,500,000.

Naval Supply Center, San Diego, California, $2,900,000.

Navy Public Works Center, San Diego, California, $670,000.

Mare Island Naval Shipyard, Vallejo, California, $7,100,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii, $2,000,000.

Naval Communications Area Master Station Atlantic, Norfolk, Virginia, $700,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Winter Harbor, Maine, $1,150,000.

OUTSIDE THE UNITED STATES

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Facility, Brawdy, Wales, United Kingdom, $3,600,000.

Naval Station, Keflavik, Iceland, $49,200,000.

Naval Station, Roosevelt Roads, Puerto Rico, $10,500,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Air Facility, Atsugi, Japan, $1,000,000.
Naval Support Facility, Diego Garcia, Indian Ocean, $108,177,000.
Naval Station, Subic Bay, Republic of the Philippines, $780,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Area Master Station Western Pacific, Guam, Mariana Islands, $1,900,000.
Naval Communication Station, Keflavik, Iceland, $3,600,000.

EMERGENCY CONSTRUCTION

SEC. 202. The Secretary of the Navy may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, (4) improved production schedules, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Navy, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1981, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Notification to congressional committees.

Expiration date.

MINOR CONSTRUCTION

SEC. 203. The Secretary of the Navy is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $33,010,000.

DUAL PURPOSE AIR TERMINAL, KEFLAVIK, ICELAND

SEC. 204. (a) The Secretary of the Navy may contract for the construction of the Air Passenger Terminal in Keflavik, Iceland, in accordance with this section and any agreement which may be made between the Government of Iceland and the Government of the United States. Of the amount authorized in section 201 for the Naval Station, Keflavik, Iceland, no more than $20,000,000 may be contributed by the United States as the United States share of the cost of such construction.

(b) A contract for such construction may not be entered into until the Government of Iceland agrees (1) to provide to the Government of the United States funds equal to the difference between the amount required to complete the construction and the amount of the United States share authorized in subsection (a), and (2) to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States.

NAVAL REGIONAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA

SEC. 205. None of the funds authorized to be appropriated for the construction of the Naval Regional Medical Center, San Diego, California, may be obligated or expended until—

Report to congressional committees.

(1) the Secretary of the Navy has submitted a report to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives which includes (A) an evaluation of the Balboa Park and Helix Heights areas as proposed sites for the construction of such medical center, (B) a statement of the Secretary's preference between the two sites, and (C) a statement justifying the Secretary's preference; and

(2) a period of 30 calendar days has elapsed after the date on which such report is received by such committees.

NAVAL WEAPONS CENTER, CHINA LAKE, CALIFORNIA

SEC. 206. The Secretary of the Navy is authorized to acquire such lands or interests in lands as may be needed for two established low-level, high-speed aircraft corridors to serve the Naval Weapons Center at China Lake, California. The acquisition of such lands or interests may be made only by exchange, on an equal value basis, of excess land of the Naval Weapons Center, China Lake, California.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION PROJECTS

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $9,650,000.
Kelly Air Force Base, Texas, $650,000.
McClellan Air Force Base, California, $3,250,000.
Robins Air Force Base, Georgia, $4,850,000.
Tinker Air Force Base, Oklahoma, $11,870,000.
Wright-Patterson Air Force Base, Ohio, $3,700,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $11,500,000.
Brooks Air Force Base, Texas, $4,200,000.
Buckley Air National Guard Base, Colorado, $900,000.
Cape Canaveral Air Force Station, Florida, $22,300,000.
Edwards Air Force Base. California, $10,500,000.
94 STAT. 1757 Hanscom Air Force Base, Massachusetts, $7,200,000.
Port Hueneme Naval Installation, California, $16,700,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $14,648,000.
Keesler Air Force Base, Mississippi, $2,810,000.
Lackland Air Force Base, Texas, $9,740,000.
Laughlin Air Force Base, Texas, $1,100,000.
Lowry Air Force Base, Colorado, $840,000.
Mather Air Force Base, California, $860,000.
Maxwell Air Force Base, Alabama, $11,184,000.
Randolph Air Force Base, Texas, $7,850,000.
Reese Air Force Base, Texas, $4,290,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $5,190,000.
Elmendorf Air Force Base, Alaska, $14,820,000.
Galen Air Force Base, Alaska, $930,000.
King Salmon Airport, Alaska, $1,000,000.
Shemya Air Force Base, Alaska, $2,900,000.

MILITARY AIRLIFT COMMAND

Andrews Air Force Base, Maryland, $3,140,000.
Charleston Air Force Base, South Carolina, $1,740,000.
Dover Air Force Base, Delaware, $4,500,000.
Kirtland Air Force Base, New Mexico, $1,200,000.
McChord Air Force Base, Washington, $5,500,000.
Norton Air Force Base, California, $2,000,000.
Pope Air Force Base, North Carolina, $9,250,000.
Scott Air Force Base, Illinois, $4,000,000.
Travis Air Force Base, California, $1.080,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $580,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $3,200,000.
Beale Air Force Base, California, $2,670,000.
Blytheville Air Force Base, Arkansas, $6,141,000.
Carswell Air Force Base, Texas, $13,920,000.
Castle Air Force Base, California, $19,850,000.
Dyess Air Force Base, Texas, $10,300,000.
Ellsworth Air Force Base, South Dakota, $20,720,000.
Fairchild Air Force Base, Washington, $22,860,000.
Grand Forks Air Force Base, North Dakota, $22,650,000.
Griffiss Air Force Base, New York, $14,850,000.
K. I. Sawyer Air Force Base, Michigan, $3,700,000.
Loring Air Force Base, Maine, $11,800,000.
Malmstrom Air Force Base, Montana, $750,000.
McConnell Air Force Base, Kansas, $4,040,000.
Minot Air Force Base, North Dakota, $2,570,000.
Offutt Air Force Base, Nebraska, $5,360,000.
Pease Air Force Base, New Hampshire, $10,500,000.
Peterson Air Force Base, Colorado, $600,000.
Rickenbacker Air Force Base, Indiana, $6,300,000. 94 STAT. 1758
Vandenberg Air Force Base, California, $75,300,000.
Whiteman Air Force Base, Missouri, $990,000.
Wurtsmith Air Force Base, Michigan, $34,970,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $1,910,000.
Davis Monthan Air Force Base, Arizona, $3,200,000.
George Air Force Base, California, $640,000.
Holloman Air Force Base, New Mexico, $5,800,000.
Homestead Air Force Base, Florida, $670,000.
Langley Air Force Base, Virginia, $3,892,000.
Luke Air Force Base, Arizona, $2,650,000.
MacDill Air Force Base, Florida, $1,160,000.
Moody Air Force Base, Georgia, $1,470,000.
Myrtle Beach Air Force Base, South Carolina, $780,000.
Nellis Air Force Base, Nevada, $6,250,000.
Shaw Air Force Base, South Carolina, $3,800,000.
Tyndall Air Force Base, Florida, $2,300,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $22,300,000.

PACIFIC AIR FORCES

Camp Zama, Japan, $1,100,000.
Clark Air Base, Republic of the Philippines, $13,050,000.
Kadena Air Base, Japan, $10,280,000.
Kunsan Air Base, Korea, $4,400,000.
Kwang-Ju Air Base, Korea, $5,900,000.
Misawa Air Base, Japan, $1,930,000.
Naval Support Facility, Diego Garcia, Indian Ocean, $23,700,000.
Osan Air Base, Korea, $16,800,000.
Taegu Air Base, Korea, $8,350,000.

UNITED STATES AIR FORCES IN EUROPE

Various Locations, United Kingdom, $2,200,000.
Various Locations, $34,477,000.

EMERGENCY CONSTRUCTION

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Notification to congressional committees.

Expiration date.

SEC. 302. The Secretary of the Air Force may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, (4) improved production schedules, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Air Force, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1981, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

MINOR CONSTRUCTION

SEC. 303. The Secretary of the Air Force is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $24,870,000.

INSTALLATION OF ALARM SYSTEM AT TITAN II MISSILE SITES

SEC. 304. The Secretary of the Air Force shall acquire and install, out of funds appropriated pursuant to section 303, an appropriate warning system at each Titan II missile site which has in its near vicinity a significant size population.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS FOR THE DEFENSE AGENCIES

Sec. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for defense agencies for the following acquisition or construction:

Inside the United States

DEFENSE INTELLIGENCE AGENCY

Bolling Air Force Base, District of Columbia, $32,700,000.

DEFENSE LOGISTICS AGENCY

Defense Electronics Supply Center, Dayton, Ohio, $730,000.
Defense Fuel Support Point, Norwalk, California, $2,000,000.
Defense Fuel Support Point, Searsport, Maine, $3,000,000.
Defense Personnel Support Center, Philadelphia, Pennsylvania, $750,000.
Defense Storage Facility, Bayonne, New Jersey, $1,450,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,500,000.

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NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $5,065,000.
Kunia, Oahu, Hawaii, $2,700,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $16,500,000.

Outside the United States

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Bitburg, Germany, $1,350,000.

NATIONAL SECURITY AGENCY

Classified Location, $674,000.

Office of the Secretary of Defense

CLASSIFIED LOCATION

Classified Activity, $3,500,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Aschaffenburg, Germany, $1,110,000.
Baumholder, Wetzel Housing Area, Germany, $3,065,000.
Bermuda, Naval Air Station, $2,580,000.
Clark Air Base, Republic of the Philippines, $1,650,000.
Iwakuni, Marine Corps Air Station, Japan, $6,060,000.
Osan Air Base, Korea, $1,900,000.
Pruem Air Station, Germany, $1,150,000.
Sagamihara, Japan, $3,220,000.

Seoul, Yongsan Garrison, Korea, $4,500,000.
Taegu, Korea, $4,100,000.
Wiesbaden, Germany, $10,176,000.
Yokota Air Base West, Japan, $7,500,000.

EMERGENCY CONSTRUCTION

Notification to congressional committees.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $15,000,000. The Secretary of Defense, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

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MINOR CONSTRUCTION

SEC. 403. The Secretary of Defense is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $3,680,000.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 404. (a)(1) The Secretary of Defense, acting on behalf of the United States, may participate in the five-year slice group plan for 1980 through 1984 to implement the North Atlantic Treaty Organization Infrastructure program. The Secretary may participate in such five-year slice group plan, heretofore agreed to by member nations of the North Atlantic Treaty Organization, only to the extent that the United States share under such plan does not exceed 27.42 percent of the total amount of the commitments made by all member nations under such plan.

(2) No funds may be obligated or expended in connection with the North Atlantic Treaty Organization Infrastructure program in any year unless such funds have been authorized by law for such program for such year.

(b) The Secretary of Defense is authorized to incur obligations in amounts not to exceed $300,000,000 for the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including military headquarters) for the collective defense of the North Atlantic Treaty Area.

Notification to congressional committees.

(c) Within thirty days after the end of each calendar year quarter, the Secretary of Defense shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of all obligations incurred by the United States during the preceding quarter to meet the United States share of the cost of the multilateral programs for which the Secretary of Defense is authorized to incur obligations.

SPECIAL CONTINGENCY FACILITIES CONSTRUCTION FUNDS

Appropriation authorization.

SEC. 405. (a) There is authorized to be appropriated to the Secretary of Defense the sum of $150,000,000 for the construction of contingency facilities to support the national security interests of the United States in strategic areas of the world, including the Middle East and Indian Ocean areas.

(b) None of the funds appropriated pursuant to subsection (a) may be obligated or expended for the construction of any facility until (1) the United States and the country which exercises sovereignty over the land on which the facility is to be constructed have entered into a formal agreement which guarantees the United States access to and use of such facility during the term of the agreement, and (2) a copy of such agreement has been transmitted to the Congress.

(c) None of the funds appropriated pursuant to subsection (a) may be obligated or expended for such construction if such construction is authorized under the terms of a renegotiated, amended, or extended agreement, previously entered into by the United States with any other country, until after a copy of the renegotiated, amended, or extended agreement has been transmitted to the Congress.

(d) On each separate occasion that the Secretary of Defense plans to obligate any part of the funds appropriated pursuant to subsection (a), he shall—

Report to congressional committees.

(1) transmit to the appropriate committees of the Congress a written report stating the purpose for which the funds are to be obligated and the amount proposed to be obligated for such purpose; and

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(2) withhold such amount from obligation for such purpose for a period of thirty days following the day on which such report is received by such committees.

Contents.

Each report transmitted under this subsection shall include (A) a detailed accounting of funds appropriated pursuant to subsection (a) that have been previously obligated, (B) a detailed accounting of funds planned for obligation, and (C) a statement of the purposes and the estimated amounts for which any unobligated balance of such funds are to be used (excluding the amount for which an explanation under clause (B) is included).

(e) None of the funds appropriated pursuant to subsection (a) may be obligated or expended to carry out any contract for the construction of any contingency facility referred to in such subsection unless such contract requires that (1) all construction materials (except cement, cement products, and aggregates) used in the construction of such facility under such contract will be materials produced, manufactured, or refined in the United States, and (2) materials will be transported on United States flagships from the United States to the country in which the contingency facility is to be located.

(f) The provisions of subsections (c) and (e) of this section shall apply with respect to funds appropriated pursuant to sections 201 and 301 for the construction of a naval support facility at Diego Garcia.

DEFENSE INTELLIGENCE AGENCY BUILDING STUDY

SEC. 406. (a) None of the funds authorized to be appropriated in this title for the construction of a new facility at Bolling Air Force Base, Washington, District of Columbia, for the Defense Intelligence Agency may be obligated or expended until—

Study.

(1) the Secretary of Defense has conducted a study to examine alternatives to the facility currently planned for construction at Bolling Air Force Base;

Report to congressional committees.

(2) the Secretary of Defense has submitted the results of such study to the appropriate committees of the Congress together with his decision regarding the location and scope of the facility to be constructed for the Defense Intelligence Agency; and

(3) a period of thirty calendar days has elapsed after the date on which such study is received by such committees.

(b) The study conducted pursuant to subsection (a)(1) shall, as a minimum—

(1) examine alternatives in project scope for the proposed facility referred to in subsection (a) which could result in reduced requirements for new construction;

(2) examine alternative sites for the construction of such facility taking into account available lands and facilities as well as land and facilities that could be made available by consolidations; and

(3) provide detailed costs and operational efficiency comparisons of the alternatives considered.

(c) The study conducted pursuant to subsection (a)(1) shall be submitted to the appropriate committees of the Congress not later than ninety days after the date of the enactment of this Act.

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TITLE V—MILITARY FAMILY HOUSING

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

Notification to congressional committees.

SEC. 501. (a) The Secretary of Defense, or the Secretary's designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such location in the United States until the Secretary shall have consulted with the Secretary of Housing and Urban Development as to the availability of suitable private housing at such location. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development-held family housing units in lieu of constructing all or a portion of the family housing authorized by this section, if the Secretary, or the Secretary's designee, determines such action to be in the best interests of the United States, but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority, and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units:

Marine Corps Air Station, Yuma, Arizona, one hundred thirty-two units, $8,050,000.

Defense Housing Complex, South Bay, San Francisco, California, two hundred seventy units, $19,045,000.

Marine Corps Air Station, El Toro, California, three hundred units, $17,483,000.

Fort Ord, California, five hundred units, $30,808,000.

Naval Complex, New London, Connecticut, four hundred units, $24,608,000.

Fort Stewart, Georgia, two hundred units, $9,716,000.

Fort Polk, Louisiana, two hundred units, $11,173,000.

Naval Air Station, Brunswick, Maine, sixty-two units, $3,956,000.

Naval Complex, Norfolk, Virginia, two hundred and thirty-two units, $12,093,000.

Lajes Field, Azores, one hundred and fifty units, $9,768,000.

Incirlik Air Base, Turkey, two hundred units, $11,723,000.

Classified location overseas, five units, $468,000.

(d) The amounts specified in this section may, at the discretion of the Secretary of Defense, or the Secretary's designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, supervision, inspection, overhead, land acquisition, site preparation, installation of utilities, and solar energy systems.

94 STAT. 1764

IMPROVEMENT OF EXISTING QUARTERS

SEC. 502. (a) The Secretary of Defense, or the Secretary's designee, is authorized to accomplish alterations, additions, expansions, or extensions, not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $42,436,000, of which $27,150,000 shall be available only for energy conservation projects;

(2) for the Department of the Navy, $13,562,000, of which $2,819,000 shall be available only for energy conservation projects;

(3) for the Department of the Air Force, $52,819,000, of which $17,000,000 shall be available only for energy conservation projects; and

(4) for the Defense Agencies, $23,000.

42 USC 1594h-2.

Improvement costs, limitation.

(b) The first sentence of section 610(a) of the Military Construction Authorization Act, 1968 (Public Law 90–110, 81 Stat. 305) is amended to read as follows: "None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, if the total cost of such improvements exceeds $20,000, adjusted by the area construction cost index (as developed by the Department of Defense) for the location at the time of contract award. The total cost of any such improvement shall include all repair costs undertaken as part of the improvement project and all costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal, (2) the construction or repair of roads and walks, and (3) any grading and drainage work.".

(c) The Secretary of Defense, or the Secretary's designee, within the amounts specified in subsection (a), is authorized to accomplish repairs and improvements to existing family housing in amounts in excess of the dollar limitation prescribed in section 610(a) of the Military Construction Authorization Act, 1968 (42 U.S.C. 1594h-2), as follows:

Redstone Arsenal, Alabama, forty units, $891,000.

Navy Public Works Center, Pearl Harbor, Hawaii, one hundred and forty-six units, $5,468,000.

Fort Knox, Kentucky, one hundred units, $2,592,000.

Loring Air Force Base, Maine, five hundred and sixty-five units, $12,723,600.

Kirtland Air Force Base, New Mexico, one hundred and twenty-five units, $2,458,100.

Marine Corps Development and Education Command, Quantico, Virginia, fifty-two units, $1,910,000.

Warren Air Force Base, Wyoming, one hundred and sixty-two units, $3,150,000.

Hahn Air Base, Federal Republic of Germany, twenty-eight units, $980,000.

Ramstein Air Base (Vogelweh and Landstuhl), Federal Republic of Germany, twenty units, $993,000.

Yokota Air Base, Japan, two hundred and sixty-eight units, $9,054,800.

94 STAT. 1765

ADVANCE PLANNING AND DESIGN

SEC. 503. The Secretary of Defense, or the Secretary's designee, may carry out advance planning and construction design and may obtain architectural and engineering services in connection with any family housing construction, including improvements, authorized or not otherwise authorized by law at a total cost of not to exceed—

(1) for the Department of the Army, $3,993,000;

(2) for the Department of the Navy, $2,994,000;

(3) for the Department of the Air Force, $1,380,000; and

(4) for the Defense agencies, $2,000.

LEASING OF FAMILY HOUSING

SEC. 504. (a) Subsection (c) of section 2686 of title 10, United States Code, relating to leases for military family housing in the United States, is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), expenditures for the rental of such housing facilities (including the cost of utilities, maintenance, and operation) may not exceed $515 per month for any unit.

"(2) The Secretary of Defense may lease not more than five hundred housing units under this section for which the expenditure for the rental of such facilities (including the cost of utilities, maintenance, and operation) exceeds $515 per month but does not exceed $600 per month.".

Cost limitation.
10 USC 2675.

(b) The first sentence of section 2675(d)(1) of such title, relating to leases in foreign countries, is amended to read as follows: "Expenditures for the rental of family housing in foreign countries (including the cost of utilities and maintenance and operation) may not exceed $1,115 per month for any unit.".

SETTLEMENT OF CONTRACTOR CLAIMS ON MILITARY FAMILY HOUSING

Report to congressional committees.
42 USC 1594h-3.

SEC. 505. Notwithstanding any other provision of law, if the proposed settlement of any contractor claim or claims arising out of the construction of new or improvement of existing family housing would cause authorized cost limitations on the construction or improvement of family housing to be exceeded, the Secretary of Defense may proceed with the settlement of such claim or claims after (1) he has submitted a report regarding such claim or claims, including the amount of the proposed settlement, to the Committees on Armed Services of the Senate and House of Representatives, and (2) a period of thirty days has elapsed after the date of submission of such report to such committees.

OCCUPANT LIABILITY FOR DAMAGES TO FAMILY HOUSING

SEC. 506. (a) Chapter 165 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2775.

"§ 2775. Liability of member for damages to family housing, equipment, and furnishings

"(a) A member of the armed forces shall be liable to the United States for damage to any family housing unit, or damage to or loss of any equipment or furnishing of any family housing unit, assigned to or provided such member if it is determined, under regulations issued by the Secretary of Defense, that such damage or loss was caused by the abuse or negligence of such member or a dependent of such member.

"(b)(1) The Secretary concerned may deduct from a member's pay an amount sufficient to pay for the cost of the repairs or replacements made necessary as the result of any abuse or negligence referred to in subsection (a) on the part of such member or any dependent of such member.

"(2) The final determination of an amount to be deducted from the pay of an officer of an armed force in accordance with regulations issued under this section shall be deemed to be a special order authorizing such deduction for the purposes of section 1007 of title 37.

"(c) Amounts deducted from members' pay under this section shall be credited to the Department of Defense family housing management account established under section 501 of Public Law 87-554 (76 Stat. 236; 42 U.S.C. 1594a-1) and shall be available for use for the same purposes and under the same circumstances as other funds in such account.

"(d) The Secretary of Defense shall issue regulations to carry out the provisions of this section, including regulations for determining the cost of repairs or replacements made necessary as the result of abuse or negligence on the part of a member or dependent of a member.".

Regulations.

(b) The table of sections at the beginning of chapter 165 of such title is amended by adding at the end thereof the following new item:

"2775. Liability of member for damages to family housing, equipment, and furnishings.".

INCREASED AUTHORIZATION FOR CONSTRUCTION, OAHU, HAWAII

SEC. 507. Notwithstanding the limitations on costs contained in sections 501(a) and 502 of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 673) and sections 501(a) and 502 of the Military Construction Authorization Act, 1975 (Public Law 93-552; 88 Stat. 1757, 1758), the Secretary of Defense is authorized to complete construction of two thousand six hundred family housing units in support of Department of Defense requirements in Oahu, Hawaii, at a total cost of not to exceed $117,150,000.

DEFICIENCY AUTHORIZATION FOR NEW CONSTRUCTION

SEC. 508. (a) Section 501(c) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 577), is amended—

(1) by striking out "$1,509,000" in the item relating to the Naval Facility, Centerville Beach, California, and inserting in lieu thereof "$2,030,000"; and

(2) by striking out "$4,307,000" in the item relating to the Marine Corps Base, Twentynine Palms, California, and inserting in lieu thereof "$6,069,000".

(b)(1) Section 505(1) of such Act is amended by striking out "$139,105,000" and inserting in lieu thereof "$140,867,000".

(2) Section 602(5) of such Act is amended by striking out "$1,701,605,000" and inserting in lieu thereof "$1,703,367,000".

94 STAT. 1767

REPEAL OF PROVISIONS RELATING TO ENERGY CONSUMPTION METERING DEVICES AND EXCESS ENERGY CONSUMPTION CHARGES

Repeal.
10 USC 4593 note.

SEC. 509. Sections 506 and 507 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 372), are repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 510. (a) There is authorized to be appropriated for fiscal year 1981 for use by the Secretary of Defense, or the Secretary's designee, for military family housing as authorized by law for the following purpose:

(1) For construction of, or acquisition of sole interest in, family housing, including minor construction, improvements to public quarters, relocation of family housing, and planning, an amount not to exceed $276,100,000.

12 USC 1715m.

(2) For support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715), an amount not to exceed $1,880,760,000, of which not more than $25,000,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and of which not more than $95,000,000 may be obligated or expended for the leasing of military family housing in foreign countries.

(b) The amounts authorized to be appropriated in subsection (a)(2) may be increased to the extent additional funds are necessary for increased pay costs associated with actions taken pursuant to law.

FAMILY HOUSING MANAGEMENT ACCOUNT

SEC. 511. Subsection (b) of section 501 of Public Law 87-554 (42 U.S.C. 1594a-1) is amended to read as follows:

"(b) The management account shall be administered by the Secretary of Defense as a single account. There shall be transferred into such account (1) appropriations made to the Department of Defense for the purpose of, or which are available for, the payment of costs arising in connection with the construction, acquisition, leasing, relocation, operating and maintenance, and disposal of family housing, including the cost of principal and interest charges, and insurance premiums, arising in connection with the acquisition of such housing, and mortgage insurance premiums payable under section 222(c) of the National Housing Act (12 U.S.C. 1715m(c)), (2) proceeds from the rental of family housing and mobile home facilities under the control of the Department of Defense, reimbursements from occupants of such facilities for services rendered (including utility costs), funds obtained from individuals as a result of losses, damages, or destruction to such facilities caused by the abuse or negligence of such individuals, and reimbursements from other Government agencies for expenditures from the management account, and (3) notwithstanding any other provision of law, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements, whether effected by the Department of Defense or any other Federal agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and 94 STAT. 1768 Administrative Services Act of 1949 (40 U.S.C. 485(b)), to remain available until expended.".

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND ADMINISTRATIVE PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes (31 U.S.C. 529) and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes (40 U.S.C. 255) and even though the land is held temporarily. The authority to acquire real estate or lands includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There are authorized to be appropriated for fiscal years beginning after September 30, 1980, such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, and IV shall not exceed—

(1) for title I: inside the United States $586,800,000; outside the United States $248,140,000; minor construction $44,560,000; for a total of $879,500,000.

(2) for title II: inside the United States $777,925,000; outside the United States $178,757,000; minor construction $33,010,000; for a total of $989,692,000.

(3) for title III: inside the United States $546,985,000; outside the United States $144,487,000; minor construction $24,870,000; for a total of $716,342,000.

(4) for title IV: a total of $587,610,000, including $3,680,000 for minor construction.

COST VARIATIONS

SEC. 603. (a) OVERALL TITLE TOTAL LIMITATION.—Notwithstanding the provisions of subsections (b), (c), (d), and (g), the total cost of all construction and acquisition in each of titles I, II, III, and IV may not exceed the total amount authorized to be appropriated in that title.

(b) VARIATIONS IN INSTALLATION TOTALS—UNUSUAL VARIATIONS IN COST.—Except as provided in subsections (c) and (d), any of the amounts specified in titles I, II, III, and IV of this Act (other than in sections 103, 203, 303, and 403) may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Alaska or Hawaii), and by 10 per centum when outside the United States or in Alaska or Hawaii, if the Secretary of the military department or Director of the defense agency concerned determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(c) VARIATIONS IN INSTALLATION TOTALS—ONLY ONE PROJECT AT AN INSTALLATION.—When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (b), the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(d) VARIATIONS IN INSTALLATION TOTALS—REPORTS BY THE SECRETARY OF DEFENSE.—When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (b) and (c) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed after the date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior Military Construction Authorization Acts, the provisions of this subsection shall apply to such prior Acts.

(e) COST AND SCOPE VARIATIONS OF INDIVIDUAL PROJECTS; REPORTS TO CONGRESS.—No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is greater than the statutory upper limit for minor construction projects, may be placed under contract if—

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress;

until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for reduction in scope or increase in cost, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either thirty days have elapsed after the date of submission of such report, or both committees have indicated approval of such reduction in scope or increase in cost, as the case may be.

(f) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense, or the Secretary's designee, shall submit an annual report to the Congress identifying each individual project (other than a project authorized under section 103, 203, 303, or 403) which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense, based upon bids received, for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

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(g) Cost and Floor Area Variations—Solar Energy.—The Secretary of Defense shall encourage the utilization of solar energy as a source of energy for projects authorized by this Act where utilization of solar energy would be practical and economically feasible. In order to equip any project authorized by this Act with solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, the Secretary of Defense may authorize increases in the cost limitations or floor area limitations for such project by such amounts as may be necessary for such purpose. Any increase under this section in the cost or floor area of a project authorized by this Act shall be in addition to any other increase in such cost or variation in floor area limitations authorized by this or any other Act.

CONSTRUCTION SUPERVISION

Sec. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each firm; and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

10 USC 2301.

REPEAL OF PRIOR YEAR AUTHORIZATIONS: EXCEPTIONS

Sec. 605. (a) As of October 1, 1981, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a

Ante, p. 1749.

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military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 928), and all such authorizations contained in Acts approved before November 26, 1979, and not superseded or otherwise modified by a later authorization are repealed except—

93 Stat. 928, 931, 934, 938, 940.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions; and

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1981, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 944), authorizations for the following items authorized in section 101 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 565) shall remain in effect until October 1, 1982, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1983, whichever is later:

(1) Energy Control System construction in the amount of $3,300,000 at Fort Jackson, South Carolina.

(2) Regional Sewage Treatment Plant Upgrade construction in the amount of $1,209,000 at Fort Bliss, Texas.

(3) Regional Sewage Treatment Plant Upgrade construction in the amount of $550,000 at Fort Monroe, Virginia.

(4) Barracks with Dining construction in the amount of $4,603,000 at Fulda, Germany.

(5) Improvements to Heating System in the amount of $394,000 at Kansas Army Ammunition Plant, Kansas.

(6) Energy Control System in the amount of $1,372,000 at Fitzsimmons Army Medical Center, Colorado.

(7) Hospital addition, alteration, and upgrade in the amount of $30,283,000 at 2d General Hospital, Landstuhl, Germany.

(8) Facilities Modernization in the amount of $1,782,000 at Christensen Barracks, Bindlach, Germany.

(9) Facilities Modernization in the amount of $7,731,000 at Ferris Barracks, Erlangen, Germany.

(10) Barracks without dining facilities in the amount of $2,299,000 at Conn Barracks, Schweinfurt, Germany.

(11) Small Arms Maintenance and Storage Facility in the amount of $3,645,000 at Fort Benning, Georgia.

(12) Cargo Handling Training Facility in the amount of $3,666,000 at Fort Eustis, Virginia.

(13) Petroleum Storage Facilities in the amount of $2,437,000 at Fort Leonard Wood, Missouri.

(14) Tactical Equipment Shop and Facilities in the amount of $2,272,000 at Fort Polk, Louisiana.

(15) Contaminated Waste Incinerator construction in the amount of $620,000 at Kansas Army Ammunition Plant, Kansas.

(16) Contaminated Waste Incinerator Plant construction in the amount of $501,000 at Iowa Army Ammunition Plant, Iowa.

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(17) Contaminated Waste Incinerator construction in the amount of $637,000 at Milan Army Ammunition Plant, Tennessee.

(18) Contaminated Waste Incinerator construction in the amount of $518,000 at Sunflower Army Ammunition Plant, Kansas.

(19) Tactical Equipment Shop and Facilities in the amount of $1,037,000 at Wildflecken Training Area, Germany.

(20) Facilities Modernization in the amount of $7,000,000 at Mannheim, Germany.

(21) Facilities Modernization in the amount of $14,000,000 at Baumholder, Germany.

(22) Flight Simulator Building in the amount of $1,739,000 at Mannheim, Germany.

(23) Explosive Waste Incinerator construction in the amount of $763,000 at Sunflower Army Ammunition Plant, Kansas.

(24) Missile Maintenance Facility in the amount of $863,000 at Fort Polk, Louisiana.

(c) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 944), authorizations for the following items authorized in section 201 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 567) shall remain in effect until October 1, 1982, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1983, whichever is later:

(1) Energy Monitoring and Control System in the amount of $765,000 at the Naval Air Station, Jacksonville, Florida.

(2) Municipal Sewer Connection construction in the amount of $2,500,000 at the Naval Education and Training Center, Newport, Rhode Island.

(d) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 944), authorizations for the following items authorized in section 301 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 572) shall remain in effect until October 1, 1982, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1983, whichever is later:

(1) Space Transportation System airfield facilities in the amount of $32,100,000 at Vandenberg Air Force Base, California.

(2) Energy—Alter Lighting System in the amount of $850,000 at Hill Air Force Base, Utah.

(3) Energy Monitoring and Control System in the amount of $3,300,000 at Kelly Air Force Base, Texas.

(4) Fire Station in the amount of $1,031,000 at Tinker Air Force Base, Oklahoma.

(5) Energy—Alter Mechanical, Electrical and Structural Systems in the amount of $1,120,000 at Wright-Patterson Air Force Base, Ohio.

(6) Energy Monitoring and Control System in the amount of $3,350,000 at Wright-Patterson Air Force Base, Ohio.

(7) Propulsion Wind Tunnel—16T High Angle Automatic Sting in the amount of $2,710,000 at Arnold Engineering Development Center, Tennessee.

(8) Energy Monitoring and Control System in the amount of $2,750,000 at Edwards Air Force Base, California.

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(9) Insulate Heating and Cooling Controls and Insulate Buildings in the amount of $650,000 at Edwards Air Force Base, California.

(10) Chapel Center in the amount of $1,190,000 at Eglin Air Force Base, Florida.

(11) Energy Monitoring and Control System in the amount of $2,000,000 at Hanscom Air Force Base, Massachusetts.

(12) Aircraft Corrosion Control Facility in the amount of $7,310,000 at Dover Air Force Base, Delaware.

(13) Chapel Center in the amount of $1,240,000 at Castle Air Force Base, California.

(14) Energy Monitoring and Control System in the amount of $610,000 at Grand Forks Air Force Base, North Dakota.

(15) Air Installation Compatible Use Zone in the amount of $314,000 at Grissom Air Force Base, Indiana.

(16) Air Installation Compatible Use Zone in the amount of $357,000 at March Air Force Base, California.

(17) Sewage Main Regional Connection in the amount of $946,000 at Rickenbacker Air Force Base, Ohio.

(18) Energy Monitoring and Control System in the amount of $540,000 at Holloman Air Force Base, New Mexico.

(19) Energy Monitoring and Control System in the amount of $900,000 at Nellis Air Force Base, Nevada.

(20) Add to and Alter Cadet Library in the amount of $4,000,000 at the United States Air Force Academy, Colorado.

(21) Special Operation Facilities in the amount of $2,800,000 at Various Locations, Pacific Air Forces.

(22) Telecommunications Facility in the amount of $6,515,000 at Various Locations (Ramstein Air Base), Germany.

(e) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 944), authorizations for the following items authorized in section 401 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 572) shall remain in effect until October 1, 1982, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1983, whichever is later: 92 Stat. 575.

(1) ADP and Communications Facility—Alteration of existing space in the amount of $1,573,000 at Defense Depot, Ogden, Utah.

(2) Storage Facilities—Construction in the amount of $1,353,000 at Defense Property Disposal Office, Indianapolis, Indiana.

(3) Covered Storage Facilities—Construction in the amount of $584,000 at Defense Property Disposal Office, Subic Bay, Republic of the Philippines.

(f) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 944), authorization for the Effluent Land Irrigation System construction in the amount of $6,933,000 at Fort Ord, California, authorized in section 101 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1349) shall remain in effect until October 1, 1982, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1983, whichever is later.

UNIT COST LIMITATIONS

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SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $52 per square foot for permanent barracks; or

(2) $56 per square foot for unaccompanied officer quarters;

unless the Secretary of Defense, or the Secretary's designee, determines that, because of special circumstances, application to such project of the limitations on unit cost contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on units costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of the enactment of this Act.

AMENDMENT TO PRIOR AUTHORIZATION

SEC. 607. (a) Section 301 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 572), is amended under the heading "INSIDE THE UNITED STATES" by striking out "$141,782,000" in the item relating to Vandenberg Air Force Base, California, under the subheading "STRATEGIC AIR COMMAND" and inserting in lieu thereof "$223,161,000".

92 Stat. 580. (b) Section 602(3) of such Act is amended by striking out "$423,059,000" and "$522,743,000" and inserting in lieu thereof "$504,438,000" and "$604,122,000", respectively.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

10 USC 2675 note. SEC. 608. Titles I, II, III, IV, and V shall take effect on October 1, 1980.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

10 USC 2231. SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed the following amounts:

(1) For the Department of the Army—
  (A) for the Army National Guard of the United States, $36,000,000; and
  (B) for the Army Reserve, $42,225,000.
(2) For the Department of the Navy: for the Naval and Marine Corps Reserves, $30,550,000.
(3) For the Department of the Air Force—
  (A) for the Air National Guard of the United States, $73,500,000; and
  (B) for the Air Force Reserve, $17,725,000.

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WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes (31 U.S.C. 529) and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes (40 U.S.C. 255) and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

TITLE VIII—GENERAL PROVISIONS

IMPACT ASSISTANCE FOR FISCAL YEAR 1981 FOR AREAS AFFECTED BY THE MX WEAPON SYSTEM AND THE EAST COAST TRIDENT BASE

SEC. 801. During fiscal year 1981, the Secretary of Defense may utilize funds appropriated for planning and design purposes to provide community planning assistance as follows:

(1) To assist communities near MX Weapon System sites, $5,000,000.
(2) To assist communities near the East Coast Trident Base, $1,000,000.

IMPACT ASSISTANCE FOR FISCAL YEARS AFTER FISCAL YEAR 1981 FOR AREAS AFFECTED BY THE MX WEAPON SYSTEM AND THE EAST COAST TRIDENT BASE

10 USC 139 note.

SEC. 802. (a) The Secretary of Defense (hereinafter in this section referred to as the "Secretary") is authorized to assist communities located near MX Weapon System sites, communities located near the East Coast Trident Base, and the States in which such communities are located in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the MX Weapon System or the East Coast Trident Base, as the case may be, and that an unfair and excessive financial burden will be incurred by such communities, or the States in which such communities are located, as a result of the increased need for such services and facilities.

(b)(1) The Secretary shall carry out the program of assistance authorized under this section through existing Federal programs. In carrying out such program of assistance, the Secretary is authorized, subject to the provisions of subsection (d), to (A) supplement funds made available under such Federal programs through a direct transfer of funds from the Secretary to the department or agency concerned in such amounts as the Secretary considers necessary, (B) provide financial assistance to communities described in subsection (a) to help such communities pay their share of the costs under such programs, and (C) guarantee State or municipal indebtedness for improved public facilities related to the MX Weapon System or the East Coast Trident Base.

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(2) The head of each department and agency of the Federal Government concerned shall cooperate fully with the Secretary in carrying out the provisions of this section on a priority basis.

(3) Notwithstanding any other provision of law, the Secretary, in cooperation with the heads of other departments and agencies of the Federal Government, is authorized to provide facilities and services in anticipation of the work to be carried out in connection with the MX Weapon System and the East Coast Trident Base. No department or agency may charge a management fee for assisting the Secretary in carrying out the provisions of this section.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary shall consult with the head of the department or agency concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residents of any such community, (3) the initial capitalization required for municipal sewer and water systems, (4) the initial operating cost for upgrading municipal services, and (5) such other pertinent factors as the Secretary considers appropriate.

(d) Funds appropriated to the Department of Defense for carrying out the MX Weapon System and the East Coast Trident Base may, to the extent specifically authorized in Military Construction Authorization Acts, be utilized by the Secretary in carrying out the provisions of this section.

Report to congressional committees.

(e) The Secretary shall transmit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, not later than sixty days after the end of each fiscal year beginning after fiscal year 1981, a written report indicating the total amount transferred to and the amount obligated and expended by each local community or State which has been provided assistance under the authority of this section during the preceding fiscal year, the specific projects for which assistance was provided during such year, and the total amount for each such project during such year.

COMMUNITY IMPACT ASSISTANCE STUDY

SEC. 803. (a) The Congress finds that—

(1) the Department of Defense is required from time to time, for national security reasons, to provide for the construction in the United States of major, new military facilities which have a serious adverse impact on the communities and the areas in which such facilities are constructed; and

(2) neither the impacted local governments nor the States in which such facilities are constructed should be expected to bear the full cost of such impact.

(b) The President shall conduct a thorough study of the adverse impact on communities in areas in which major, new military facilities are constructed with a view to determining the most effective and practicable means of promptly mitigating such impact. In carrying out such study the President shall, as a minimum—

(1) identify those potential Department of Defense actions that are sufficient in scope to warrant impact assistance by the Federal Government;

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(2) examine various options and recommend organizational mechanisms to administer the Federal community impact assistance to be made available;

(3) examine various options and recommend procedures for the budgeting of community impact assistance funds;

(4) recommend such changes in existing programs as may be necessary to provide effective and timely impact assistance to areas adversely affected by the construction of major, new military facilities; and

Report to Congress.

(5) consult with and seek the advice of appropriate State and local leaders and officials regarding the problems and needs of communities that result from the construction of major, new military facilities in or near such communities.

(c) The President shall submit the results of the study required by subsection (b) to the Congress not later than March 1, 1981, together with such comments and recommendations as the President considers appropriate.

USE OF SOLAR ENERGY SYSTEMS IN NEW CONSTRUCTION

SEC. 804. Section 2688(b) of title 10, United States Code, is amended to read as follows:

Life cycle costing procedures.

"(b) For the purposes of this section, a solar energy system shall be considered to be cost effective if the original investment cost differential can be recovered over the expected life of the facility using accepted life cycle costing procedures. Such accepted life cycle costing procedures shall include—

"(1) the use of undiscounted, constant dollars in all calculations;

"(2) an assumption that any additional maintenance costs incurred as a result of the installation of a solar system will be offset by a corresponding reduction in the maintenance costs for a conventional back-up system; and

"(3) the use of realistic assumptions with regard to the rate of inflation on the cost of fossil fuel as compared with the general rate of inflation, but in no event may the assumed general rate of inflation be greater than the assumed rate of inflation on the cost of fossil fuel.".

REPORTS ON REAL PROPERTY TRANSACTIONS

SEC. 805. Section 2662 of title 10, United States Code, is amended by striking out "$50,000" each place it appears in subsections (a), (b), and (e) and inserting in lieu thereof "$100,000".

INCREASE IN MAXIMUM AMOUNT THE SECRETARY OF A MILITARY DEPARTMENT IS AUTHORIZED TO EXPEND FOR ACQUISITION OF INTERESTS IN LAND

SEC. 806. (a) Section 2672 of title 10, United States Code, is amended—

(1) by striking out "$50,000" in the catchline and inserting in lieu thereof "$100,000"; and

(2) by striking out "$50,000" each place it appears in the text of such section and inserting in lieu thereof "$100,000".

(b) The table of sections at the beginning of chapter 159 of such title is amended by striking out "$50,000" in the item relating to section 2662 and inserting in lieu thereof "$100,000".

ALTERNATE FUELS USE STUDY

Report to congressional committees.

SEC. 807. (a) Within one hundred and eighty days after the date of the enactment of this Act, the Secretary of Defense shall furnish a report to the appropriate committees of the Congress outlining a plan (1) to convert to the use of a fuel other than oil or gas all oil and gas fired plants of the Department of Defense which have heat input rates of fifty million British thermal units per hour or more, and (2) to replace, in each case in which such action would be cost effective, existing oil or gas fired plants with new central plants that use a fuel other than oil or gas.

Contents.

(b) Such report shall include with respect to each plant the following:

(1) The estimated cost of conversion or replacement, including a breakdown of costs by major work items (powerplant, utilities, fuel handling facilities, pollution abatement facilities, and related or similar items).

(2) The estimated oil and gas savings that would result from such conversion or replacement.

(3) The estimated annual net fuel cost savings that would result from such conversion or replacement.

(4) The computed benefit-cost ratio and the estimated payback period using accepted life cycle costing procedures.

Such report shall also include funding schedules based on the assumption that such conversions and replacements are to be completed within (A) a five-year period, and (B) a ten-year period.

NEW BOILER PLANT CONSTRUCTION

SEC. 808. (a) Except as provided in subsection (b) of this section, no new facility or plant which requires heat input rates of fifty million British thermal units per hour or more and which uses oil or gas (or a derivative of either) as fuel may be constructed on lands under the jurisdiction of the Department of Defense.

Waiver.

(b) The Secretary of Defense may waive the provisions of subsection (a) in rare, unusual situations, but no such waiver shall become effective until after the Secretary has notified the appropriate committees of the Congress of the waiver in writing.

(c) The Secretary of Defense may not provide heating service for any new facility or plant in increments in order to avoid the prohibition contained in subsection (a).

REMOVAL OF CHEMICAL MUNITIONS, ROCKY MOUNTAIN ARSENAL

SEC. 809. (a) Notwithstanding any other provision of law, the Secretary of Defense shall remove all chemical munitions from the Rocky Mountain Arsenal, Colorado, within one year after the date of the enactment of this Act.

Notification to congressional committees.

(b) Within ninety days after the date of the enactment of this Act, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives in writing of the methods proposed to be used in carrying out the provisions of subsection (a).

(c) The Secretary of Defense shall not take any action to carry out the provisions of subsection (a) until a period of thirty days has elapsed after the receipt by the Committees on Armed Services of the notification required under subsection (b).

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DECONTAMINATION STUDY, KAHOOLAWE ISLAND

SEC. 810. (a) In order to determine the feasibility and cost of clearing the island of Kahoolawe, Hawaii, and the adjacent waters of ordnance and other debris resulting from the use of such island as a target range by the United States Navy, the Secretary of the Navy is authorized and directed to (1) develop appropriate technology for clearing unexploded ordnance from test land which has the same or similar soil composition as the island of Kahoolawe and from submerged land which has the ecology characteristics of subtropical waters, and (2) demonstrate the developed technology at selected sites on the island of Kahoolawe.

(b) The Secretary of the Navy shall begin work on the development of the technology described in subsection (a) within six months after the date of the enactment of this Act and shall complete the development and demonstration of such technology at the earliest practicable date. The Secretary of the Navy shall submit progress reports to the Committees on Armed Services of the Senate and the House of Representatives each year until the project provided for in subsection (a) is completed.

Reports to congressional committees.

(c) Any land or water area which may be cleared of unexploded ordnance incident to the demonstration of the technology shall be fenced or buoyed and be used for such purpose or purposes as the Secretary of the Navy may approve.

Appropriation authorization.

(d) There are authorized to be approriated such sums as may be necessary to carry out the provisions of this section during fiscal year 1981.

STUDY OF CONDITION OF THE STRATEGIC RAIL CORRIDOR

SEC. 811. (a) The Secretary of Defense, in consultation with the Secretary of Transportation, shall conduct a study of the condition of railroad lines identified in the Strategic Rail Corridor Network (STRACNET) for National Defense (Military Traffic Management Command Report RND 76-1, An Analysis of a Strategic Rail Corridor Network for National Defense, November 1976). Such study shall include (1) an identification of those segments of the corridor which, as a result of deferred maintenance or deterioration, may potentially have an adverse impact on the movement of personnel, equipment, and materials among Federal military arsenals and installations, and (2) an estimate of the cost of rehabilitating such segments.

Report to congressional committees.

(b) The Secretary of Defense shall submit the results of such study, together with recommendations for correcting deficiencies in the Strategic Rail Corridor Network in order to strengthen the Armed Forces' combat readiness and mobilization base, to the Committees on Armed Services of the Senate and the House of Representatives not later than July 1, 1981.

LAND CONVEYANCE, SOUTH PORTLAND, MAINE

SEC. 812. (a) The first section and section 2 of the Act entitled "An Act to provide for the conveyance to the State of Maine of certain lands located in such State", approved August 28, 1957 (71 Stat. 467), are amended by striking out "for vocational or other school purposes" and inserting in lieu thereof "for public purposes".

(b) The Secretary of the Navy shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the State of Maine under the authority of the Act referred to in subsection (a) into conformity with the amendment made by such subsection.

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MODIFICATION OF PRIOR AUTHORITY FOR LAND CONVEYANCE, SOUTH CHARLESTON, WEST VIRGINIA

SEC. 813. Section 609 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1365), is amended—

(1) by striking out "a section of land" in the first sentence and inserting in lieu thereof "three parcels of land";

(2) by striking out "4.5 acres" in the first sentence and inserting in lieu thereof "eight acres";

(3) by striking out "eight acres" in the second sentence and inserting in lieu thereof "approximately ten acres"; and

(4) by striking out the period at the end of the last sentence and inserting in lieu thereof "or the Department of the Navy.".

MODIFICATION OF PRIOR LAND ACQUISITION, SAN DIEGO, CALIFORNIA

SEC. 814. (a)(1) Subject to paragraph (3), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall amend the declaration of taking described in paragraph (2) by substituting for the interest described in such declaration of taking which is condemned for the use of the United States an interest consisting of all right, title, and interest of the City of San Diego, California, in and to the tract of land described in such declaration subject to a possibility of reverter of such tract of land (including improvements thereon) to the City of San Diego in the event that the United States ceases to use the land for hospital or medical purposes (or purposes related thereto).

(2) The declaration of taking referred to in paragraph (1) is the declaration of taking signed by the Secretary on December 26, 1979, and filed in Civil Action No. 80-0021-E in the United States District Court for the Southern District of California under the authority of section 809 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 950), condemning for the use of the United States all right, title, and interest of the City of San Diego, California, in and to a certain tract of land consisting of 40 acres, more or less, in Balboa Park, San Diego, California.

(3) The amendment to such declaration of taking authorized by paragraph (1) may not be made without the consent of the City of San Diego.

Naval Regional Medical Center, San Diego, Calif., conveyance.

(b) The Secretary may convey to the City of San Diego as consideration, in whole or in part, for the acquisition under the declaration of taking described in subsection (a) all right, title, and interest of the United States, or any lesser interest, in and to all or any part of the real property (including improvements thereon) of the Naval Regional Medical Center, San Diego, California, that has been conveyed, leased, or otherwise made available to the United States by the City of San Diego other than through the acquisition under such declaration of taking.

(c) Notwithstanding any other provision of law, the Secretary may construct on the land referred to in subsection (a) or on any other land acquired by the United States from the City of San Diego which is contiguous to such land and in which the United States has less than a fee simple absolute interest any military construction project for a hospital or other medical facility which is otherwise authorized by law.

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93 Stat. 950.

(d) The provisions of subsections (c) and (d) of section 809 of the Military Construction Authorization Act, 1980, shall apply to the acquisition under the declaration of taking described in subsection (a), as amended under such subsection.

LAND ACQUISITION, SAN DIEGO, CALIFORNIA

Fairhaven School.

SEC. 815. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest of the San Diego Unified School District (hereinafter in this section referred to as the "District") in and to certain parcels of land in the County of San Diego, State of California, comprising approximately 5.11 acres of land (together with improvements thereon) known and identified as the Fairhaven School, San Diego, California, as shown and more particularly described on a map entitled "Naval Station San Diego, California, Acquisition of Fairhaven School", on file at the Western Division, Naval Facilities Engineering Command, San Bruno, California.

(b) In consideration for the acquisition under subsection (a), the Secretary is authorized to convey to the District all right, title, and interest of the United States in and to land and improvements having a fair market value (as determined by the Secretary) equal to or greater than the fair market value (as determined by the Secretary) of the improvements on the property to be acquired. If the fair market value of the land and improvements conveyed by the Secretary exceeds the fair market value of such improvements, the difference shall be paid by the District to the United States and shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the properties to be acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary.

LAND ACQUISITION, SACRAMENTO COUNTY, CALIFORNIA

SEC. 816. (a) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest in all or any part of three tracts of land contiguous to McClellan Air Force Base, Sacramento County, California, consisting of a total of approximately 443.3 acres.

Fair market value.

(b) As consideration for any acquisition under subsection (a), the Secretary is authorized to convey to the owners of the property to be acquired all right, title, and interest of the United States in and to real property of the United States under the jurisdiction of the Secretary (including any improvements thereon) having a fair market value of not more than the fair market value of the property to be acquired.

(c) The exact acreage and legal description of any real property acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary.

LAND EXCHANGE, WABASHA, MINNESOTA

United States Army Reserve Center.

SEC. 817. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the City of Wabasha, Minnesota (hereinafter in this section referred to as the "City") all right, title, and interest of the United States in and to the land and improvements comprising the United States Army Reserve Center, Wabasha, Minnesota.

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Fair market value.

(b) In consideration for the acquisition under subsection (a), the City shall convey to the United States all right, title, and interest of the City in and to a certain tract of land of approximately seven acres owned by the City. If the fair market value of the land conveyed by the City under this subsection is less than the fair market value of the land conveyed by the United States under subsection (a), the City shall pay to the United States the amount of the difference between such fair market values. Any amount received under the preceeding sentence shall be covered into the Treasury as miscellaneous receipts.

New Army Reserve Center.

(c) The conveyances under subsections (a) and (b) shall not be made until a new Army Reserve Center has been constructed on the land to be conveyed to the United States under subsection (b) and the existing Army Reserve Center referred to in subsection (a) has been vacated. Before such conveyances are made, the City shall make available to the Secretary without charge the lands to be conveyed under subsection (b) for the purpose of allowing the construction of the new Army Reserve Center.

(d) The exact acreages and legal descriptions of any property acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary.

(e) The Secretary is authorized to accept and administer any real property conveyed to the United States under this section.

LAND CONVEYANCE, GUAM, MARIANAS ISLANDS

SEC. 818. (a)(1) Subject to subsections (b) and (c), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the Government of Guam all right, title, and interest of the United States in and to the lands (or any part of the lands) described in paragraph (2), together with the improvements thereon.

(2) The lands referred to in paragraph (1) consist of approximately 927 acres of land located on Cabras Island and within the northern portion of the Apra Harbor Naval Complex, Guam, Marianas Islands, as shown and more particularly described on a map entitled "Apra Harbor Complex, Guam, Marianas Islands, Conveyance of 927 Acres of Land to the Government of Guam", on file at the Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, Hawaii.

(b)(1) Conveyance of the property described in subsection (a) shall be made at such times, and shall be subject to such terms and conditions, as the Secretary considers to be in the interest of national defense.

(2) Conveyance of the property described in subsection (a) shall be subject to the condition that any disposal by sale or lease of any part or all of the property by the Government of Guam shall only be for a monetary consideration equal to or in excess of the fair market value (at the time of the disposal) of the property concerned, or of the leasehold interest therein, as determined by the Administrator of General Services, and any such monetary consideration received by the Government of Guam, minus any reasonable development costs incurred by such Government in preparing the property concerned for disposal, shall be paid to the United States.

Easements, reserve.

(3) The United States shall reserve easements for all existing utilities and navigation aids in the conveyed parcels as exist on the date of conveyance of the property whether or not such utilities and facilities are specifically mentioned in the conveyance documents for the property. The Government of Guam, for as long as it owns the conveyed lands, shall agree to issue easements not interfering with their facilities and operations to the United States at no cost for the future facility installations including, but not limited to, construction, installation, reconstruction, operation, maintenance, and removal of water, oil, gas, fuel, and other pipelines, drainage and sewage systems, power and telephone transmission lines, water sewage, and other utility lines, navigation aids, and all things incident thereto, in, on, under, and over the conveyed lands together with all necessary rights and privileges for the full enjoyment of the foregoing, including, without limitation, the right of ingress and egress. The Government of Guam shall agree that for as long as it owns the conveyed lands, it will bear all costs of relocation of existing and future utility lines and other facilities owned by the United States in the conveyed lands requisite to construction on the conveyed lands by the Government of Guam and authorized other parties.

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Utility lines and other U.S. owned facility lines, relocation costs.

(4) All leases, licenses, easements, and other property interests affecting the conveyed lands at the time of conveyance issued by the United States shall be honored by the Government of Guam until their final expiration dates. All rents due to be collected under such contracts shall be remitted to the United States for all periods prior to the date the property is conveyed, after which date the rents will be the property of the Government of Guam.

(5) All leases, licenses, easements, conveyances of land, and other real estate interests granted by the Government of Guam after conveyance, shall be subject to the terms, conditions, convenants, and reservations stated in this subsection and shall recite the same in the contractual documents.

(c) The exact acreages and legal descriptions of all lands to be

conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of such surveys, together with all other direct and indirect costs related to any conveyance under this section, shall be borne by the Government of Guam.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1009 (Comm. on Armed Services) and No. 96-1399 (Comm. of Conference).

SENATE REPORT No. 96-915 accompanying S. 3059 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 126 (1980):

- Sept. 10, considered and passed House.
- Sept. 16, considered and passed Senate, amended, in lieu of S. 3059.
- Sept 30, Senate agreed to conference report.
- Oct. 1, House agreed to conference report.

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Public Law 96-450
96th Congress

An Act

Oct. 14, 1980
[S. 2597]

To authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Intelligence Authorization Act for Fiscal Year 1981.

Be it enacted by the Senate and House of the Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1981".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1981 for the conduct of the intelligence and intelligence-related activities of the following agencies of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Availability to congressional committees and President. Distribution.

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1981, for the conduct of the intelligence and intelligence-related activities of the agencies listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany S. 2597 of the 96th Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the Schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1981, funds may not be obligated or expended for any program for which funds are authorized to be appropriated by section 101 in an amount in excess of the amount specified for that program in the classified Schedule of Authorizations described in section 102 unless the Director of Central Intelligence or the Secretary of Defense notifies the appropriate committees of Congress of the intent to make such obligation or expenditure not less than fifteen days before such obligation or expenditure is made.

Supra.

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RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 104. Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1981 the sum of $11,400,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1981 the sum of $17,824,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

Intelligence Community Staff.

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and forty-five full-time personnel as of September 30, 1981. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1981, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

Personnel detail.

(c) During fiscal year 1981, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1981, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j) in the same manner as activities and personnel of the Central Intelligence Agency.

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TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1981 the sum of $55,300,000.

TITLE IV—GENERAL PROVISIONS

FUNDS TRANSFERS BY THE SECRETARY OF DEFENSE

SEC. 401. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 140a.

"§ 140a. Secretary of Defense: funds transfers for foreign cryptologic support

"The Secretary of Defense may use funds available to the Department of Defense for intelligence and communications purposes to pay for the expenses of arrangements with foreign countries for cryptologic support. Payments under this section may be made without regard to section 3651 of the Revised Statutes of the United States (31 U.S.C. 543).".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"140a. Secretary of Defense: funds transfers for foreign cryptologic support.".

ADMINISTRATIVE PROVISIONS RELATING TO THE NATIONAL SECURITY AGENCY

SEC. 402. (a)(1) The Act entitled "An Act to provide certain administrative authorities for the National Security Agency, and for other purposes" approved May 29, 1959 (50 U.S.C. 402 note), is amended by adding at the end thereof the following new sections:

Leasing outside U.S.
50 USC 402 note.

"SEC. 9. (a) Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title 5, United States Code, and section 2675 of title 10, United States Code, the Director of the National Security Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the National Security Agency for special cryptologic activities and for housing for personnel assigned to such activities.

Personnel outside U.S., benefits.

"(b) The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection—

"(1) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (1), (2), (7), (9),-(10), and (11) of section 911, and under sections 912, 914, 933, 941, 942, and 945, of the Foreign Service Act of 1946 (22 U.S.C. 1136 (1), (2), (7), (9), (10), (11), 1137, 1138a, 1148, 1156, 1157, 1160); and

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"(2) housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the National Security Agency, on behalf of the Secretary of Defense determines that it would be in the public interest to provide such housing.

"(c) The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsections (a) and (b), and under contracts for leases entered into under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

Expenses, payment. 50 USC 402 note. 5 USC 5701 *et seq.*

"SEC. 10. The Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

50 USC 402 note.

"SEC. 11. The Administrator of General Services, upon the application of the Director of the National Security Agency, may provide for the protection in accordance with section 3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the National Security Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction.".

50 USC 402 note.

(2) Such Act is further amended by inserting after the enacting clause the following: "That this Act may be cited as the 'National Security Agency Act of 1959' ".

Liability to U.S., relief. 5 USC 5701 note. 5 USC 4109.

(b) Any individual who is liable to the United States for any overpayment which was made to or on behalf of such individual before October 1, 1980, under chapter 57 of title 5, United States Code, while such individual was an employee of or assigned to duty with the National Security Agency and which was subsequently determined to be subject to the limitations contained in section 4109(a)(2)(B) of such title is hereby relieved of liability to the United States for such overpayment.

AUTHORITY TO PAY DEATH GRATUITIES

SEC. 403. (a) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j) is amended by adding at the end thereof the following new section:

"AUTHORITY TO PAY DEATH GRATUITIES

50 USC 403k.

"SEC. 11. (a)(1) The Director may pay a gratuity to the surviving dependents of any officer or employee of the Agency who dies as a result of injuries (other than from disease) sustained outside the United States and whose death—

"(A) resulted from hostile or terrorist activities; or

"(B) occurred in connection with an intelligence activity having a substantial element of risk.

"(2) The provisions of this subsection shall apply with respect to deaths occurring after June 30, 1974.

"(b) Any payment under subsection (a)—

"(1) shall be in an amount equal to the amount of the annual salary of the officer or employee concerned at the time of death;

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"(2) shall be considered a gift and shall be in lieu of payment of any lesser death gratuity authorized by any other Federal law; and

"(3) shall be made under the same conditions as apply to payments authorized by section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a).".

(b)(1) Chapter 75 of title 10, United States Code, relating to death benefits, is amended by adding at the end thereof the following new section:

10 USC 1489.

"§1489. Death gratuity: members and employees dying outside the United States while assigned to intelligence duties

"(a) The Secretary of Defense may pay a gratuity to the surviving dependents of any member of the Armed Forces or of any employee of the Department of Defense—

"(1) who—

"(A) is assigned to duty with an intelligence component of the Department of Defense and whose identity as such a member or employee is disguised or concealed; or

"(B) is within a category of individuals determined by the Secretary of Defense to be engaged in clandestine intelligence activities; and

"(2) who after the date of the enactment of this section dies as a result of injuries (excluding disease) sustained outside the United States and whose death—

"(A) resulted from hostile or terrorist activities; or

"(B) occurred in connection with an intelligence activity having a substantial element of risk.

"(b) Any payment under subsection (a)—

"(1) shall be in an amount equal to the amount of the annual basic pay or salary of the member or employee concerned at the time of death;

"(2) shall be considered a gift and shall be in lieu of payment of any lesser death gratuity authorized by this chapter or any other Federal law; and

"(3) shall be made under the same conditions as apply to payments authorized by section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"Sec. 1489. Death gratuity: members and employees dying outside the United States while assigned to intelligence duties.".

SPECIAL PROVISIONS RELATING TO THE WELFARE OF PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY

50 USC 403a note.

SEC. 404. The Central Intelligence Agency Act of 1949 is amended by adding after section 11 (as added by section 403(a)) the following new section:

"AUTHORITY TO ACCEPT GIFTS, DEVISES, AND BEQUESTS

50 USC 403l.

"SEC. 12. (a) Subject to the provisions of this section, the Director may accept, hold, administer, and use gifts of money, securities, or other property whenever the Director determines it would be in the interest of the United States to do so. Any gift accepted under this section (and any income produced by any such gift) may be used only for artistic display or for purposes relating to the general welfare,

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education, or recreation of employees or dependents of employees of the Agency or for similar purposes, and under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes. The Director may not accept any gift under this section which is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

Property, handling and disposal.

"(b) Unless otherwise restricted by the terms of the gift, the Director may sell or exchange, or invest or reinvest, any property which is accepted under this section, but any such investment may only be in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Fund disbursement.

"(c) There is hereby created on the books of the Treasury of the United States a fund into which gifts of money, securities, and other intangible property accepted under the authority of this section, and the earnings and proceeds thereof, shall be deposited. The assets of such fund shall be disbursed upon the order of the Director for the purposes specified in subsection (a) or (b).

"(d) For purposes of Federal income, estate, and gift taxes, gifts accepted by the Director under this section shall be considered to be to or for the use of the United States.

"Gift".

"(e) For the purposes of this section, the term 'gift' includes a bequest or devise.".

AUTHORITY TO REMEDY UNJUSTIFIED PERSONNEL ACTIONS

Monetary or other relief.

SEC. 405. (a) Whenever the Director of Central Intelligence finds during fiscal year 1981 that an employee or former employee of the Central Intelligence Agency has unfairly had his career with the Agency adversely affected as a result of allegations concerning the loyalty to the United States of such employee or former employee, the Director may grant such employee or former employee such monetary or other relief (including reinstatement and promotion) as the Director considers appropriate in the interest of fairness.

(b) Any action of the Director under this section is not reviewable in any other forum or in any court.

(c) The authority of the Director to make payments under subsection (a) is effective only to the extent that appropriated funds are available for that purpose.

GRANTING OF ADVANCED DEGREE AT DEFENSE INTELLIGENCE SCHOOL

SEC. 406. (a) Part III of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 108—GRANTING OF ADVANCED DEGREES AT DEPARTMENT OF DEFENSE SCHOOLS

"Sec.
"2161. Defense Intelligence School: master of science of strategic intelligence.

"§ 2161. Defense Intelligence School: master of science of strategic intelligence 10 USC 2161.

"Under regulations prescribed by the Secretary of Defense, the Commandant of the Defense Intelligence School may, upon recommendation by the faculty of such school, confer the degree of master of science of strategic intelligence upon graduates of the school who 94 STAT. 1981
have fulfilled the requirements for that degree.".

(b) The table of chapters at the beginning of subtitle A of title 10, United States Code, and the table of chapters at the beginning of part III of such subtitle are each amended by inserting after the item relating to chapter 107 the following new item:

"108. Granting of Advanced Degrees at Department of Defense Schools .... 2161".

CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 407. (a) Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is amended—

(1) by striking out "(a)" before "No funds";

(2) by striking out "and reports, in a timely fashion" and all that follows in subsection (a) and inserting in lieu thereof a period and the following: "Each such operation shall be considered a significant anticipated intelligence activity for the purpose of section 501 of the National Security Act of 1947."; and *Infra.*

(3) by striking out subsection (b).

(b)(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

"CONGRESSIONAL OVERSIGHT

"SEC. 501. (a) To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States involved in intelligence activities shall— 50 USC 413.

"(1) keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives (hereinafter in this section referred to as the 'intelligence committees') fully and currently informed of all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States, including any significant anticipated intelligence activity, except that (A) the foregoing provision shall not require approval of the intelligence committees as a condition precedent to the initiation of any such anticipated intelligence activity, and (B) if the President determines it is essential to limit prior notice to meet extraordinary circumstances affecting vital interests of the United States, such notice shall be limited to the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate;

"(2) furnish any information or material concerning intelligence activities which is in the possession, custody, or control of any department, agency, or entity of the United States and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities; and

Report.

"(3) report in a timely fashion to the intelligence committees any illegal intelligence activity or significant intelligence failure and any corrective action that has been taken or is planned to be taken in connection with such illegal activity or failure.

Presidential information to congressional committees.

"(b) The President shall fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) and shall provide a statement of the reasons for not giving prior notice.

Procedures.

"(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of subsections (a) and (b).

Classified information disclosure, procedures.

"(d) the House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of the Congress under this section. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.".

(2) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

"Sec. 501. Congressional oversight.".

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 408. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Approved October 14, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-926, Pt. I (Permanent Select Comm. on Intelligence) and No. 96-926, Pt. 2, (Comm. on Armed Services) both reports accompanying H.R. 7152; and No. 96-1350 (Comm. of Conference).
SENATE REPORTS: No. 96-659 (Select Comm. on Intelligence) and No. 96-839 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 28, considered and passed Senate.
June 28, H.R. 7152 considered and passed House; passage vacated and S. 2597, amended, passed in lieu.
Sept. 19, Senate agreed to conference report.
Sept. 30, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
Oct. 14, Presidential statement

Public Law 96-513
96th Congress

94 STAT. 2835

An Act

To amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes.

Dec. 12, 1980
[S. 1918]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defense Officer Personnel Management Act.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Defense Officer Personnel Management Act".

10 USC 101 note.

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE—GENERAL MILITARY LAW

Sec. 101. Definitions.
Sec. 102. Exclusion of certain personnel from annual end-strengths; annual report on estimated officer personnel requirements for next five years.
Sec. 103. Officer strength and distribution in grade.
Sec. 104. Original appointments in regular commissioned officer grades.
Sec. 105. Temporary appointments in officer grades and promotion, separation, and involuntary retirement of officers on the active-duty list.
Sec. 106. Authority to order retired members of regular components to active duty; grade in which reserve officers ordered to active duty.
Sec. 107. Rank of commissioned officers among themselves.
Sec. 108. Right of retired officers to command.
Sec. 109. Separation pay upon involuntary discharge or release from active duty.
Sec. 110. Involuntary separation of regular officers for substandard performance of duty or for certain other reasons.
Sec. 111. Retirement of regular commissioned officers at age 62.
Sec. 112. Requirement of three years service in grade for voluntary retirement.
Sec. 113. Computation of retired pay for regular officers retiring for age or years of service.
Sec. 114. Officers attending Uniformed Services University of the Health Sciences to be counted against authorized military strengths.
Sec. 115. Repeal of certain gender-based differences in treatment of dependents.
Sec. 116. Extension of restrictions on performance of civil functions to all officers on active duty.
Sec. 117. Permanent authority for certain provisions relating to disability retirement.

94 STAT. 2836

TITLE II—AMENDMENTS TO SUBTITLES B AND D OF TITLE 10, UNITED STATES CODE—THE ARMY AND THE AIR FORCE

PART A—AMENDMENTS RELATING TO OFFICER APPOINTMENT, PROMOTION, SEPARATION, AND MANDATORY RETIREMENT

Sec. 201. Repeal of sections providing for temporary appointments in grades of general and lieutenant general.
Sec. 202. Repeal of sections relating to the authorized strength of the Army and of the Air Force.
Sec. 203. Authorized strength in grade for general officers.
Sec. 204. Repeal of sections relating to appointments of commissioned officers in the Regular Army and in the Regular Air Force.
Sec. 205. Service credit upon original appointment of reserve commissioned officers.
Sec. 206. Exclusion of reserve officers on the active-duty list from certain provisions relating to appointments of reserve officers.
Sec. 207. Repeal of sections relating to temporary appointments of commissioned officers.
Sec. 208. Repeal of sections relating to temporary appointments of warrant officers.
Sec. 209. Grade in which reserve officers are ordered to active duty.
Sec. 210. Retired regular members ordered to active duty.
Sec. 211. Repeal of sections relating to rank and command.
Sec. 212. Command by commissioned officers of the Army Medical Department and by commissioned officers of the Air Force in certain categories.
Sec. 213. Repeal of chapters providing for involuntary separation of regular officers for unsatisfactory performance of duty and for certain other reasons.
Sec. 214. Repeal of sections authorizing discharge of regular officers during three-year probationary period.
Sec. 215. Retention in an active status of certain reserve officers until age 60.
Sec. 216. Repeal of chapters relating to retirement for age of regular commissioned officers.
Sec. 217. Repeal of sections relating to retirement for length of service.
Sec. 218. Director of admissions of United States Military Academy; Registrar of the United States Air Force Academy.

PART B—MISCELLANEOUS AMENDMENTS

Sec. 231. Authority to establish new staff corps in the Army.
Sec. 232. Personnel detailed outside the Department of Defense to be counted in computing strengths.
Sec. 233. Officers serving as Chief of Staff to the President.
Sec. 234. Grade of the Special Assistant to Comptroller of the Department of Defense.
Sec. 235. Rank, pay, and allowances of Assistant to the Chief of Engineers.
Sec. 236. Repeal of sections authorizing termination of appointment or enlistment of regular female members.
Sec. 237. Repeal of prohibition on women being enlisted as aviation cadets in the Regular Air Force.

TITLE III—AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE—THE NAVY AND MARINE CORPS

PART A—PERMANENT GRADE OF COMMODORE ADMIRAL IN THE NAVY

Sec. 301. Establishment of permanent commodore admiral grade.
Sec. 302. Number of Navy staff corps officers serving in grades of commodore admiral and rear admiral.

PART B—AMENDMENTS RELATING TO OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec. 311. Repeal of sections relating to the strength of the Navy and Marine Corps.
Sec. 312. Personnel detailed outside the Department of Defense to be counted in computing strength.
Sec. 313. Amendments relating to number and distribution in grade of flag and general officers.
Sec. 314. Repeal of sections relating to lineal lists.

94 STAT. 2837

PART C—AMENDMENTS RELATING TO ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS IN THE NAVY AND MARINE CORPS

Sec. 321. Repeal of certain sections of chapter 539 relating to original appointments in the Navy and Marine Corps superseded by new chapter 36.
Sec. 322. Repeal of section providing for appointment of graduates of the United States Naval Academy.
Sec. 323. Repeal of sections limiting number of ensigns appointed annually in certain staff corps.

Sec. 324. Original appointments in the Regular Navy of officers designated for engineering, aeronautical, and special duty.
Sec. 325. Original appointments of regular officers designated for limited duty.
Sec. 326. Temporary appointments in warrant officer grades and of officers designated for limited duty.
Sec. 327. Repeal of sections authorizing temporary appointments of Navy and Marine Corps officers.
Sec. 328. Service credit upon original appointment of reserve commissioned officers.
Sec. 329. Repeal of section authorizing direct procurement of ensigns and second lieutenants.

PART D—AMENDMENTS RELATING TO PROMOTIONS, SEPARATION, AND INVOLUNTARY RETIREMENT OF COMMISSIONED OFFICERS

Sec. 331. Repeal of chapter providing for appointments to fleet commands and other positions of importance and responsibility.
Sec. 332. Abolishment for regular officers of Navy running mate system and assignment of running mates to reserve officers.
Sec. 333. Repeal of chapters relating to selection boards, promotion of officers, and examinations for promotions.
Sec. 334. Temporary appointment of certain Navy lieutenants.
Sec. 335. Repeal of sections relating to involuntary retirement, separation, and furlough.
Sec. 336. Retirement or discharge of regular limited duty officers.
Sec. 337. Elimination of reserve officers from active status.
Sec. 338. Elimination from active status in the Naval Reserve of officers in the Nurse Corps.

PART E—AMENDMENTS RELATING TO SPECIFIC POSITIONS

Sec. 341. Rank and privileges of retirement of the Director of the Office of Budget and Reports.
Sec. 342. Grade of the Chief of Dental Division, Bureau of Medicine and Surgery.
Sec. 343. Rank and grade of Judge Advocate General of the Navy.
Sec. 344. Abolishment of positions of Assistant to the Chief of Naval Personnel for Women and Director of Women Marines.

PART F—ABOLISHMENT OF CERTAIN NAVY STAFF CORPS; AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE NAVY

Sec. 351. Authority to establish new staff corps in the Navy.
Sec. 352. Abolishment of Medical Service Corps and Nurse Corps.
Sec. 353. Composition of Medical Department of the Navy.

PART G—AMENDMENTS RELATING TO RETIRED OFFICERS

Sec. 361. Right of retired officers to command.
Sec. 362. Recall and retired pay of retired officers of the Regular Navy and Regular Marine Corps.
Sec. 363. Grade of retired members when ordered to active duty.

PART H—MISCELLANEOUS AMENDMENTS

Sec. 371. Definitions.
Sec. 372. Repeal of limitation on assignment of Regular Navy officers to shore duty.
Sec. 373. Repeal of certain provisions providing different treatment of women members of the Navy and Marine Corps.
Sec. 374. Repeal of authorization for appointment of Reserve naval aviators as regular officers.

TITLE IV—AMENDMENTS TO TITLE 37, UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

94 STAT. 2838

PART A—PAY FOR OFFICERS OF THE ARMED FORCES

Sec. 401. Repeal of assignment of certain officers in the Navy and Marine Corps to the pay grade for rear admirals.
Sec. 402. Computation of creditable service.
Sec. 403. Effective date for pay and allowances of commissioned officers receiving promotions.

PART B—MISCELLANEOUS AMENDMENTS RELATING TO PAY AND ALLOWANCES

Sec. 411. Subsistence allowance for enlisted members while performing certain travel.
Sec. 412. Elimination of differences of treatment in provision of initial uniform allowance to officers.
Sec. 413. Reimbursement of expenses in connection with certain mess operations.

Sec. 414. Repeal of provisions of title 37, United States Code, superseded by section 805 of the Mental Health Systems Act.
Sec. 415. Special pay for reserve medical officers.

TITLE V—TECHNICAL AND CLERICAL AMENDMENTS

PART A—AMENDMENTS REQUIRED BY THIS ACT

Sec. 501. Amendments to subtitle A of title 10, United States Code.
Sec. 502. Amendments to subtitle B of title 10, United States Code.
Sec. 503. Amendments to subtitle C of title 10, United States Code.
Sec. 504. Amendments to subtitle D of title 10, United States Code.
Sec. 505. Amendments to title 14, United States Code.
Sec. 506. Amendments to title 37, United States Code.
Sec. 507. Amendments to other laws.

PART B—AMENDMENTS TO MAKE TECHNICAL CORRECTIONS IN TITLES 10, 32, AND 37 OF THE UNITED STATES CODE OTHER THAN CORRECTIONS REQUIRED BY THIS ACT

Sec. 511. Amendments to subtitle A of title 10, United States Code.
Sec. 512. Amendments to subtitle B of title 10, United States Code.
Sec. 513. Amendments to subtitle C of title 10, United States Code.
Sec. 514. Amendments to subtitle D of title 10, United States Code.
Sec. 515. Amendments to title 32, United States Code.
Sec. 516. Amendments to title 37, United States Code.

TITLE VI—TRANSITION PROVISIONS

PART A—TRANSITION PROVISIONS RELATING ONLY TO THE ARMY AND AIR FORCE

Sec. 601. Regular officers serving in a higher temporary grade below lieutenant general or recommended for promotion to a higher grade.
Sec. 602. Reserve officers serving in a higher temporary grade below lieutenant general or recommended for promotion to a higher grade.
Sec. 603. Regular officers once failed of selection for promotion.
Sec. 604. Regular officers twice failed of selection for promotion.
Sec. 605. Reserve officers once failed of selection for promotion.
Sec. 606. Reserve officers twice failed of selection for promotion.
Sec. 607. Entitlement to severance pay or separation pay of officers separated or discharged pursuant to this part.
Sec. 608. Special tenure provisions for officers serving in temporary grades of brigadier general and major general.
Sec. 609. Right of majors and colonels to complete years of service allowed under prior law.
Sec. 610. Regular officers whose retirement has been deferred.

PART B—TRANSITION PROVISIONS RELATING ONLY TO THE NAVY AND MARINE CORPS

Sec. 611. Officers serving in a temporary grade below vice admiral or lieutenant general or recommended for promotion.
Sec. 612. Officers failed of selection for promotion.
Sec. 613. Right of certain officers to retire under prior law.
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Sec. 614. Transition provisions to new commodore admiral grade.
Sec. 515. Female officers.
Sec. 616. Limited-duty officers.
Sec. 617. Certain Navy lieutenants holding temporary appointments in the grade of lieutenant commander.
Sec. 618. Director of Budget and Reports of the Navy.

PART C—GENERAL TRANSITION PROVISIONS

Sec. 621. Establishment of initial active-duty lists.
Sec. 622. Officers serving in the same temporary grade and permanent grade; date of rank.
Sec. 623. Officers serving in grades above major general or rear admiral.
Sec. 624. Years of service for involuntary retirement or discharge.
Sec. 625. Savings provision for constructive service previously granted.
Sec. 626. Miscellaneous provisions relating to years of service.
Sec. 627. Transition to officer grade-strength tables during fiscal year 1981.
Sec. 628. Right of commissioned officers with permanent enlisted or warrant officer status to retire in highest enlisted or warrant officer grade held.
Sec. 629. Savings provision for retired grade for officers not subsequently promoted.
Sec. 630. Exemption of certain officers from selective early retirement provisions.
Sec. 631. Savings provision for entitlement to readjustment pay or severance pay under prior provisions of law.
Sec. 632. Officers on active duty in grade above general.
Sec. 633. Definitions.

PART D—ADJUSTMENTS TO TRANSITION PROVISIONS FOR HEALTH PROFESSIONALS SPECIAL PAY

Sec. 641. Preservation of entitlement for reserve medical officers.
Sec. 642. Preservation of level of pay for senior dental officers.

TITLE VII—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

Sec. 701. Effective dates.
Sec. 702. Preservation of suspended status of law in suspended status on effective date.
Sec. 703. General savings provision.

Public Law 96-540
96th Congress

94 STAT. 3197

An Act

To authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

Dec. 17, 1980
[S. 3074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $141,775,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,700,000.

(D) For supporting research and experiments, $17,000,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,836,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing, $318,000,000.

(C) For production and surveillance, $980,100,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, $709,255,000, to be allocated as follows:

(A) For production reactor expenses, $226,907,000.

(B) For the processing of defense nuclear materials, $104,419,000.

(C) For supporting services, $93,739,000, of which $15,000,000 shall be used for the fiscal year 1981 increment

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of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $75,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164. 93 Stat. 1265.

(I) For transportation research and development, $5,000,000.

(J) For program direction $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, $3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $103,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81-D-102, general plant projects, various locations, $28,900,000.

Project 81-D-103, plant engineering and design, various locations, $4,600,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

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Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, $9,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81-D-112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, $4,100,000.

Project 81-D-115, MX warhead production facilities, various locations, $10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81-D-133, earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, California, $3,000,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79-7-e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of $13,000,000, for a total project authorization of $23,000,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, $14,600,000.

Project 81-D-124, plant engineering and design, various locations, $4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81-D-126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, $35,000,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

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Project 81-D-141, hangers for N-reactor irradiated fuel storage, Richland, Washington, $5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $49,000,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81-T-101, general plant projects, various locations, $9,140,000.

Project 81-T-102, plant engineering and design, various locations, $5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $20,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $10,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $75,507,000 of which $53,000,000 shall be used for materials production and $22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

Sec. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

94 STAT. 3201

unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

Sec. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

Report to congressional committees.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

94 STAT. 3202

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

Notification to Congress.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

42 USC 7272.

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

94 STAT. 3203

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

42 USC 7273.

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

ENHANCED RADIATION WARHEADS

SEC. 212. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and

Submittal to congressional committees.

shall submit the plan and his recommendations to the Armed Services Committees of the Congress not later than October 1, 1981.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-920 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 30, considered and passed Senate.
  Nov. 20, H.R. 7265 considered and passed House; passage vacated and S. 3074, amended, passed in lieu.
  Nov. 25, Senate agreed to House amendment with an amendment.
  Dec. 1, House concurred in Senate amendment.

Public Law 96-579
96th Congress

94 STAT. 3359

An Act

To amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

Dec. 23, 1980
[H.R. 7626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Pay and Allowances Benefits Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Pay and Allowances Benefits Act of 1980". 37 USC 101 note.

SPECIAL PAY FOR NUCLEAR DUTY

SEC. 2. (a)(1) Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$5,000" and "$4,000" and inserting in lieu thereof "$7,000" and "$5,600".

(2) Subsection (e) of such section is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(b)(1) Section 312b of such title is amended— 37 USC 312b.

(A) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(B) by inserting above subsection (b), as redesignated by clause (A), the following new subsection (a):

"(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear submarine propulsion plants may be paid a bonus of $3,000 upon acceptance by the Secretary of the written agreement. Bonus.

"(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.". Refund.

(2) Subsection (c) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(3) Subsection (d) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(c)(1) Subsection (a) of section 312c of such title is amended by striking out "$4,000 for each nuclear service year beginning after 37 USC 312c.

September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$6,000 for each nuclear service year ending before October 1, 1987".

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(2) Subsection (b) of such section is amended by striking out "$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$3,500 for each nuclear service year ending before October 1, 1987".

"Nuclear service year."

(3) Subsection (e) of such section is amended to read as follows: "(e) For the purposes of this section, a 'nuclear service year' is any fiscal year beginning before October 1, 1987.".

Effective dates. 37 USC 312 note.

(d)(1) The amendments made by subsection (a)(1) shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

37 USC 312b note. *Ante*, p. 3359.

(2) The amendments made by subsection (b)(1) shall apply only with respect to agreements executed under section 312b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

37 USC 312c note.

(3) The amendments made by subsection (c) shall become effective on the first day of the first month following the month in which this section is enacted.

INCENTIVE PAY FOR SUBMARINE DUTY

SEC. 3. (a) Section 301(a) of title 37, United States Code, is amended by striking out clauses (2) and (3) and redesignating clauses (4) through (12) as clauses (2) through (10), respectively.

(b) Section 301(b) of such title is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

(c) Section 301(c) of such title is amended by striking out "clause (4), (5), (6), (7), (8), (9), (10), (11), or (12)" and inserting in lieu thereof "clause (2), (3), (4), (5), (6), (7), (8), (9), or (10)".

(d) Title 37, United States Code, is amended by inserting after section 301b the following new section:

37 USC 301c.

§ 301c. Incentive pay: submarine duty

"(a)(1) Subject to regulations prescribed by the President, a member of the Navy who is entitled to basic pay is also entitled to submarine duty incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational submarine duty required by orders.

"(2) Submarine duty incentive pay shall be restricted to members who hold or are in training leading to a submarine duty designator and who are in and remain in the submarine service on a career basis.

37 USC 205.

"(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title).

"(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any

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member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under section 205 of this title), such member shall be entitled to that pay in the amount set forth in subsection (b) of this section for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

Definitions.

"(5) For the purposes of this section, the term—

"(A) 'Operational submarine duty' means duty—

"(i) while attached under competent orders to a submarine, while undergoing training preliminary to assignment to a nuclear-powered submarine, while undergoing rehabilitation after assignment to a nuclear-powered submarine, or, in the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

"(I) during one calendar month: 48 hours, except that hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

"(II) during any two consecutive calendar months when the requirements of subclause (I) of this clause have not been met: 96 hours; or

"(III) during any three consecutive calendar months when the requirements of subclause (II) of this clause have not been met: 144 hours;

"(ii) while receiving instruction to prepare for assignment to a submarine of advanced design, or

"(iii) while receiving instruction to prepare for a position of increased responsibility on a submarine.

"(B) 'Submarine service' means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

"(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	$165	$165	$165	$200	$220	$230	$235
E-8	165	165	165	185	200	220	230
E-7	165	165	165	185	190	195	205
E-6	115	125	130	160	170	180	190
E-5	105	115	115	130	140	145	145
E-4	60	70	75	125	130	130	130
E-3	60	65	70	70	105	65	65
E-2	55	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55

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"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$245	$255	$265	$265	$265	$265	$265
E-8	235	245	245	255	255	255	255
E-7	220	230	230	230	230	230	230
E-6	195	195	195	195	195	195	195
E-5	145	145	145	145	145	145	145
E-4	130	130	130	130	130	130	130

"ENLISTED MEMBERS—Continued

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-3	65	65	65	65	65	65	65
E-2	65	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10	$265	$265	$265	$265	$265	$265	$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	265	265	265	265	265
O-6	440	440	440	440	440	440	440
O-5	440	440	440	440	440	440	440
O-4	270	270	270	300	440	440	440
O-3	265	265	265	290	440	440	440
O-2	175	175	175	175	175	175	265
O-1	130	130	130	130	130	130	265

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10	$265	$265	$265	$265	$265	$265	$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	400	395	395	305	265
O-6	440	440	440	395	395	305	265
O-5	440	440	440	395	395	350	265
O-4	440	440	440	395	395	350	265
O-3	440	440	440	395	395	350	265
O-2	265	265	265	265	265	265	265
O-1	265	265	265	265	265	265	265

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"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
W-4	$175	$230	$230	$230	$265	$265	$265
W-3	175	230	230	230	265	265	265
W-2	175	230	230	230	265	265	265
W-1	175	230	230	230	265	265	265

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$265	$265	$265	$265	$265	$265	$265
W-3	265	265	265	265	265	265	265
W-2	265	265	265	265	265	265	265
W-1	265	265	265	265	265	265	265

"(c)(1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

"(2) An enlisted member may not be paid continuous submarine duty incentive pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

"(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of the Naval

Reserve who is entitled to compensation under section 206 of this title, performs, under orders, duty on a submarine during underway operations, he is eligible for an increase in such compensation equal to one-thirtieth of the monthly incentive pay authorized by subsection (b) of this section for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay. Such a member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty. 37 USC 206.

"(e) The Secretary of Defense shall report to the Congress before January 1 each year— Report to Congress.

"(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

"(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.".

(e) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301b the following new item: 94 STAT. 3364

"301c. Incentive pay: submarine duty.".

(f) Section 308 of such title is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection (e): 37 USC 308.

"(e) Any period of enlistment (including any extension of an enlistment)—

"(1) which is incurred by a member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 301c of this title; and

"(2) for which no bonus is otherwise payable under this section, may, under regulations prescribed by the Secretary of the Navy, be considered as part of an immediately subsequent term of reenlistment, or as part of an immediately subsequent voluntary extension of an enlistment, for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus.".

(g) The amendments made by this subsection shall become effective on the first day of the first month following the month in which this Act is enacted. Effective date. 37 USC 301c note.

SPECIAL PAY FOR CAREER SEA DUTY

SEC. 4. (a) Section 305a of title 37, United States Code, is amended to read as follows:

"§ 305a. Special pay: career sea pay

"(a) Under regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b) of this section.

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

“ENLISTED MEMBERS

“Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
E-4	$50	$60	$125	$160	$175	$175	$175
E-5	60	70	140	175	185	190	205
E-6	125	135	170	190	210	215	225
E-7	135	145	215	235	255	260	265
E-8	165	180	225	255	265	270	280
E-9	175	195	235	265	280	290	310

“Pay grade	Years of sea duty					
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
E-4	$175	$175	$175	$175	$175	$175
E-5	220	220	220	220	220	220
E-6	235	245	255	255	255	255
E-7	265	270	275	280	300	310
E-8	285	290	300	310	310	310
E-9	310	310	310	310	310	310

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“WARRANT OFFICERS

“Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
W-1	$130	$135	$140	$150	$170	$175	$200
W-2	150	150	150	150	170	260	265
W-3	150	150	150	150	170	270	280
W-4	150	150	150	150	170	290	310

“Pay grade	Years of sea duty					
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
W-1	$250	$270	$275	$280	$290	$300
W-2	265	270	275	280	290	310
W-3	285	290	300	310	310	310
W-4	310	310	310	310	310	310

“COMMISSIONED OFFICERS

“Pay grade	Years of sea duty				
	Over 3	Over 4	Over 5	Over 6	Over 7
O-1[1]	$150	$160	$185	$190	$195
O-2[1]	150	160	185	190	195
O-3	150	160	185	190	195
O-4	185	190	200	205	215
O-5	225	225	225	225	230
O-6	225	230	230	240	255

“Pay grade	Years of sea duty				
	Over 8	Over 9	Over 10	Over 11	Over 12
O-1[1]	$205	$215	$225	$225	$240
O-2[1]	205	215	225	225	240
O-3	205	215	225	225	240
O-4	215	220	225	225	240
O-5	245	250	260	265	265
O-6	265	280	290	300	310

“[1] Commissioned officers with at least four years of active service as enlisted members or as noncommissioned warrant officers.

“(c) Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section who has served 36 consecutive months of sea duty is entitled to a career sea pay premium of $100 a month for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member.

"(d) For the purposes of this section, the term 'sea duty' means duty performed by a member—

"Sea duty."

"(1) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway; or

"(2) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more.

A ship is considered away from its homeport for purposes of clause (B) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.".

(b) The amendment made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted.

Effective date.
37 USC 305a note.

INCENTIVES FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS

SEC. 5. (a)(1) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

37 USC 314.

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than $50 per month, as prescribed by the Secretary concerned.

"(b) A member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 is not entitled to the special pay authorized by this section for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.".

Infra.

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"314. Special pay: qualified enlisted members extending duty at designated locations overseas.".

(b)(1) Chapter 40 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas

10 USC 705.

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

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"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b). Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

"(b) The benefits authorized by subsection (a) are—

"(1) a period of rest and recuperative absence for not more than 30 days; or

"(2) a period of rest and recuperative absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return.

"(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas.".

Effective dates.
37 USC 314 note.

(c)(1) Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.

10 USC 705 note.

(2) Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.

BASIC ALLOWANCE FOR QUARTERS IN LIEU OF ASSIGNED QUARTERS FOR CERTAIN MEMBERS WITHOUT DEPENDENTS

SEC. 6. (a) The second sentence of subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking out "except as provided by regulations prescribed under" and inserting in lieu thereof "subject to the provisions of"; and

(2) by striking out "commissioned officer" and "C-3" and inserting in lieu thereof "member" and "F-6", respectively.

(b) Subsection (c) of such section is amended to read as follows:

"(c)(1) A member of a uniformed service without dependents is not entitled to a basic allowance for quarters while he is on field duty unless his commanding officer certifies that the member was necessarily required to procure quarters at his expense.

"(2) A member of a uniformed service without dependents who is in a pay grade below pay grade E-7 is not entitled to a basic allowance for quarters while he is on sea duty. A member of a uniformed service without dependents who is in a pay grade above E-6 and who is on sea duty is not entitled to a basic allowance for quarters while the unit to which he is assigned is deployed for a period in excess of 90 days.

94 STAT. 3368

"(3) For the purposes of this subsection, duty for a period of less than three months is not considered to be field duty or sea duty.".

(c) Subsection (j) of such section is amended—

(1) by inserting "(1)" after the subsection designation "(j)"; and

(2) by adding the following new paragraph:

"(2) The Secretary concerned may deny the right to make an election under subsection (b) of this section if he determines that the exercise of such an election would adversely affect military discipline or military readiness.".

(d) The amendments made by this section shall only apply to payment of basic allowance for quarters for months after September 1980. 37 USC 403 note.

CHARGES FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES

SEC. 7. Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fee established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 15-year period beginning with the completion of such construction.".

PERMANENT AUTHORITY FOR SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 8. Section 209(d) of title 37, United States Code, relating to members of precommissioning programs, is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

REPEAL OF AUTHORITY TO WAIVE CERTAIN PROVISIONS RELATING TO THE ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES

SEC. 9. Section 520 of title 10, United States Code, is amended—

(1) by striking out the subsection designation "(a)"; and

(2) by striking out subsection (b).

ACCRUED LEAVE

SEC. 10. Section 701(f) of title 10, United States Code, is amended by inserting "or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section," after "title 37".

REVISION ON DEFINITION OF "REGULAR COMPENSATION" AND "REGULAR MILITARY COMPENSATION (RMC)"

SEC. 11. Paragraph (25) of section 101 of title 37, United States Code, is amended by inserting "(including any variable housing allowance or station housing allowance)" after "basic allowance for quarters".

TERMS OF OFFICE OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS; APPLICATION OF THE ETHICS IN GOVERNMENT ACT OF 1978 TO THE JUDGES AND EMPLOYEES OF SUCH COURT

SEC. 12. (a) Section 867(a)(1) (article 67(a)(1)) of title 10, United States Code, is amended by striking out the third sentence.

(b) The term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act shall expire (1) on the date the term of such judge would have expired under the law in effect on the day before such date of enactment, or (2) ten years after the date on which such judge took 10 USC 867 note.

office as a judge of the United States Court of Military Appeals, whichever is later.

(c) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(1) by inserting "United States Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the United States Court of Military Appeals".

TERMS OF CERTAIN MEMBERS OF THE BOARD OF VISITORS TO THE SERVICE ACADEMIES

SEC. 13. (a) Section 4355(b) of title 10, United States Code, is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

10 USC 6968. (b) Section 6968(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

10 USC 9355. (c) Section 9355(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-1230 (Comm. on Armed Services).
SENATE REPORT: No. 96-1051 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 15, considered and passed House.
  Dec. 4, considered and passed Senate, amended.
  Dec. 5, House concurred in Senate amendment.

DISTRICT OF COLUMBIA ACTS

Public Law 96-235
96th Congress

An Act

Apr. 12, 1980
[H.R. 3824]

To amend the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Council of the District of Columbia to delegate its authority to issue revenue bonds for undertakings in the area of housing to any housing finance agency established by it and to provide that payments of such bonds may be made without further approval.

D.C.
Revenue bonds for housing, issuance, delegation of authority.
D.C. Code 47-254.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 490 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to revenue bonds and other obligations, is amended by adding after subsection (f) the following new subsection:

"(g)(1) The Council may delegate to any housing finance agency established by it (whether established before or after the date of the enactment of this subsection) the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low- and moderate-income housing. The Council shall define for the purposes of the preceding sentence what undertakings shall constitute undertakings in the area of primarily low- and moderate-income housing. Any such housing finance agency may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection.

"(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the District under a delegation of authority described in paragraph (1) shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the Council.

D.C. Code 47-224.

"(3) The fourth sentence of section 446 shall not apply to (A) the expenditure of funds derived from the sale of any revenue bond, note, or other obligation issued by a housing finance agency established by the Council to which a delegation of authority described in paragraph (1) has been made, (B) the creation by such an agency of a security interest in the revenues or assets of such agency in connection with the sale of any such bond, note, or other obligation, or (C) the payment (as to either principal or interest or both) of any such bond, note, or other obligation.".

Approved April 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-129 (Comm. on the District of Columbia) and No. 96-830 (Comm. of Conference).
SENATE REPORTS: No. 96-262 (Comm. on Governmental Affairs) and No. 96-619 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 125 (1979): May 14, considered and passed House.
Aug. 2, considered and passed Senate, amended.
Vol. 126 (1980): Mar. 11, Senate agreed to conference report.
Apr. 1, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16 (1980): Apr. 12, Presidential statement.

EDUCATION ACTS

Public Law 96-374
96th Congress

94 STAT. 1367

An Act

To amend and extend the Higher Education Act of 1965, and for other purposes.

Oct. 3, 1980
[H.R. 5192]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1980".

Education Amendments of 1980.
20 USC 1001 note.

TITLE I—ESTABLISHMENT OF A NEW TITLE I OF THE HIGHER EDUCATION ACT OF 1965

Sec. 101. New programs established.

"TITLE I—CONTINUING POSTSECONDARY EDUCATION PROGRAM AND PLANNING

"PART A—COMMISSION ON NATIONAL DEVELOPMENT IN POSTSECONDARY EDUCATION

"Sec. 101. Findings.
"Sec. 102. Establishment of the Commission on National Development in Postsecondary Education.
"Sec. 103. Duties of the Commission.
"Sec. 104. Powers and administrative provisions.
"Sec. 105. Authorization.

"PART B—EDUCATION OUTREACH PROGRAMS

"Sec. 111. Findings.
"Sec. 112. State allotments.
"Sec. 113. Comprehensive statewide planning.
"Sec. 114. Information services.
"Sec. 115. Continuing education.
"Sec. 116. Federal discretionary grants.
"Sec. 117. National Advisory Council on Continuing Education.
"Sec. 118. Definitions.
"Sec. 119. Appropriations authorized and payments.".

TITLE II—AMENDMENT AND EXTENSION OF TITLE II OF THE HIGHER EDUCATION ACT OF 1965

Sec. 201. Extension and revision of library programs.

"TITLE II—COLLEGE AND RESEARCH LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

"Sec. 201. Purpose; authorization.
"Sec. 202. Notification of State agency.

"PART A—COLLEGE LIBRARY RESOURCES

"Sec. 211. Resource development grants.

"PART B—LIBRARY TRAINING, RESEARCH, AND DEVELOPMENT

"Sec. 221. Grants authorized.
"Sec. 222. Library career training.
"Sec. 223. Research and demonstrations.

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"Sec. 224. Special purpose grants.

"PART C—STRENGTHENING RESEARCH LIBRARY RESOURCES

"Sec. 231. Eligibility for assistance.
"Sec. 232. Geographical distribution of grants.

"PART D—NATIONAL PERIODICAL SYSTEM

"Sec. 241. Purpose.
"Sec. 242. Establishment.
"Sec. 243. Functions of the Corporation.

"Sec. 244. Board of Directors.
"Sec. 245. Director and staff of Corporation.
"Sec. 246. Nonprofit nature of Corporation.
"Sec. 247. Authority of Corporation.
"Sec. 248. Implementing the design.
"Sec. 249. Copyright Act.
"Sec. 250. Definitions.
"Sec. 251. Authorization of appropriations.".

TITLE III—ESTABLISHMENT OF A NEW TITLE III OF THE HIGHER EDUCATION ACT OF 1965

Sec. 301. Programs authorized.

"TITLE III—INSTITUTIONAL AID

"Sec. 301. Findings and purposes.

"Part A—Strengthening Institutions

"Sec. 311. Program purpose.
"Sec. 312. Definitions.
"Sec. 313. Duration of grant.

"Part B—Aid to Institutions With Special Needs

"Sec. 321. Program purpose.
"Sec. 322. Definitions.
"Sec. 323. Duration of grant.
"Sec. 324. Federal share.

"Part C—Challenge Grants for Institutions Eligible for Assistance Under Part A or Part B

"Sec. 331. Establishment of challenge grant program.
"Sec. 332. Applications for challenge grants.

"Part D—General Provisions

"Sec. 341. Applications for assistance.
"Sec. 342. Waiver authority and reporting requirement.
"Sec. 343. Application review process.
"Sec. 344. Cooperative arrangements.
"Sec. 345. Assistance to institutions under other programs.
"Sec. 346. Limitations.
"Sec. 347. Authorizations.".

TITLE IV—STUDENT ASSISTANCE

Part A—Grants to Students in Attendance at Institutions of Higher Education

Sec. 401. Statement of purpose.
Sec. 402. Pell grants.
Sec. 403. Supplemental educational opportunity grants.
94 STAT. 1369 Sec. 404. Grants to States for State student incentives.
Sec. 405. Special programs for students from disadvantaged backgrounds.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"Sec. 417A. Program authority; authorization of appropriations.
"Sec. 417B. Talent search.
"Sec. 417C. Upward bound.
"Sec. 417D. Special services for disadvantaged students.
"Sec. 417E. Educational opportunity centers.
"Sec. 417F Staff development activities.".

Sec. 406. Special program for migrant and seasonal farmwork students.
Sec. 407. Veterans' cost-of-instruction payments.

Part B—Guaranteed and Insured Student Loans

Sec. 411. Extension of programs.
Sec. 412. Loan limitations.
Sec. 413. Deferral of repayment.
Sec. 414. State agencies as lenders of last resort.
Sec. 415. Interest rate and payment.
Sec. 416. Collection practices.
Sec. 417. Administrative improvements.
Sec. 418. Loan information program authorized.
Sec. 419. Loans to parents.
Sec. 420. Special allowances.

Sec. 421. The Student Loan Marketing Association.
Sec. 422. Prompt due diligence determinations.
Sec. 423. Miscellaneous amendments.

PART C—WORK-STUDY PROGRAMS

Sec. 431. Purpose; appropriations authorized.
Sec. 432. Allotment to States.
Sec. 433. Use of certain unused college work-study program funds for the support of cooperative education programs.
Sec. 434. Grants for work-study programs.
Sec. 435. Distribution of assistance.
Sec. 436. Job location and development.
Sec. 437. Work study for community service-learning.

PART D—NATIONAL DIRECT STUDENT LOANS

Sec. 441. Extension of program.
Sec. 442. Alternative funding for direct loans; recapture of current balances.
Sec. 443. Loan limitations.
Sec. 444. Deferral of repayment.
Sec. 445. Collection practices.
Sec. 446. Interest rates.
Sec. 447. Student loan information program authorized.
Sec. 448. Miscellaneous amendments.

PART E—GENERAL PROVISIONS

Sec. 451. Student assistance general provisions.

"PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

"Sec. 481. Definitions.
"Sec. 482. Need analysis.
"Sec. 483. Forms and regulations.
"Sec. 484. Student eligibility.
"Sec. 485. Institutional and financial assistance information for students.
"Sec. 486. Training in financial aid and student support services.
"Sec. 487. Program participation agreements.
"Sec. 488. Transfer of allotments.
"Sec. 489. Administrative expenses.
"Sec. 490. Criminal penalties.
"Sec. 491. National Commission on Student Financial Assistance.".

TITLE V—AMENDMENT AND EXTENSION OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965

Sec. 501. Extension of programs.
Sec. 502. Teacher Corps amendments.
Sec. 503. Teacher centers amendments.
Sec. 504. Teacher training.
Sec. 505. Training for teachers of handicapped children in areas with a shortage.

"PART C—TRAINING FOR ELEMENTARY AND SECONDARY SCHOOL TEACHERS TO TEACH HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

"Sec. 541. Grants authorized.
"Sec. 542. Application.
"Sec. 543. Stipends and institution of higher education allowances.
"Sec. 544. Fellowship conditions.
"Sec. 545. Definition.
"Sec. 546. Appropriations authorized.".

Sec. 506. Education professional development.

"PART D—COORDINATION OF EDUCATION PROFESSIONAL DEVELOPMENT

"Sec. 551. Findings.
"Sec. 552. Policy.
"Sec. 553. Office of Education Professional Development.".

TITLE VI—ESTABLISHMENT OF A NEW TITLE VI OF THE HIGHER EDUCATION ACT OF 1965

Sec. 601. Programs authorized.

"TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

"PART A—INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

"Sec. 601. Findings and purposes.
"Sec. 602. Graduate and undergraduate language and area centers.

"Sec. 603. International studies centers.
"Sec. 604. Undergraduate international studies and foreign language programs.
"Sec. 605. Research; studies; annual report.
"Sec. 606. Equitable distribution of funds.
"Sec. 607. Authorization of appropriations.

"PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

"Sec. 611. Findings and purposes.
"Sec. 612. Education and training programs.
"Sec. 613. Authorization of appropriations.

"PART C—GENERAL PROVISIONS

"Sec. 621. Advisory board.
"Sec. 622. Definitions.".

TITLE VII—AMENDMENT TO TITLE VII OF THE HIGHER EDUCATION ACT OF 1965

Sec. 701. Amendment.

"TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"Sec. 701. General purposes.
"Sec. 702. Appropriations authorized.

"PART A—GRANTS FOR THE CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF UNDERGRADUATE ACADEMIC FACILITIES

"Sec. 711. State plan.
"Sec. 712. Basic criteria.
"Sec. 713. Allotment of funds.

94 STAT. 1371

"PART B—GRANTS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF GRADUATE ACADEMIC FACILITIES

"Sec. 721. Grants.

"PART C—LOANS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"Sec. 731. Eligibility conditions, amounts, and terms.
"Sec. 732. General provisions for loan program.
"Sec. 733. Revolving loan and insurance fund.
"Sec. 734. Annual interest grants.
"Sec. 735. Academic facilities loan insurance.

"PART D—GENERAL

"Sec. 741. Recovery of payments.
"Sec. 742. Definitions.".

TITLE VIII—COOPERATIVE EDUCATION

Sec. 801. Extension of program.

TITLE IX—GRADUATE PROGRAMS

Sec. 901. Grants to institutions of higher education.
Sec. 902. Graduate fellowships.

"PART B—FELLOWSHIPS FOR GRADUATE AND PROFESSIONAL STUDY

"Sec. 921. Statement of purpose.
"Sec. 922. Program authorized.
"Sec. 923. Award of fellowships.
"Sec. 924. Authorization of appropriations.".
Sec. 903. New program authorized.

"PART C—NATIONAL GRADUATE FELLOWS PROGRAM

"Sec. 931. Award of national graduate fellowships.
"Sec. 932. Allocation of fellowships.
"Sec. 933. Stipends.
"Sec. 934. Fellowship conditions.".
Sec. 904. Training and legal assistance profession program authorized.

"PART D—ASSISTANCE FOR TRAINING IN THE LEGAL PROFESSION

"Sec. 941. Program authorized.
"Sec. 942. Authorization of appropriations.".

Sec. 905. Law school programs included in title IX.

"PART E—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

"Sec. 951. Program authorization.
"Sec. 952. Applications.
"Sec. 953. Authorization of appropriations.".

TITLE X—ESTABLISHMENT OF A NEW TITLE X OF THE HIGHER EDUCATION ACT OF 1965

Sec. 1001. Fund for the Improvement of Postsecondary Education.

"TITLE X—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

"PART A—ESTABLISHMENT AND OPERATION OF FUND

"Sec. 1001. Authorization of program.
"Sec. 1002. Consultation.
"Sec. 1003. National Board of the Fund for the Improvement of Postsecondary Education.
"Sec. 1004. Administrative provisions.
"Sec. 1005. Authorization of appropriations.".

94 STAT. 1372

TITLE XI—ESTABLISHMENT OF A NEW TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

Sec. 1101. Program authorized.

"TITLE XI—URBAN GRANT UNIVERSITY PROGRAM

"Sec. 1101. Findings and purpose.
"Sec. 1102. Appropriations authorized.
"Sec. 1103. Project assistance.
"Sec. 1104. Limitation.
"Sec. 1105. Definitions.".

TITLE XII—GENERAL PROVISIONS

Sec. 1201. Amendments.
"Sec. 1203. Federal-State relationships; State agreements.
"Sec. 1204. Treatment of territories and territorial student assistance.
"Sec. 1205. National Advisory Committee on Accreditation and Institutional Eligibility.".

TITLE XIII—MISCELLANEOUS PROVISIONS

PART A—GENERAL EDUCATION PROVISIONS

Sec. 1301. Contingent extension.
Sec. 1302. Enforcement of the rules.
Sec. 1303. Science education programs.
Sec. 1304. Commission on the Review of the Federal Impact Aid Program.
Sec. 1305. Evaluation reports.
Sec. 1306. Education impact statement.

PART B—NATIONAL INSTITUTE OF EDUCATION

Sec. 1311. Extension of authority.
Sec. 1312. Declaration of policy.
Sec. 1313. Research and development priorities.
Sec. 1314. Repealer.

PART C—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 1321. Composition of the Architectural and Transportation Barriers Compliance Board and transmission of report.
Sec. 1322. Information clearinghouse for handicapped individuals.

PART D—NATIVE HAWAIIAN EDUCATION STUDY

Sec. 1331. Study authorized.

PART E—SPECIAL IMPACT AID PROGRAM

Sec. 1341. Program authorized.

PART F—THE NAVAJO COMMUNITY COLLEGE ASSISTANCE PROGRAM

Sec. 1351. Amendments to the Navajo Community College Act.

PART G—NEW LAND GRANT COLLEGES

94 STAT. 1373

Sec. 1361. American Samoa and Micronesia land grant colleges.

PART H—MEMORIALS

SUBPART 1—THE ROBERT A. TAFT INSTITUTE

Sec. 1371. Short title.
Sec. 1372. Grants for development.
Sec. 1373. Authorization of appropriations.

SUBPART 2—GENERAL DANIEL JAMES MEMORIAL HEALTH EDUCATION CENTER

Sec. 1376. Financial assistance authorized.
Sec. 1377. Authorization of appropriations.

SUBPART 3—THE WILLIAM LEVI DAWSON CHAIR OF PUBLIC AFFAIRS

Sec. 1381. Short title.
Sec. 1382. Assistance for the establishment of the William Levi Dawson Chair of Public Affairs.
Sec. 1383. Authorization of appropriations.

PART I—TECHNICAL PROVISIONS

Sec. 1391. Administrative amendments.
Sec. 1392. Contract authority.
Sec. 1393. Effective dates.

94 STAT. 1799

Public Law 96-422
96th Congress

An Act

Oct. 10, 1980
[H.R. 7859]

To provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

Refugee Education Assistance Act of 1980.
8 USC 1522 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Education Assistance Act of 1980".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

8 USC 1522 note.

SEC. 101. As used in this Act—

(1) The terms "Cuban and Haitian refugee adults" and "Cuban and Haitian refugee children" mean aliens who have fled from Cuba or Haiti and who—

(A) on or after November 1, 1979—

(i) have been admitted into the United States as refugees under section 207 of the Immigration and Nationality Act;

Ante, p. 103.

(ii) have been paroled into the United States by the Attorney General pursuant to section 212(d)(5) of such Act; or

Ante, p. 107.

(iii) are applicants for asylum, or have been granted asylum, in the United States; or

(B) are Cuban-Haitian entrants (status pending) who entered the United States on or after November 1, 1979.

For purposes of this paragraph, any person who is a Cuban-Haitian entrant as described in subparagraph (B) at any time after the date of the enactment of this Act shall be considered to maintain such status for purposes of this Act regardless of any subsequent change in status under any other law.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965. 20 USC 2854.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the compulsory education laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. 26 USC 501.

(4) The term "Indochinese refugee children" means aliens who have fled from Cambodia, Vietnam, or Laos, and, on or after January 1, 1979—

(A) have been admitted into the United States as refugees under section 207 of the Immigration and Nationality Act; *Ante*, p. 103.

94 STAT. 1800

(B) have been paroled into the United States by the Attorney General pursuant to section 212(d)(5) of such Act; or *Ante*, p. 107.

(C) are applicants for asylum, or have been granted asylum, in the United States.

(5) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated for each of the fiscal years 1981, 1982, and 1983, but only in a lump sum for all programs under this Act, subject to allocation in accordance with subsection (b), such sums as may be necessary to make payments to which State educational agencies are entitled under this Act and payments for administration under section 104. 8 USC 1522 note.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this Act are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under titles II through IV for such year, the allocations to State educational agencies under each of such titles shall be ratably reduced by the same percentage to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated. *Post*, pp. 1801, 1803, 1807.

(2) In the event that funds become available for making payments under this Act for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

TREATMENT OF CERTAIN JURISDICTIONS

SEC. 103. (a) The jurisdictions to which this section applies are Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. 8 USC 1522 note.

(b)(1) Each jurisdiction to which this section applies shall be entitled to grants for the purposes set forth in sections 201(a), 302, and 402 in amounts equal to amounts determined by the Secretary in accordance with criteria established by the Secretary, except that the aggregate of the amount to which such jurisdictions are so entitled for any period— Grants.

(A) for the purposes set forth in section 201(a), shall not exceed an amount equal to 1 percent of the aggregate of the amounts to which all States are entitled under section 201 for that period;

(B) for the purposes set forth in section 302, shall not exceed an amount equal to 1 percent of the aggregate of the amounts to which all States are entitled under section 301 for that period; and

(C) for the purposes set forth in section 402, shall not exceed an amount equal to 1 percent of the aggregate of the amounts to which all States are entitled under section 401 for that period.

Aggregate amount reduction.

(2) If the aggregate of the amounts determined by the Secretary pursuant to paragraph (1) to be so needed for any period exceeds an amount equal to such 1 percent limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such limitation.

94 STAT. 1801

STATE ADMINISTRATIVE COSTS

8 USC 1522 note.

Sec. 104. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this Act, except that the total of such payments for any period shall not exceed 1 percent of the amounts which that State educational agency is entitled to receive for that period under this Act.

WITHHOLDING

Notice and hearing.
8 USC 1522 note.

Sec. 105. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any title of this Act, the Secretary shall notify that agency that further payments will not be made to the agency under such title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under such title to specified local educational agencies or other entities (in the case of funds under title IV) whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under such title, or payments by the State educational agency under such title shall be limited to local educational agencies or other entities (in the case of funds under title IV) whose actions did not cause or were not involved in the failure, as the case may be.

Ante, p. 1807.

TITLE II—GENERAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES

STATE ENTITLEMENTS

Cuban and Haitian refugee children.
8 USC 1522 note.

Sec. 201. (a) The Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for each of the fiscal years 1981, 1982, and 1983 for the purpose of assisting local educational agencies of that State in providing basic education for Cuban and Haitian refugee children. Payments made under this title to any State shall be used in accordance with applications approved under section 202 for public educational services for Cuban and Haitian refugee children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of that State.

Grants.

(b)(1) Except as provided in paragraph (2) and in subsection (c), the amount of the grant to which a State educational agency is entitled under this title, for any fiscal year described in subsection (a), shall be equal to the product of—

(A) the number of Cuban and Haitian refugee children enrolled in elementary or secondary public schools under the jurisdiction of each local educational agency within that State during the period for which the determination is made;

multiplied by—

(B) $450.

Grant reductions.

(2) The amount of the grant to which a State educational agency is otherwise entitled for any fiscal year, as determined under paragraph

(1), shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purposes as those for which funds are made available under this title, except that the reduction shall be made only to the extent that such amounts (A) are allocated to the State (or to agencies or entities providing services within the State) on the basis of a statutory formula, and (B) are made available for such purposes specifically because of the refugee, parolee, or asylee status of the individuals to be served by such funds. The amount of the reduction required under this paragraph shall be determined by the Secretary in a manner consistent with subsection (c).

94 STAT. 1802

"State."

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. The entitlements of such jurisdictions shall be determined in the manner specified in section 103, but for purposes of this title and section 105 any payments made under section 103 for the purposes set forth in section 201(a) shall be considered to be payments under this title.

Determinations.

(c) Determinations by the Secretary under this title for any period with respect to the number of Cuban and Haitian refugee children and the amount of the reduction under subsection (b)(2) shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this title to which such agency would be entitled had such determination been made on the basis of accurate data.

APPLICATIONS

8 USC 1522 note.

SEC. 202. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the payments under this title will be used for the purposes set forth in section 201(a);

(2) provide assurances that such payments will be distributed among local educational agencies within that State in accordance with section 201;

(3) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting the application for such funds reasonable notice and opportunity for a hearing; and

Reports.

(4) provide for making such reports as the Secretary may reasonably require to carry out this title.

Approval or disapproval.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

8 USC 1522 note.

SEC. 203. The Secretary shall pay to each State educational agency having an application approved under section 202 the amount which that State is entitled to receive under this title.

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TITLE III—SPECIAL IMPACT ASSISTANCE FOR SUBSTANTIAL INCREASES IN REFUGEE ATTENDANCE

STATE ENTITLEMENTS

Payments.
8 USC 1522 note.

SEC. 301. (a) The Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for each of the fiscal years 1981, 1982, and 1983 for the purpose set forth in section 302.

Educational agency grants.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title—

(A) for fiscal year 1981, shall be equal to the product of (i) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during such fiscal year in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, multiplied by (ii) $750;

(B) for fiscal year 1982, shall be equal to the sum of—

(i) the amount equal to the product of (I) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during fiscal year 1982 in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, who were not enrolled in such schools during fiscal year 1981, multiplied by (II) $750; and

(ii) the amount equal to the product of (I) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during fiscal year 1982 in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, who were enrolled in such schools during fiscal year 1981, multiplied by (II) $500; and

(C) for fiscal year 1983, shall be equal to the sum of—

(i) the amount equal to the product of (I) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during fiscal year 1983 in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, who were not enrolled in such schools during either fiscal year 1981 or fiscal year 1982, multiplied by (II) $750;

(ii) the amount equal to the product of (I) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during fiscal year 1983 in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, who were enrolled in such schools

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during either fiscal year 1981 or fiscal year 1982 (but not during both such fiscal years), multiplied by (II) $500; and

(iii) the amount equal to the product of (I) the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled during fiscal year 1983 in elementary or secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, or in any elementary or secondary nonpublic school within the districts served by each such local educational agency, who were enrolled in such schools during both of the fiscal years 1981 and 1982, multiplied by (II) $350.

Local educational agencies.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of Cuban and Haitian refugee children and Indochinese refugee children who are enrolled in elementary or secondary public schools

under the jurisdiction of such agencies, or in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, and are receiving supplementary educational services during such period, is equal to—

(A) at least 500; or

(B) at least 5 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less. Notwithstanding the provisions of this paragraph, the local educational agencies referred to in paragraph (1) shall include local educational agencies eligible to receive assistance by reason of the last sentence of section 3(b) and section 3(c)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), relating to Federal impact aid, subject to paragraph (5) of this subsection.

Grant reductions.

(3) The amount of the grant to which a State educational agency is otherwise entitled for any fiscal year, as determined under paragraph (1), shall be reduced by the amounts made available under any other Federal law to agencies or other entities for educational, or education-related, services or activities within the State because of the significant concentration of Cuban and Haitian refugee children or Indochinese refugee children, except that the reduction shall be made only to the extent that such amounts are allocated to the State, or to such agencies or entities, on the basis of a statutory formula. The amount of the reduction required under this paragraph shall be determined by the Secretary in a manner consistent with subsection (c).

"State."

(4) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. The entitlements of such jurisdictions shall be determined in the manner specified in section 103, but for purposes of this title and section 105 any payments made under section 103 for the purposes set forth in section 302 shall be considered to be payments under this title.

(5) The amount of the grant to which a State educational agency is entitled as a result of the last sentence of paragraph (2) shall be limited to Cuban and Haitian refugee children who meet the requirements of section 101(1).

Determinations.

(c) Determinations by the Secretary under this title for any period with respect to the number of Cuban and Haitian refugee children and Indochinese refugee children and the amount of the reduction under subsection (b)(3) shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this title to which such agency would be entitled had such determination been made on the basis of accurate data.

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Unused payments.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

Refugee children, school enrollment.
8 USC 1522 note.

SEC. 302. (a) Payments made under this title to any State may be used in accordance with applications approved under section 303 for supplementary educational services and costs, as described under subsection (b) of this section, for Cuban and Haitian refugee children and Indochinese refugee children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 301(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

Supplementary educational services.

(b) Financial assistance provided under this title shall be available to meet the costs of providing Cuban and Haitian refugee children and Indochinese refugee children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of Cuban and Haitian refugee children and Indochinese refugee children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) special inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

8 USC 1522 note.

SEC. 303. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary

may reasonably require. Each such application shall—

(1) provide that the educational programs, services and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 302;

(3) provide assurances that such payments will be distributed among local educational agencies within that State in accordance with section 301;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

Reports.

(5) provide for making such reports as the Secretary may reasonably require to perform his functions under this Act; and

(6) provide assurances—

(A) that to the extent consistent with the number of Cuban and Haitian refugee children and Indochinese refugee children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this paragraph and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

Approval or disapproval.

PAYMENTS

SEC. 304. (a) The Secretary shall pay to each State educational agency having an application approved under section 303 the amount which that State is entitled to receive under this title.

8 USC 1522 note.

(b) If a State is prohibited by law from providing public educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 303(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this Act.

Waiver.

94 STAT. 1807

TITLE IV—ADULT EDUCATION PROGRAMS

STATE ENTITLEMENTS

SEC. 401. (a) The Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for each of the fiscal years 1982 and 1983 for the purposes of providing for the operation of adult education programs as described under section 402 for Cuban and Haitian refugee adults aged 16 or older. Payments made under this title to any State shall be used in accordance with applications approved under section 403.

Cuban and Haitian refugee adults.
8 USC 1522 note.

(b)(1) Except as provided in subsection (c) of this section, the amount of the grant to which a State educational agency is entitled under this Act, for any fiscal year described in subsection (a), shall be equal to the product of—

Grants.

(A) the number of Cuban and Haitian refugee adults aged 16 or older who are enrolled, during the period for which the determination is made, in programs of instruction referred to in section 402 which are offered within that State, other than any such refugees who are enrolled in elementary or secondary public schools under the jurisdiction of local educational agencies;

multiplied by—

(B) $300.

(2) The amount of the grant to which a State educational agency is otherwise entitled for any fiscal year, as determined under paragraph (1), shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purposes as those for which funds are made available under this title, except that the reduction shall be made only to the extent that such amounts (A) are allocated to the State (or to agencies or entities providing services within the State) on the basis of a statutory formula, and (B) are made available for such purposes specifically because of the refugee, parolee, or asylee status of the individuals to be served by such funds. The amount of the reduction required under this paragraph shall be determined by the Secretary in a manner consistent with subsection (c).

Grant reductions.

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern

"State."

Mariana Islands, and the Trust Territory of the Pacific Islands. The entitlements of such jurisdictions shall be determined in the manner specified in section 103, but for purposes of this title and section 105 any payments made under section 103 for the purposes set forth in section 402 shall be considered to be payments under this title.

Determinations.

(c) Determinations by the Secretary under this title for any period with respect to the number of Cuban and Haitian refugee adults and the amount of the reduction under subsection (b)(2) shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this title to which such agency would be entitled had such determination been made on the basis of accurate data.

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USE OF FUNDS

Refugee adults, school enrollment.
8 USC 1522 note.

SEC. 402. (a) Funds made available to State educational agencies under this title shall be used by such agencies to provide for programs of adult education and adult basic education to Haitian and Cuban refugee adults aged 16 or older in need of such services who are not enrolled in elementary or secondary public schools under the jurisdiction of local educational agencies. Such programs may be provided directly by the State educational agency, or such agency may make grants, or enter into contracts, with local educational agencies, and other public or private nonprofit agencies, organizations, or institutions to provide for such programs. Funds available under this title may be used for—

(1) programs of instruction of such adult refugees in basic reading and mathematics, in development and enhancement of necessary skills, and for the promotion of literacy among such refugees;

(2) administrative costs of planning and operating such programs of instruction;

(3) educational support services which meet the need of such adult refugees, including guidance and counseling with regard to educational, career, and employment opportunities; and

(4) special projects designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for individuals, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 or under the Vocational Education Act of 1963.

29 USC 801 note.
20 USC 2301 note.

(b) The State educational agency shall review applications for grants and contracts in a manner consistent with the purposes of paragraphs (12) and (13) of section 306(b) of the Adult Education Act.

20 USC 1205.

(c) The State educational agency shall provide for the use of funds made available under this title in such manner that the maximum number of Haitian and Cuban refugee adults aged 16 or older residing within the State receive education under the programs of instruction described under subsection (a).

APPLICATIONS

8 USC 1522 note.

SEC. 403. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that payments made under this title will be used only for the purposes, and in the manner, set forth in section 402;

(2) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the entity submitting an application for such funds reasonable notice and opportunity for a hearing; and

(3) provide for making periodic reports to the Secretary evaluating the effectiveness of the payments made under this title, and such other reports as the Secretary may reasonably require to perform his functions under this Act.

Reports.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

Approval or disapproval.

94 STAT. 1809

TITLE V—OTHER PROVISIONS RELATING TO CUBAN AND HAITIAN ENTRANTS

AUTHORITIES FOR OTHER PROGRAMS AND ACTIVITIES

SEC. 501. (a)(1) The President shall exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities which are exercised under chapter 2 of title IV of the Immigration and Nationality Act. The authorizations provided in section 414 of that Act shall be available to carry out this section without regard to the dollar limitation contained in section 414(a)(2).

8 USC 1522 note.

Ante, p. 110.
Ante, p. 116.

(2) Any reference in chapter III of title I of the Supplemental Appropriations and Rescission Act, 1980, to section 405(c)(2) of the International Security and Development Assistance Act of 1980 or to the International Security Act of 1980 shall be construed to be a reference to paragraph (1) of this subsection.

Ante, p. 865.

(b) In addition, the President may, by regulation, provide that benefits granted under any law of the United States (other than the Immigration and Nationality Act) with respect to individuals admitted to the United States under section 207(c) of the Immigration and Nationality Act shall be granted in the same manner and to the same extent with respect to Cuban and Haitian entrants.

Ante, p. 103.

(c)(1)(A) Any Federal agency may, under the direction of the President, provide assistance (in the form of materials, supplies, equipment, work, services, facilities, or otherwise) for the processing, care, maintenance, security, transportation, and initial reception and placement in the United States of Cuban and Haitian entrants. Such assistance shall be provided on such terms and conditions as the President may determine.

(B) Funds available to carry out this subsection shall be used to reimburse State and local governments for expenses which they incur for the purposes described in subparagraph (A). Such funds may be used to reimburse Federal agencies for assistance which they provide under subparagraph (A).

Reimbursements.

(2) The President may direct the head of any Federal agency to detail personnel of that agency, on either a reimbursable or nonreimbursable basis, for temporary duty with any Federal agency directed to provide supervision and management for purposes of this subsection.

(3) The furnishing of assistance or other exercise of functions under this subsection shall not be considered a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

42 USC 4321 note.

(4) Funds to carry out this subsection may be available until expended.

(5) To facilitate the transfer of the functions described in paragraph (1) from the Federal Emergency Management Agency to other Federal agencies pursuant to this subsection, the purposes for which the funds appropriated to the President in the first paragraph under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" in chapter VII of title I of the Supplemental Appropriations and Rescission Act, 1980, are available may be construed to include use in carrying out this subsection to the extent that those funds are allocated for use for any of the purposes described in paragraph (1) of this subsection.

Ante, p. 873.

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(d) The authorities provided in this section are applicable to assistance and services provided with respect to Cuban or Haitian

entrants at any time after their arrival in the United States, including periods prior to the enactment of this section.

"Cuban and Haitian entrant."

(e) As used in this section, the term "Cuban and Haitian entrant" means—

(1) any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

(2) any other national of Cuba or Haiti—

(A) who—

(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

8 USC 1101 note.

(ii) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

(B) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1218 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 18, considered and passed House.
  Sept. 25, considered and passed Senate, amended.
  Sept. 30, Oct. 1, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
  Oct. 10, Presidential statement.

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94 STAT. 2583

Public Law 96-496
96th Congress

An Act

Dec. 4, 1980
[S. 1386]

To amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arts and Humanities Act of 1980.

SHORT TITLE

20 USC 951 note.

SECTION 1. This Act may be cited as the "Arts and Humanities Act of 1980".

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

DEFINITIONS

SEC. 101. (a) Section 3(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(a)) is amended by striking out "theory, and practice" and inserting in lieu thereof "and theory".

(b) Section 3(d)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(d)(1)(B)) is amended by inserting "or the National Council on the Humanities, as the case may be" after "Arts".

(c) Section 3(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(g)) is amended by inserting "the Northern Mariana Islands," after "American Samoa,".

NATIONAL ENDOWMENT FOR THE ARTS

SEC. 102. (a) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by inserting "or loans" after "grants-in-aid";

(2) in paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity";

(3) by redesignating paragraph (5) thereof as paragraph (6) thereof, and by inserting after paragraph (4) thereof the following new paragraph:

"(5) programs for the arts at the local level; and"; and

(4) by adding at the end thereof the following new sentence: "Any loans made by the Chairman under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.".

(b)(1) Section 5(g)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(A)) is amended by striking out ", except that" and all that follows through the end thereof and inserting in lieu thereof a semicolon.

(2) Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)) is amended by adding at the end thereof the following new subparagraph:

"State."

Ante, p. 2583.

"(E) For purposes of paragraph (3)(B), the term 'State' includes, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

Interagency agreements.

(c) Section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)) is amended by adding at the end thereof the following new sentence: "The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

(d) Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) by inserting ", on a national, State, or local level," after "private nonprofit organizations";

(2) by inserting "strengthening quality by" after "for the purpose of"; and

(3) by redesignating subparagraph (D) and subparagraph (E) as subparagraph (E) and subparagraph (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups to promote effective arts activity at the State and local level, including support of professional artists in community-based residencies;".

(e) Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended by striking out subsection (m).

NATIONAL COUNCIL ON THE ARTS

SEC. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The terms of office of all Council members shall expire on the third day of September in the year of expiration.".

NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 104. (a)(1) Section 7(f)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)) is amended to read as follows:

"(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date of the enactment of the Arts and Humanities Act of 1980, as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairman finds—

Ante, p. 2583.

Grants, application and plan.

"(i) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that the chief executive of the State will appoint new members to the State humanities council designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive has appointed all of the members of such council;

"(iii) provides, from State funds, an amount equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph; and

Reports.

"(vi) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may require.

Grant recipient, application procedure.

"(B) In any State in which the chief executive officer of the State fails to submit an application under subparagraph (A), the grant recipient in such State shall—

"(i) establish a procedure which assures that four members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body; and

"(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient under this subsection for the fiscal year involved.".

Federal assistance, application and plan.

(2) Section 7(f)(3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(3)) is amended to read as follows:

"(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds—

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B);

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

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"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

Reports.

"(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.".

(3)(A) The first sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by inserting "State and each" before "grant recipient".

(B) The second sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by inserting "States and" before "grant recipients".

Funds, allotment percentages.

(C) Section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by striking out subparagraph (A) and subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(A) 34 per centum of the amount of such excess for such fiscal year shall be available to the Chairman for making grants under this subsection to States and regional groups and entities applying for such grants;

"(B) 44 per centum of the amount of such excess for such fiscal year shall be allotted in equal amounts among the States and grant recipients which have plans approved by the Chairman; and

"(C) 22 per centum of the amount of such excess for such fiscal year shall be allotted among the States and grant recipients which have plans approved by the Chairman in amounts which bear the same ratio to such excess as the population of the State for which the plan is approved (or, in the case of a grant recipient other than a State, the population of the State in which such grant recipient is located) bears to the population of all the States.".

(4)(A) Section 7(f)(5)(A) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(5)(A)) is amended by striking out "Whenever the provisions of paragraph (3)(B) of this subsection apply in any State, that part of any" and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any".

(B) Section 7(f)(5)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)(B)) is amended by inserting "State agency or" before "grant recipient".

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"State."
"Grant recipient."

(C) Section 7(f)(5) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (4)(B), the term 'State' and the term 'grant recipient' include, in addition to the several States of the

Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

(5) Section 7(f)(7) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(7)) is amended—

(A) in subparagraph (A) thereof, by inserting "group or" before "grant recipient";

(B) in subparagraph (B) thereof, by inserting "State agency or" before "grant recipient", and by striking out "plan" and inserting in lieu thereof "State plan or grant recipient application";

(C) in subparagraph (C) thereof, by inserting "group or State agency or" before "grant recipient"; and

(D) in the matter following subparagraph (C) thereof, by inserting "group, State agency, or" before "grant recipient" each place it appears therein.

(6) Section 7(f)(8) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(8)) is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(b) Section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g)) is amended by inserting "agency or" before "entity".

Interagency agreements.

(c) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by adding at the end thereof the following new subsection:

"(i) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

NATIONAL COUNCIL ON THE HUMANITIES

Sec. 105. Section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(f)) is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

Sec. 106. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Commissioner on Aging," after "Services Administration,".

(b) Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (4) thereof, by striking out "and" at the end thereof;

(2) in paragraph (5) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems.".

94 STAT. 2588

(c) Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by adding at the end thereof the following new subsections:

Study.

29 USC 801 note.

"(d)(1) The Council shall conduct a study of the state of employment opportunities for professional artists. Such study shall be undertaken in cooperation and consultation with the Secretary of Labor and shall address in particular (A) the effectiveness of existing Federal programs, such as programs administered under the Comprehensive Employment and Training Act, in serving and enhancing the employment opportunities of professional artists; and (B) the need for new programs to serve and enhance the employment opportunities of professional artists.

Report to President and Congress.
Ante, p. 2583.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.

"(3) Notwithstanding any other provision of law, no Federal agency or officer of the Federal Government shall have any authority to require the Council to submit the report required in paragraph (2) to any Federal agency or officer of the Federal Government for approval, comments, or review, before submission of such report to the Congress. The President may make such additional comments and recommendations with respect to the contents of such report as he may deem appropriate.

Study.

"(e)(1) The Council shall conduct a study of (A) the effectiveness of the program authorized by the Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.); (B) the impact and feasibility of expanding the existing indemnity program to include the indemnification of objects loaned by lenders located in the United States for exhibition exclusively in the United States; and (C) other means to encourage and facilitate the wider sharing within the United States of the items described in section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)), such as the development of standardized insurance policies and the development of a Federal technical assistance program to improve the curatorial facilities and personnel of museums.

Report to President and Congress.
Ante, p. 2583.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

ADMINISTRATIVE PROVISIONS

SEC. 107. (a) Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(a)(4)) is amended by inserting "and culturally diverse" after "geographic".

(b) Section 10(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(b)) is amended by striking out "January" and inserting in lieu thereof "April".

(c) Section 10(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(c)) is amended by striking our "January" and inserting in lieu thereof "April".

94 STAT. 2589

(d) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended by adding at the end thereof the following new subsection:

Study.

Ante, p. 2583.
20 USC 956.

"(d)(1) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities each shall conduct a study of the use, sale, or other disposal of property under subsection (a)(2) for the purpose of carrying out sections 5(c) and 7(c). Each such study shall assess in particular (A) the effectiveness of such use, sale, or other disposal of property as an incentive for increasing the levels of non-Federal support; and (B) the extent to which activities carried out by each such Chairman under subsection (a)(2) result in undue administrative and financial burdens upon grant recipients.

Report to President and Congress.
Ante, p. 2583

"(2) Not later than two years after the date of the enactment of the Arts and Humanities Act of 1980, each Chairman shall submit a report to the President and to the Congress relating to the results of the studies required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

AUTHORIZATION OF APPROPRIATIONS

Ante, p. 2583.

SEC. 108. (a) The first sentence of section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended to read as follows: "For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts $115,500,000 for fiscal year 1981, $127,000,000 for fiscal year 1982, $140,000,000 for fiscal year 1983, $154,000,000 for fiscal year 1984, and $170,000,000 for fiscal year 1985.".

20 USC 956.

(b) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $114,500,000 for fiscal year 1981, $126,000,000 for fiscal year 1982, $138,500,000 for fiscal year 1983, $152,000,000 for fiscal year 1984, and $167,500,000 for fiscal year 1985.".

(c) Section 11(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

20 USC 959.

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

Ante, p. 2583.

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (5) of section 5(c);

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed $18,500,000 for fiscal year 1981, $18,500,000 for fiscal year 1982, $18,500,000 for fiscal year 1983, $20,000,000 for fiscal year 1984, and $22,500,000 for fiscal year 1985.

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"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

20 USC 959.

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

20 USC 956.

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under paragraph (1) through paragraph (7) of section 7(c);

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed $12,500,000 for fiscal year 1981, $14,000,000 for fiscal year 1982, $15,000,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $18,500,000 for fiscal year 1985.".

(d) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended to read as follows:

"(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

Ante, p. 2584.
20 USC 959.

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(l)(1) pursuant to the authority of section 10(a)(2); and

Ante, p. 2584.

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(l)(1);

except that the amounts so appropriated to such Endowment shall not exceed $27,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $32,500,000 for fiscal year 1983, $36,000,000 for fiscal year 1984, and $40,000,000 for fiscal year 1985.".

(e) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended to read as follows:

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(h)(1) pursuant to the authority of section 10(a)(2); and

20 USC 956.

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(h)(1);

except that the amounts so appropriated to such Endowment shall not exceed $30,000,000 for fiscal year 1981, $33,000,000 for fiscal year 1982, $36,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $44,000,000 for fiscal year 1985.".

(f) Section 11(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(4)) is amended to read as follows:

"(4) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section 5(l)(2), section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.".

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20 USC 954, 956.

(g) Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to the National Endowment for the Arts $14,000,000 for fiscal year 1981, $15,000,000 for fiscal year 1982, $16,000,000 for fiscal year 1983, $17,000,000 for fiscal year 1984, and $18,000,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Arts is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000.

"(2) There are authorized to be appropriated to the National Endowment for the Humanities $13,000,000 for fiscal year 1981, $14,500,000 for fiscal year 1982, $15,500,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $17,500,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Humanities is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000.".

TECHNICAL AMENDMENTS

SEC. 109. (a) The last sentence of section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(b) Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)(A)) is amended by striking out "project" the last place it appears therein and inserting in lieu thereof "projects".

(c) The last sentence of section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(d) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "United States Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

TITLE II—MUSEUM SERVICES

AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. (a) Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

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(b) Section 204(a)(2)(A)(v) of the Museum Services Act (20 U.S.C. 963(a)(2)(A)(v)) is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

20 USC 964.

(c)(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended by striking out "to the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "directly to the Secretary of Education".

20 USC 964.

(2) Section 205(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(3) Section 205 of the Museum Services Act (20 U.S.C. 963) is amended by adding at the end thereof the following new subsection:

Competitive service employees.
20 USC 964.
5 USC 101.

5 USC 5101 *et seq.*, 5331.

"(c) The Director may appoint without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not to exceed one-fifth of the number of full-time regular technical or professional employees of the Institute. The rate of basic compensation for such employees may not equal or exceed the rate prescribed for GS-16 of the General Schedule under section 5332 of title 5, United States Code.".

45 FR 69199.

Contracts and cooperative agreements.

(d)(1) Section 206 of the Museum Services Act (20 U.S.C. 965) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b)(1) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into contracts and cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to enable such organizations to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2)(A) No financial assistance may be provided under this subsection for any project for a period in excess of one year.

"(B) No financial assistance may be provided under this subsection to pay for the operational expenses of any professional museum organization.

"(3) The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 percent of the amount appropriated under this Act for such fiscal year.

"Professional museum organization."

"(4) For purposes of this subsection, the term 'professional museum organization' means a private, nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession.".

(2) Section 206(c) of the Museum Services Act, as so redesignated in paragraph (1), is amended—

(A) by inserting ", contracts, and cooperative agreements" after "Grants";

(B) by inserting "or financial assistance" after "grant"; and

(C) by inserting "or financial assistance" after "grants".

Review and evaluation procedures.

(3) Section 206 of the Museum Services Act, as amended in paragraph (1), is further amended by adding at the end thereof the following new subsection:

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute.".

94 STAT. 2593

Appropriation authorization.

(e)(1) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended to read as follows:

"Sec. 209. (a) For the purpose of making grants under section 206(a), there are authorized to be appropriated $25,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $35,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $45,000,000 for fiscal year 1985.".

(2) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by striking out "1980" and inserting in lieu thereof "1985".

AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT

Sec. 202. Section 413(b)(1) of the Department of Education Organization Act (20 U.S.C. 3473(b)(1)) is amended by inserting "and" at the end of subparagraph (L), by striking out subparagraph (M), and by redesignating subparagraph (N) as subparagraph (M).

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

AGGREGATE AMOUNTS COVERED UNDER INDEMNITY AGREEMENTS

Sec. 301. Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "$250,000,000" and inserting in lieu thereof "$400,000,000".

DEDUCTIBLE AMOUNTS UNDER INDEMNITY AGREEMENTS

Sec. 302. Section 5(d) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(d)) is amended to read as follows:

"(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to items covered; or

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"(3) $10,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to items covered.".

Approved December 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-937 accompanying H.R. 7153 (Comm. on Education and Labor).
SENATE REPORT No. 96-557 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Feb. 7, considered and passed Senate.
  Nov. 17, H.R. 7153 considered and passed House; passage vacated and S. 1386, amended, passed in lieu.
  Nov. 20, Senate concurred in House amendments.

ENERGY ACTS

Public Law 96-294
96th Congress

94 STAT. 611

An Act

To extend the Defense Production Act of 1950, and for other purposes.

June 30, 1980
[S. 932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Security Act".

Energy Security Act.
42 USC 8701 note.

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Public Law 96-295
96th Congress

An Act

June 30, 1980
[S. 562]

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nuclear Regulatory Commission. Appropriation authorization.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1980

SEC. 101. (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal year 1980, the sum of $426,821,000, to remain available until expended. Of such total amount authorized to be appropriated:

(1) not more than $66,510,000, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized to accelerate the effort in gas-cooled thermal reactor preapplication review;

(2) not more than $42,440,000, may be used for "Inspection and Enforcement"; of the total amount appropriated for this purpose, $4,684,000 shall be available for support for 146 additional inspectors for the Resident Inspector program;

(3) not more than $15,953,000, may be used for "Standards Development";

(4) not more than $32,380,000, may be used for "Nuclear Material Safety and Safeguards"; of the total amount appropriated for this purpose—

(A) not less than $60,000 shall be available only for the employment by the Commission of two qualified individuals to be assigned by the Commission for implementation of the United States International Atomic Energy Agency Safeguards Treaty, following ratification of such treaty by the United States Senate;

(B) not less than $180,000 and six additional positions shall be included in the Division of Safeguards for the regulatory improvement of material control and accounting safeguards and the development of improved regulatory requirements for safeguarding the transportation of spent fuel; and

(C) not less than $9,675,000 shall be available for Nuclear Waste Disposal and Management activities, including support for five additional positions in the Division of Waste Management for implementation of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95-604; 42 U.S.C. 7901 and following);

(5) not more than $213,005,000, may be used for "Nuclear Regulatory Research", of which—

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(A) an amount not to exceed $3,700,000 shall be available to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed $4,400,000 shall be available for implementation of the Improved Safety Systems Research plan required by section 205(f) of the Energy Reorganization Act of 1974, as amended; and

42 USC 5845.

(C) an amount not to exceed $6,700,000 shall be available for Nuclear Waste Research activities;

(6) not more than $18,125,000, may be used for "Program Technical Support"; of the total amount appropriated for this purpose, $4,238,000 shall be available to the Office of State Programs, including support [illegible] eight additional positions for

training and assistance to State and local governments in radiological emergency response planning and operations and for review of State plans; and

(7) not more than $38,408,000 may be used for "Program Direction and Administration"; of the total amount appropriated for this purpose, $400,000 shall be available for support of eight additional positions in the Division of Contracts, Office of Administration.

(b) No amount appropriated to the Nuclear Regulatory Commission pursuant to subsection (a) may be used for any purpose in excess of the amount expressly authorized to be appropriated therefore by paragraphs (1) through (7) of such subsection if such excess amount is greater than $500,000, nor may the amount available from any appropriation for any purpose specified in such paragraphs be reduced by more than $500,000, unless—

(1) a period of 45 calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(2) each such Committee has, before the expiration of such period, transmitted to the Commission a written notification that there is no objection to the proposed action.

(c) No amount authorized to be appropriated by this Act may be used by the Nuclear Regulatory Commission to enter into any contract providing funds in excess of $50,000 encompassing research, study, or technical assistance on domestic safeguards matters except as directed by the Commission, by majority vote, following receipt by the Commission of a recommendation from the Executive Director for Operations supporting the need for such contract.

(d) No amount authorized to be appropriated by this Act may be used by the Nuclear Regulatory Commission to—

(1) place any new work or substantial modification to existing work with another Federal agency, or

(2) contract for research services or modify such contract

in an amount greater than $500,000, unless such placement of work, contract or modification is approved by a Senior Contract Review Board, to be appointed by the Commission within sixty days of the date of enactment of this Act. Such Board shall be accountable to and under the direction of the Commission. If the amount of such placement, contract, or modification is $1,000,000 or more, approval thereof shall be by majority vote of the Commission. Prior to affording any approval in accordance with the subsection, the reviewing body designated hereunder shall determine that the placement, contract, or modification contains a detailed description of work to be performed, and that alternative methods of obtaining performance including competitive procurement have been considered.

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SEC. 102. During the fiscal year 1980, moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484). Such moneys shall remain available until expended.

Transfers of sums.

SEC. 103. During the fiscal year 1980, transfers of sums from salaries and expenses of the Nuclear Regulatory Commission may be made to other agencies of the United States Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SEC. 104. Notwithstanding any other provision of this Act, no authority to make payments hereunder shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 105. No amount authorized to be appropriated pursuant to this Act may be used to grant any license, permit or other authorization, or permission to any person for the transportation to, or the interim, long-term, or permanent storage of, spent nuclear fuel or high-level radioactive waste on any territory or insular possession of the United States or the Trust Territory of the Pacific Islands unless—

(1) the President submits to the Congress a report on the transfer at least 30 days before such transfer and on a day during which—

(A) both Houses of the Congress are in session, or

(B) either or both Houses are not in session because of an adjournment of three days or less to a day certain; or

(2) the President determines that an emergency situation exists with respect to such transfer and that it is in the national interest to make such transfer and the President notifies the Speaker of the House of Representatives and the President of the Senate as soon as possible of such transfer.

The provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Eniwetok Atolls.

42 USC 2133, 2134.

SEC. 106. Of the amounts authorized to be appropriated pursuant to this Act, the Nuclear Regulatory Commission is authorized and directed to use such sums as may be necessary to develop a plan for agency response to accidents at a utilization facility licensed under section 103 or section 104(b) of the Atomic Energy Act of 1954. The plan required to be developed by this section shall be forwarded to the Congress on or before September 30, 1980.

SEC. 107. No funds appropriated pursuant to this Act may be used for the purpose of providing for the licensing or approval of any disposal of nuclear wastes in the oceans.

Regulations.

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Notice and hearing.

"Utilization facility."

42 USC 2133, 2134.

SEC. 108. (a) Of the amounts authorized to be appropriated pursuant to this Act, the Nuclear Regulatory Commission is authorized and directed to use such sums as may be necessary to develop and promulgate regulations establishing demographic requirements for the siting of utilization facilities. Such regulations shall be promulgated by the Commission after notice and opportunity for hearing in accordance with section 553 of title 5 of the United States Code. For purposes of this section, the term "utilization facility" means a facility licensed under section 103 or 104(b) of the Atomic Energy Act of 1954.

(b) The regulations promulgated pursuant to this section shall provide that no construction permit may be issued for a utilization facility to which this section applies after the date of such promulgation unless the facility complies with the requirements set forth in such regulations, except that regulations promulgated under this section shall not apply to any facility for which an application for a construction permit was filed on or before October 1, 1979.

(c) The regulations promulgated pursuant to this section shall specify demographic criteria for facility siting, including maximum population density and population distribution for zones surrounding the facility without regard to any design, engineering, or other differences among such facilities.

"Accidental release."

(d) The regulations promulgated pursuant to this section shall take into account the feasibility of all actions outside the facility which may be necessary to protect public health and safety in the event of any accidental release of radioactive material from the facility which may endanger public health or safety. For purposes of this subsection, the term "accidental release" includes, but is not limited to, each potential accidental release of radioactive material which is required by the Commission to be taken into account for purposes of facility design.

(e) The Commission shall provide information and recommendations to State and local land use planning authorities having jurisdiction over the zones established under the regulations promulgated pursuant to this section and over areas beyond the zones which may be affected by a radiological emergency. The information and recommendations provided under this subsection shall be designed to assist such authorities in making State and local land use decisions which may affect emergency planning in relation to utilization facilities.

Information and recommendations.

(f) Nothing in this section shall be construed to provide that the Commission shall have any authority to preempt any State requirement relating to land use or respecting the siting of any utilization facility, except that no State or local land use or facility siting requirement relating to the same aspect of facility siting as a requirement established pursuant to this section shall have any force and effect unless such State or local requirement is identical to, or more stringent than, the requirement promulgated pursuant to this section.

SEC. 109. (a) Funds authorized to be appropriated pursuant to this Act may be used by the Nuclear Regulatory Commission to conduct proceedings, and take other actions, with respect to the issuance of an operating license for a utilization facility only if the Commission determines that—

(1) there exists a State or local emergency preparedness plan which—

(A) provides for responding to accidents at the facility concerned, and

(B) as it applies to the facility concerned only, complies with the Commission's guidelines for such plans, or

(2) in the absence of a plan which satisfies the requirements of paragraph (1), there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

A determination by the Commission under paragraph (1) may be made only in consultation with the Director of the Federal Emergency Management Agency. If, in any proceeding for the issuance of an operating license for a utilization facility to which this subsection applies, the Commission determines that there exists a reasonable assurance that public health and safety is endangered by operation of the facility, the Commission shall identify the risk to public health and safety and provide the applicant with a detailed statement of the reasons for such determination. For purposes of this section, the term "utilization facility" means a facility required to be licensed under section 103 or 104(b) of the Atomic Energy Act of 1954.

"Utilization facility."

42 USC 2133, 2134.

(b) Of the amounts authorized to be appropriated under section 101(a), such sums as may be necessary shall be used by the Nuclear Regulatory Commission to—

Rules.

(1) establish by rule—

(A) standards for State radiological emergency response plans, developed in consultation with the Director of the Federal Emergency Management Agency, and other appropriate agencies, which provide for the response to a radiological emergency involving any utilization facility,

(B) a requirement that—

(i) the Commission will issue operating licenses for utilization facilities only if the Commission determines that—

(I) there exists a State or local radiological emergency response plan which provides for responding to any radiological emergency at the facility concerned and which complies with the Commission's standards for such plans under subparagraph (A), or

(II) in the absence of a plan which satisfies the requirements of subclause (I), there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned, and

(ii) any determination by the Commission under subclause (I) may be made only in consultation with the Director of the Federal Emergency Management Agency and other appropriate agencies, and

(C) a mechanism to encourage and assist States to comply as expeditiously as practicable with the standards promulgated under subparagraph (A) of this paragraph,

Review of plans.

(2) review all plans and other preparations respecting such an emergency which have been made by each State in which there is located a utilization facility or in which construction of such a facility has been commenced and by each State which may be affected (as determined by the Commission) by any such emergency,

Report to congressional committees.

(3) assess the adequacy of the plans and other preparations reviewed under paragraph (2) and the ability of the States involved to carry out emergency evacuations during an emergency referred to in paragraph (1) and submit a report of such assessment to the appropriate committees of the Congress within 6 months of the date of the enactment of this Act,

(4) identify which, if any, of the States described in paragraph (2) do not have adequate plans and preparations for such an emergency and notify the Governor and other appropriate authorities in each such State of the respects in which such plans and preparations, if any, do not conform to the guidelines promulgated under paragraph (1), and

(5) submit a report to Congress containing (A) the results of its actions under the preceding paragraphs and (B) its recommendations respecting any additional Federal statutory authority which the Commission deems necessary to provide that adequate plans and preparations for such radiological emergencies are in effect for each State described in paragraph (2).

(c) In carrying out its review and assessment under subsection (b)(2) and (3) and in submitting its report under subsection (a)(5), the Commission shall include a review and assessment, with respect to each utilization facility and each site for which a construction permit has been issued for such a facility, of the emergency response capability of State and local authorities and of the owner or operator (or proposed owner or operator) of such facility. Such review and assessment shall include a determination by the Commission of the maximum zone in the vicinity of each such facility for which evacuation of individuals is feasible at various different times corresponding to the representative warning times for various different types of accidents.

SEC. 110. (a) Of the amounts authorized to be appropriated pursuant to section 101(a), such sums as may be necessary shall be used by the Nuclear Regulatory Commission to develop, submit to the Congress, and implement, as soon as practicable after notice and opportunity for public comment, a comprehensive plan for the systematic safety evaluation of all currently operating utilization facilities required to be licensed under section 103 or section 104(b) of the Atomic Energy Act of 1954.

42 USC 2133, 2134.

(b) The plan referred to in subsection (a) shall include—

(1) the identification of each current rule and regulation compliance with which the Commission specifically determines to be of particular significance to the protection of the public health and safety;

(2) a determination by the Commission of the extent to which each operating facility complies with each rule and regulation identified under paragraph (1) of this subsection, including an indication of where such compliance was achieved by use of

Division 1 regulatory guides and staff technical positions and where compliance was achieved by equivalent means;

(3) a list of the generic safety issues set forth in NUREG 0410 (including categories A, B, C, and D) for which technical solutions have been developed;

(4) a determination by the Commission of which technical solutions for generic safety issues identified in paragraph (3) of this subsection should be incorporated into the Commission's rules and regulations; and

(5) a schedule for developing a technical solution to those generic safety issues listed in NUREG 0410 which have not yet been technically resolved.

(c) Not later than 90 days from the date of enactment of this Act, the Commission shall report to the Congress on the status of efforts to carry out subsection (a). 94 STAT. 786

TITLE II—AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954

SEC. 201. (a) Section 103 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsection: 42 USC 2133.

"f. Each license issued for a utilization facility under this section or section 104 b. shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 187 of this Act, the Commission shall promptly amend each license for a utilization facility issued under this section or section 104 b. which is in effect on the date of enactment of this subsection to include the provisions required under this subsection.". 42 USC 2134. 42 USC 2237.

SEC. 202. (a) Chapter 18 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

"SEC. 235. PROTECTION OF NUCLEAR INSPECTORS.— 42 USC 2283.

"a. Whoever kills any person who performs any inspections which—

"(1) are related to any activity or facility licensed by the Commission, and

"(2) are carried out to satisfy requirements under this Act or under any other Federal law governing the safety of utilization facilities required to be licensed under section 103 or 104 b., or the safety of radioactive materials, 42 USC 2133, 2134.

shall be punished as provided under sections 1111 and 1112 of title 18, United States Code. The preceding sentence shall be applicable only if such person is killed while engaged in the performance of such inspection duties or on account of the performance of such duties.

"b. Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person who performs inspections as described under subsection a. of this section, while such person is engaged in such inspection duties or on account of the performance of such duties, shall be punished as provided under section 111 of title 18, United States Code.".

(b) The table of contents for chapter 18 of the Atomic Energy Act of 1954 is amended by adding the following new item at the end thereof:

"Sec. 235. Protection of nuclear inspectors.".

SEC. 203. Section 223 of the Atomic Energy Act of 1954 is amended by striking out "Whoever" and substituting: 42 USC 2273.

"a. Whoever"

and by adding at the end thereof the following:

"b. Any individual director, officer, or employee of a firm constructing, or supplying the components of any utilization facility required to be licensed under section 103 or 104 b. of this Act who by act or omission, in connection with such construction or supply, knowingly

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"Basic component."

and willfully violates or causes to be violated, any section of this Act, any rule, regulation, or order issued thereunder, or any license condition, which violation results, or if undetected could have resulted, in a significant impairment of a basic component of such a facility shall, upon conviction, be subject to a fine of not more than $25,000 for each day of violation, or to imprisonment not to exceed two years, or both. If the conviction is for a violation committed after a first conviction under this subsection, punishment shall be a fine of not more than $50,000 per day of violation, or imprisonment for not more than two years, or both. For the purposes of this subsection, the term 'basic component' means a facility structure, system, component or part thereof necessary to assure—

"(1) the integrity of the reactor coolant pressure boundary,

"(2) the capability to shut-down the facility and maintain it in a safe shut-down condition, or

"(3) the capability to prevent or mitigate the consequences of accidents which could result in an unplanned offsite release of quantities of fission products in excess of the limits established by the Commission.

The provisions of this subsection shall be prominently posted at each site where a utilization facility required to be licensed under section 103 or 104 b. of this Act is under construction and on the premises of each plant where components for such a facility are fabricated.".

42 USC 2133, 2134.

Sec. 204. (a) The Atomic Energy Act of 1954 is amended by adding the following new section after section 234:

42 USC 2284.

"Sec. 236. Sabotage of Nuclear Facilities or Fuel.—Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

"(1) any production facility or utilization facility licensed under this Act,

"(2) any nuclear waste storage facility licensed under this Act,

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility,

shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.".

(b) The table of contents for such Act is amended by inserting the following new item after the item relating to section 234:

"Sec. 236. Sabotage of nuclear facilities or fuel.".

42 USC 2021.

Sec. 205. Section 274 j. of the Atomic Energy Act of 1954 is amended by inserting "(1)" after "j." and by adding the following at the end thereof:

"(2) The Commission, upon its own motion or upon request of the Governor of any State, may, after notifying the Governor, temporarily suspend all or part of its agreement with the State without notice or hearing if, in the judgment of the Commission:

"(A) an emergency situation exists with respect to any material covered by such an agreement creating danger which requires immediate action to protect the health or safety of persons either within or outside the State, and

"(B) the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose.

A temporary suspension under this paragraph shall remain in effect only for such time as the emergency situation exists and shall authorize the Commission to exercise its authority only to the extent necessary to contain or eliminate the danger.".

42 USC 2282.

Sec. 206. The first sentence of section 234 a. of the Atomic Energy Act of 1954 is amended by striking all that follows "exceed" the first time it appears and inserting in lieu thereof the following: "$100,000 for each such violation.".

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Sec. 207. (a)(1) The Atomic Energy Act of 1954 is amended by inserting the following new section immediately after section 146:

"SEC. 147. SAFEGUARDS INFORMATION.— 42 USC 2167.

"a. In addition to any other authority or requirement regarding protection from disclosure of information, and subject to subsection (b)(3) of section 552 of title 5 of the United States Code, the Commission shall prescribe such regulations, after notice and opportunity for public comment, or issue such orders, as necessary to prohibit the unauthorized disclosure of safeguards information which specifically identifies a licensee's or applicant's detailed— Regulations.

"(1) control and accounting procedures or security measures (including security plans, procedures, and equipment) for the physical protection of special nuclear material, by whomever possessed, whether in transit or at fixed sites, in quantities determined by the Commission to be significant to the public health and safety or the common defense and security;

"(2) security measures (including security plans, procedures, and equipment) for the physical protection of source material or byproduct material, by whomever possessed, whether in transit or at fixed sites, in quantities determined by the Commission to be significant to the public health and safety or the common defense and security; or

"(3) security measures (including security plans, procedures, and equipment) for the physical protection of and the location of certain plant equipment vital to the safety of production or utilization facilities involving nuclear materials covered by paragraphs (1) and (2)

if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility. The Commission shall exercise the authority of this subsection—

"(A) so as to apply the minimum restrictions needed to protect the health and safety of the public or the common defense and security, and

"(B) upon a determination that the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility.

Nothing in this Act shall authorize the Commission to prohibit the public disclosure of information pertaining to the routes and quantities of shipments of source material, by-product material, high level nuclear waste, or irradiated nuclear reactor fuel. Any person, whether or not a licensee of the Commission, who violates any regulation adopted under this section shall be subject to the civil monetary penalties of section 234 of this Act. Nothing in this section shall be construed to authorize the withholding of information from the duly authorized committees of the Congress. 42 USC 2282.

"b. For the purposes of section 223 of this Act, any regulations or orders prescribed or issued by the Commission under this section shall also be deemed to be prescribed or issued under section 161 b. of this Act. 42 USC 2273.

"c. Any determination by the Commission concerning the applicability of this section shall be subject to judicial review pursuant to subsection (a)(4)(B) of section 552 of title 5 of the United States Code.

"d. Upon prescribing or issuing any regulation or order under subsection a. of this section, the Commission shall submit to Congress a report that:

"(1) specifically identifies the type of information the Commission intends to protect from disclosure under the regulation or order;

"(2) specifically states the Commission's justification for determining that unauthorized disclosure of the information to be protected from disclosure under the regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility, as specified under subsection (a) of this section; and

"(3) provides justification, including proposed alternative regulations or orders, that the regulation or order applies only the minimum restrictions needed to protect the health and safety of the public or the common defense and security.

"e. In addition to the reports required under subsection d. of this section, the Commission shall submit to Congress on a quarterly basis a report detailing the Commission's application during that period of every regulation or order prescribed or issued under this section. In particular, the report shall:

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Commission's justification for determining that unauthorized disclosure of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion or sabotage of such material or such facility, as specified under subsection a. of this section; and

"(3) provide justification that the Commission has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.".

(2) The table of contents for such Act is amended by inserting the following new item after the item relating to section 146:

"Sec. 147. Safeguards information.".

42 USC 2231.

(b) Section 181 of the Atomic Energy Act of 1954 is amended—

(1) by striking out "or defense information" the first time it appears and substituting ", defense information, or safeguards information protected from disclosure under the authority of section 147"; and

Ante, p. 788.

(2) by striking out "or defense information" in each other place it appears in such section and substituting ", defense information, or such safeguards information,".

TITLE III—OTHER PROVISIONS

Regulations.
42 USC 5841 note.

SEC. 301. (a) The Nuclear Regulatory Commission, within 90 days of enactment of this Act, shall promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. Such notification requirement shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public.

94 STAT. 790

"State."

(b) As used in this section, the term "State" includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Contract authorization.

SEC. 302. The Nuclear Regulatory Commission is authorized and directed to enter into a contract for an independent review of the Commission's management structure, processes, procedures, and operations. The review shall include an assessment of the effectiveness of all levels of agency management in carrying out the Commission's statutory responsibilities, in developing and implementing policies and programs, and in using the personnel and funding available to it. The contract shall provide for submission of a report of

Report.

the findings and recommendations of the review to the Commission not later than one year from the date of enactment of this Act, and the Commission shall promptly transmit such report to the Congress.

42 USC 2016 note.

SEC. 303. The Nuclear Regulatory Commission shall include in its annual report to Congress under section 251 of the Atomic Energy Act of 1954 a statement of—

42 USC 2016.

(1) the direct and indirect costs to the Commission for the issuance of any license or permit and for the inspection of any facility; and

(2) the fees paid to the Commission for the issuance of any license or permit and for the inspection of any facility.

National Contingency Plan, publication.

SEC. 304. On or before September 30, 1980, the President shall prepare and publish a National Contingency Plan to provide for expeditious, efficient, and coordinated action by appropriate Federal agencies to protect the public health and safety in the case of accidents at any utilization facility licensed under section 103 or 104 b. of the Atomic Energy Act of 1954.

42 USC 2133, 2134.

42 USC 5842 note.

SEC. 305. (a) As expeditiously as practicable, the Nuclear Regulatory Commission shall establish a mechanism for instantaneous and uninterrupted verbal communication between each utilization facility licensed to operate under section 103 or section 104 b. of the Atomic Energy Act of 1954 on the date of enactment of this Act, or thereafter, and

(1) Commission headquarters, and

(2) the appropriate Commission regional office.

Study, transmittal to Congress.

(b) Within ninety days after the date of the enactment of this Act, the Commission shall prepare and transmit to the Congress a study of alternate plans for instantaneous and otherwise timely transmission to the Commission of data indicating the status of principal system parameters at utilization facilities licensed to operate under section 103 or section 104 b. of the Atomic Energy Act of 1954. For each alternative, the study shall present procedures for transmitting and analyzing such data and a Commission statement regarding the advantages, disadvantages and desirability.

Investigation and study.

SEC. 306. (a) The Nuclear Regulatory Commission is authorized and directed to undertake a comprehensive investigation and study of the impediments to expeditious and reliable communication among Commission headquarters, the Commission regional office, Commission representatives at the facility site, senior management officials and operator personnel of the licensee, and the Governor of Pennsylvania and other State officials, in the thirty day period immediately following the accident of March 28, 1979, at unit two of the Three Mile Island Nuclear Station in Pennsylvania. Such investigation and study shall include, but not be limited to, a determination of the need for improved communications procedures and the need for advanced communications technology.

94 STAT. 791

Report to Congress.

(b) The Commission shall report to the Congress by September 30, 1980, on the findings of the investigation and study required by subsection (a), including recommendations on administrative or legislative measures necessary to facilitate expeditious and reliable communications in case of an accident which could result in an unplanned release of quantities of fission products in excess of the allowable limits for normal operation established by the Commission at a utilization facility licensed under section 103 or 104 b. of the Atomic Energy Act of 1954. The Commission shall implement, as soon as practicable, each such recommendation not requiring legislative enactment, and shall incorporate the recommendation in the plan for agency response promulgated pursuant to section 304 of this Act.

42 USC 2133, 2134.

Plan, development.

42 USC 2137 note.

SEC. 307. (a) The Commission is authorized and directed to prepare a plan for improving the technical capability of licensee personnel to safely operate utilization facilities licensed under section 103 or 104 b. of the Atomic Energy Act of 1954. In proposing such plan, the Commission shall consider the feasibility of requiring standard mandatory training programs for nuclear facility operators, including classroom study, apprenticeships at the facility, and emergency

42 USC 2137.

simulator training. Such plan shall include specific criteria for more intensive training and retraining of operator personnel licensed under section 107 of the Atomic Energy Act of 1954, and for the licensing of such personnel, to assure—

(1) conformity with all conditions and requirements of the operating license;

(2) early identification of accidents, events, or event sequences which may significantly increase the likelihood of an accident; and

(3) effective response to any such event or sequence.

Such plan shall include provision for Commission review and approval of the qualifications of personnel conducting any required training and retraining program. The plan shall also include requirements for the renewal of operator licenses including, to the extent practicable, requirements that the operator—

(A) has been actively and extensively engaged in the duties listed in such license,

(B) has discharged such duties safely to the satisfaction of the Commission,

(C) is capable of continuing such duties, and

(D) has participated in a requalification training program.

Such plan shall include criteria for suspending or revoking operator licenses. In addition, the Commission shall also consider the feasibility of requiring such licensed operator to pass a requalification test every six months including—

(i) written questions, and

(ii) emergency simulator exams.

Plan, transmittal to Congress.

The Commission shall transmit to the Congress the plan required by this subsection within six months after the date of the enactment of this Act, and shall implement as expeditiously as practicable each element thereof not requiring legislative enactment.

94 STAT. 792

Study.

42 USC 2137.

Report to Congress.

(b) The Nuclear Regulatory Commission is authorized and directed to undertake a study of the feasibility and value of licensing, under section 107 of the Atomic Energy Act of 1954, plant managers of utilization facilities and senior licensee officers responsible for operation of such facilities. The Commission shall report to the Congress within six months of the date of enactment of this Act on the findings and recommendations of the study required by this subsection, and shall expeditiously implement each such recommendation not requiring legislative enactment.

42 USC 2051 note.

SEC. 308. (a) In the conduct of the study required by section 5(d) of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1979 (Public Law 95-601), the Nuclear Regulatory Commission and the Environmental Protection Agency, in consultation with the Secretary of Health and Human Services, shall evaluate the feasibility of epidemiological research on the health effects of low-level ionizing radiation exposure to licensee, contractor, and subcontractor employees as a result of—

(1) the accident of March 28, 1979, at unit two of the Three Mile Island Nuclear Station in Pennsylvania;

(2) efforts to stabilize such facility or reduce or prevent radioactive unplanned offsite releases in excess of allowable limits for normal operation established by the Commission; or

(3) efforts to decontaminate, decommission, or repair such facility.

The report required by such section 5(d) shall include the results of the evaluation required under this subsection.

42 USC 2051 note.

(b) Section 5(d) of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1979 (Public Law 95-601), is amended by striking "September 30, 1979" and inserting in lieu thereof "September 30, 1980".

Approved June 30, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-194, pt. 1 (Comm. on Interior and Insular Affairs), No. 96-194, pt. 2 (Comm. on Interstate and Foreign Commerce), both accompanying H.R. 2608, and No. 96-1070 (Comm. of Conference).
SENATE REPORT No. 96-176 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 125 (1979): July 16, 17, considered and passed Senate.
Nov. 29, Dec. 4, H.R. 2608 considered and passed House; passage vacated and S. 562, amended, passed in lieu.
Vol. 126 (1980): June 10, House agreed to conference report.
June 16, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 27 (1980): June 30, Presidential statement.

Public Law 96-310
96th Congress

94 STAT. 941

An Act

To provide for a research, development, and demonstration program to achieve early technology applications for ocean thermal energy conversion systems, and for other purposes.

July 17, 1980
[H.R. 7474]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ocean Thermal Energy Conversion Research, Development, and Demonstration Act".

Ocean Thermal Energy Conversion Research, Development, and Demonstration Act.
42 USC 9001 note.

FINDINGS AND PURPOSES

42 USC 9001.

SEC. 2. (a) The Congress finds that—

(1) the supply of nonrenewable fuels in the United States is slowly being depleted;

(2) alternative sources of energy must be developed;

(3) ocean thermal energy is a renewable energy resource that can make a significant contribution to the energy needs of the United States;

(4) the technology base for ocean thermal energy conversion has improved over the past two years, and has consequently lowered the technical risk involved in constructing moderate-sized pilot plants with an electrical generating capacity of about ten to forty megawatts;

(5) while the Federal ocean thermal energy conversion program has grown in size and scope over the past several years, it is in the national interest to accelerate efforts to commercialize ocean thermal energy conversion by building pilot and demonstration facilities and to begin planning for the commercial demonstration of ocean thermal energy conversion technology;

(6) a strong and innovative domestic industry committed to the commercialization of ocean thermal energy conversion must be established, and many competent domestic industrial groups are already involved in ocean thermal energy conversion research and development activity; and

(7) consistent with the findings of the Domestic Policy Review on Solar Energy, ocean thermal energy conversion energy can potentially contribute at least one-tenth of quad of energy per year by the year 2000.

(b) Therefore, the purpose of this Act is to accelerate ocean thermal energy conversion technology development to provide a technical base for meeting the following goals:

(1) demonstration by 1986 of at least one hundred megawatts of electrical capacity or energy product equivalent from ocean thermal energy conversion systems;

(2) demonstration by 1989 of at least five hundred megawatts of electrical capacity or energy product equivalent from ocean thermal energy conversion systems;

(3) achievement in the mid-1990's, for the gulf coast region of the continental United States and for islands in the United

94 STAT. 942

States, its possessions and its territories, an average cost of electricity or energy product equivalent produced by installed ocean thermal energy conversion systems that is competitive with conventional energy sources; and

(4) establish as a national goal ten thousand megawatts of electrical capacity or energy product equivalent from ocean thermal energy conversion systems by the year 1999.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

42 USC 9002.

SEC. 3. (a)(1) The Secretary is authorized and directed to prepare a comprehensive program management plan for the conduct under this Act of research, development, and demonstration activities consistent with the provisions of sections 4, 5, and 6.

Consultation.

(2) In the preparation of such plan, the Secretary shall consult with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Maritime Administration, the Administrator of the National Aeronautics and Space Administration, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate.

Transmittal to congressional committees.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within nine months after the date of the enactment of this Act.

(c) The detailed description of the comprehensive plan under this section shall include, but need not be limited to—

(1) the anticipated research, development, and demonstration objectives to be achieved by the program;

(2) the program strategies and technology application and market development plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(3) a five-year implementation schedule for program elements with associated budget and program management resources requirements;

(4) a detailed description of the functional organization of the program management including identification of permanent test facilities and of a lead center responsible for technology support and project management;

(5) the estimated relative financial contributions of the Federal Government and non-Federal participants in the pilot and demonstration projects;

(6) supporting research needed to solve problems which may inhibit or limit development of ocean thermal energy conversion systems; and

(7) an analysis of the environmental, economic, and societal impacts of ocean thermal energy conversion facilities.

Modifications, transmittal to Congress.

(d)(1) Concurrently with the submission of the President's annual budget for each subsequent year, the Secretary shall transmit to the Congress a detailed description of modifications which may be necessary to revise appropriately the comprehensive plan as then in effect, setting forth any changes in circumstances which may have occurred since the plan or the last previous modification thereof was transmitted in accordance with this section.

(2) Such description shall also include a detailed justification of any such changes, a detailed description of the progress made toward achieving the goals of this Act, a statement on the status of interagency cooperation in meeting such goals, any comments on and recommendations for improvements in the comprehensive program management plan made by the Technical Panel established under section 8, and any legislative or other recommendations which the Secretary may have to help attain such goals.

RESEARCH AND DEVELOPMENT

42 USC 9003.

SEC. 4. (a) The Secretary shall initiate research or accelerate existing research in areas in which the lack of knowledge limits development of ocean thermal energy conversion systems in order to achieve the purposes of this Act.

(b) The Secretary shall conduct evaluations, arrange for tests, and disseminate to developers information, data, and materials necessary to support the design efforts undertaken pursuant to section 5. Specific technical areas to be addressed shall include, but not be limited to—

(1) interface requirements between the platform and cold water pipe;

(2) cold water pipe deployment techniques;

(3) heat exchangers;

(4) control system simulation;

(5) stationkeeping requirements; and

(6) energy delivery systems, such as electric cable or energy product transport.

(c) The Secretary shall, for the purpose of performing his reponsibilities pursuant to this Act, solicit proposals and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of ocean thermal energy conversion system technology.

PILOT AND DEMONSTRATION PLANTS

42 USC 9004.

SEC. 5. (a) The Secretary is authorized to initiate a program to design, construct, and operate well instrumented ocean thermal energy conversion facilities of sufficient size to demonstrate the technical feasibility and potential economic feasibility of utilizing the various forms of ocean thermal energy conversion to displace nonrenewable fuels. To achieve the goals of this section and to facilitate development of a strong industrial basis for the application of ocean thermal energy conversion system technology, at least two independent parallel demonstration projects shall be competitively selected.

(b) The specific goals of the demonstration program shall include at a minimum—

(1) the demonstration of ocean thermal energy conversion technical feasibility through multiple pilot and demonstration plants with a combined capacity of at least one hundred megawatts of electrical capacity or energy product equivalent by the year 1986;

(2) the delivery of baseload electricity to utilities located on land or the production of commercially attractive quantities of energy product; and

(3) the continuous operation of each pilot and demonstration facility for a sufficient period of time to collect and analyze system performance and reliability data.

(c) In providing any financial assistance under this section, the Secretary shall (1) give full consideration to those projects which will provide energy to United States offshore States, its territories, and its possessions and (2) seek satisfactory cost-sharing arrangements when he deems such arrangements to be appropriate.

TECHNOLOGY APPLICATION

Consultation.
42 USC 9005.

SEC. 6 (a) The Secretary shall, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Maritime Administration, the Administrator of the National Aeronautics and Space Administration, and the Technical Panel established under section 8, prepare a comprehensive technology application and market development plan that will permit realization of the ten-thousand-megawatt national goal by the year 1999. Such plans shall include at a minimum—

(1) an assessment of those Government actions required to

achieve a two-hundred- to four-hundred-megawatt electrical-commercial demonstration of ocean thermal energy conversion systems in time to have industry meet the goal contained in section 2(b)(2) including a listing of those financial, property, and patent right packages most likely to lead to early commercial demonstration at minimum cost to the Federal Government;

(2) an assessment of further Government actions required to permit expansion of the domestic ocean thermal energy conversion industry to meet the goal contained in section 2(b)(3);

(3) an analysis of further Government actions necessary to aid the industry in minimizing and removing any legal and institutional barriers such as the designation of a lead agency; and

(4) an assessment of the necessary Government actions to assist in eliminating economic uncertainties through financial incentives, such as loan guarantees, price supports, or other inducements.

Transmittal to Congress.

(b) The Secretary shall transmit such comprehensive technology application and market development plan to the Congress within three years after the date of enactment of this Act, and update the plan on an annual basis thereafter.

(c) As part of the competitive procurement initiative for design and construction of the pilot and demonstration projects authorized in section 10(c), each respondent shall include in its proposal (1) a plan leading to a full-scale, first-of-a-kind facility based on a proposed demonstration system; and (2) the financial and other contributions the respondent will make toward meeting the national goals.

PROGRAM SELECTION CRITERIA

42 USC 9006.

SEC. 7. The Secretary shall, in fulfilling his responsibilities under this Act, select program activities and set priorities which are consistent with the following criteria:

(1) realization of energy production costs for ocean thermal energy conversion systems that are competitive with costs from conventional energy production systems;

(2) encouragement of projects for which contributions to project costs are forthcoming from private, industrial, utility, or governmental entities for the purpose of sharing with the Federal Government the costs of purchasing and installing ocean thermal energy conversion systems;

(3) promotion of ocean thermal energy conversion facilities for coastal areas, islands, and isolated military institutions which are vulnerable to interruption in the fossil fuel supply;

94 STAT. 945

(4) preference for and priority to persons and domestic firms whose base of operations is in the United States as will assure that the program under this Act promotes the development of a United States domestic technology for ocean thermal energy conversion; and

(5) preference for proposals for pilot and demonstration projects in which the respondents certify their intent to become an integral part of the industrial infrastructure necessary to meet the goals of this Act.

TECHNICAL PANEL

SEC. 8. (a) A Technical Panel of the Energy Research Advisory Board shall be established to advise the Board on the conduct of the ocean thermal energy conversion program.

(b)(1) The Technical Panel shall be comprised of such representatives from domestic industry, universities, Government laboratories, financial, environmental and other organizations as the Chairman of the Energy Research Advisory Board deems appropriate based on his assessment of the technical and other qualifications of such representative.

(2) Members of the Technical Panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the Technical Panel shall be in compliance with any laws and regulations guiding the activities of technical and fact-finding groups reporting to the Energy Research Advisory Board.

Review and recommendations.

(d) The Technical Panel shall review and may make recommendations on the following items, among others:

(1) implementation and conduct of the programs established by this Act;

(2) definition of ocean thermal energy conversion system performance requirements for various user applications; and

(3) economic, technological, and environmental consequences of the deployment of ocean thermal energy conversion systems.

Report, submittal to Board.

(e) The Technical Panel shall submit to the Energy Research Advisory Board on at least an annual basis a written report of its findings and recommendations with regard to the program. Such report, shall include at a minimum—

(1) a summary of the Panel's activities for the preceding year;

(2) an assessment and evaluation of the status of the programs mandated by this Act; and

(3) comments on and recommendations for improvements in the comprehensive program management plan required under section 3.

Submittal to Secretary.

(f) After consideration of the Technical Panel report, the Energy Research Advisory Board shall submit such report, together with any comments such Board deems appropriate, to the Secretary.

Cooperation by agency heads.

(g) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Technical Panel in carrying out the requirements of this section and shall furnish to the Technical Panel such information as the Technical Panel deems necessary to carry out this section.

Support.

(h) The Secretary shall provide sufficient staff, funds, and other support as necessary to enable the Technical Panel to carry out the functions described in this section.

DEFINITIONS

94 STAT. 946

42 USC 9008.

Sec. 9. As used in this Act, the term—

(1) "ocean thermal energy conversion" means a method of converting part of the heat from the Sun which is stored in the surface layers of a body of water into electrical energy or energy product equivalent;

(2) "energy product equivalent" means an energy carrier including, but not limited to, ammonia, hydrogen, or molten salts or an energy-intensive commodity, including, but not limited to, electrometals, fresh water, or nutrients for aquaculture; and

(3) "Secretary" means the Secretary of Energy.

AUTHORIZATION FOR APPROPRIATION

42 USC 9009.

Sec. 10. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act the sum of $20,000,000 for operating expenses for the fiscal year ending September 30, 1981, in addition to any amounts authorized to be appropriated in the fiscal year 1981 Authorization Act pursuant to section 660 of Public Law 95-91.

42 USC 7270.

(b) There is hereby authorized to be appropriated to carry out the purposes of this Act the sum of $60,000,000 for operating expenses for the fiscal year ending September 30, 1982.

(c) Funds are hereby authorized to be appropriated for fiscal year 1981 to carry out the purposes of section 5 of this Act for plant and capital equipment as follows:

Project 81-ES-1, ocean thermal energy conversion demostration plants with a combined capacity of at least one hundred megawatts electrical or the energy product equivalent, sites to be determined, conceptual and preliminary design activities only $5,000,000.

(d) Funds are hereby authorized to be appropriated for fiscal year 1982 to carry out the purposes of section 5 of this Act for plant and capital equipment as follows:

Project 81-ES-1, ocean thermal energy conversion demonstration plants with a combined capacity of at least one hundred megawatts electrical or the energy product equivalent, sites to be determined, conceptual and preliminary design activities only $25,000,000.

Approved July 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1092 (Comm. on Science and Technology).
SENATE REPORT No. 96-501 accompanying S. 1830 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Jan. 25, S. 1830 considered and passed Senate.
  June 16, 17, H.R. 7474 considered and passed House.
  June 28, considered and passed Senate, amended.
  July 2, House concurred in Senate amendment to the title and concurred in Senate amendment to the text with an amendment; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 29:
  July 18, Presidential statement.

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94 STAT. 974

Public Law 96-320
96th Congress

An Act

Aug. 3, 1980
[S. 2492]

To regulate commerce, promote energy self-sufficiency, and protect the environment, by establishing procedures for the location, construction, and operation of ocean thermal energy conversion facilities and plantships to produce electricity and energy-intensive products off the coasts of the United States; to amend the Merchant Marine Act, 1936, to make available certain financial assistance for construction and operation of such facilities and plantships; and for other purposes.

Ocean Thermal Energy Conversion Act of 1980.
42 USC 9101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ocean Thermal Energy Conversion Act of 1980".

42 USC 9101.

SEC. 2. DECLARATION OF POLICY.

(a) It is declared to be the purposes of the Congress in this Act to—

(1) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion facilities connected to the United States by pipeline or cable, or located in the territorial sea of the United States consistent with the Convention on the High Seas, and general principles of international law;

(2) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion plantships documented under the laws of the United States, consistent with the Convention on the High Seas and general principles of international law;

(3) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion plantships by United States citizens, consistent with the Convention on the High Seas and general principles of international law;

(4) establish a legal regime which will permit and encourage the development of ocean thermal energy conversion as a commercial energy technology;

(5) provide for the protection of the marine and coastal environment, and consideration of the interests of ocean users, to prevent or minimize any adverse impact which might occur as a consequence of the development of such ocean thermal energy conversion facilities or plantships;

(6) make applicable certain provisions of the Merchant Marine

Act, 1936 (46 U.S.C. 1177 et seq.) to assist in financing of ocean thermal energy conversion facilities and plantships;

(7) protect the interests of the United States in the location, construction, and operation of ocean thermal energy conversion facilities and plantships; and

(8) protect the rights and responsibilities of adjacent coastal States in ensuring that Federal actions are consistent with approved State coastal zone management programs and other applicable State and local laws.

(b) The Congress declares that nothing in this Act shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

94 STAT. 975

SEC. 3. DEFINITIONS.

42 USC 9102.

As used in this Act, unless the context otherwise requires, the term—

(1) "adjacent coastal State" means any coastal State which is required to be designated as such by section 105(a)(1) of this Act or is designated as such by the Administrator in accordance with section 105(a)(2) of this Act;

(2) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration;

(3) "antitrust laws" includes the Act of July 2, 1890, as amended, the Act of October 15, 1914, as amended, and sections 73 and 74 of the Act of August 27, 1894, as amended; 15 USC 1, 12, 8, 9.

(4) "application" means any application submitted under this Act (A) for issuance of a license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship; (B) for transfer or renewal of any such license; or (C) for any substantial change in any of the conditions and provisions of any such license;

(5) "coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes;

(6) "construction" means any activities conducted at sea to supervise, inspect, actually build, or perform other functions incidental to the building, repairing, or expanding of an ocean thermal energy conversion facility or plantship or any of its components, including but not limited to, piledriving, emplacement of mooring devices, emplacement of cables and pipelines, and deployment of the cold water pipe, and alterations, modifications, or additions to an ocean thermal energy conversion facility or plantship;

(7) "facility" means an ocean thermal energy conversion facility;

(8) "Governor" means the Governor of a State or the person designated by law to exercise the powers granted to the Governor pursuant to this Act;

(9) "high seas" means that part of the oceans lying seaward of the territorial sea of the United States and outside the territorial sea, as recognized by the United States, of any other nation;

(10) "licensee" means the holder of a valid license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship that was issued, transferred, or renewed pursuant to this Act;

(11) "ocean thermal energy conversion facility" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any cable or pipeline used to deliver such electricity, freshwater, or product to shore, and all other associated equipment and appurtenances of such facility, to the extent they are located seaward of the highwater mark;

(12) "ocean thermal energy conversion plantship" means any

vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer such product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessel; 94 STAT. 976

(13) "plantship" means an ocean thermal energy conversion plantship;

(14) "person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any Federal, State, local or foreign government or any entity of any such government;

(15) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Commonwealth of the Northern Marianas, and any other Commonwealth, territory, or possession over which the United States has jurisdiction;

(16) "test platform" means any floating or moored platform, barge, ship, or other vessel which is designed for limited-scale, at sea operation in order to test or evaluate the operation of components or all of an ocean thermal energy conversion system and which will not operate as an ocean thermal energy conversion facility or plantship after the conclusion of such tests or evaluation;

(17) "thermal plume" means the area of the ocean in which a significant difference in temperature, as defined in regulations by the Administrator, occurs as a result of the operation of an ocean thermal energy conversion facility or plantship; and

(18) "United States citizen" means (A) any individual who is a citizen of the United States by law, birth, or naturalization; (B) any Federal, State, or local government in the United States, or any entity of any such government; or (C) any corporation, partnership, association, or other entity, organized or existing under the laws of the United States, or of any State, which has as its president or other executive officer and as its chairman of the board of directors, or holder of similar office, an individual who is a United States citizen and which has no more of its directors who are not United States citizens than constitute a minority of the number required for a quorum necessary to conduct the business of the board.

TITLE I—REGULATION OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

42 USC 9111.

SEC. 101. LICENSE FOR THE OWNERSHIP, CONSTRUCTION, AND OPERATION OF AN OCEAN THERMAL ENERGY CONVERSION FACILITY OR PLANTSHIP.

(a) No person may engage in the ownership, construction, or operation of an ocean thermal energy conversion facility which is documented under the laws of the United States, which is located in the territorial sea of the United States, or which is connected to the United States by pipeline or cable, except in accordance with a license issued pursuant to this Act. No citizen of the United States may engage in the ownership, construction or operation of an ocean thermal energy conversion plantship except in accordance with a license issued pursuant to this Act, or in accordance with a license issued by a foreign nation whose licenses are found by the Administrator, after consultation with the Secretary of State, to be compatible with licenses issued pursuant to this Act. 94 STAT. 977

(b) The Administrator shall, upon application and in accordance with the provisions of this Act, issue, transfer, amend, or renew licenses for the ownership, construction, and operation of—

(1) ocean thermal energy conversion plantships documented under the laws of the United States, and

(2) ocean thermal energy conversion facilities documented under the laws of the United States, located in the territorial sea of the United States, or connected to the United States by pipeline or cable.

License issuance, prerequisites.

(c) The Administrator may issue a license to a citizen of the United States in accordance with the provisions of this Act unless—

(1) he determines that the applicant cannot and will not comply with applicable laws, regulations, and license conditions;

(2) he determines that the construction and operation of the ocean thermal energy conversion facility or plantship will not be in the national interest and consistent with national security and other national policy goals and objectives, including energy self-sufficiency and environmental quality;

(3) he determines, after consultation with the Secretary of the department in which the Coast Guard is operating, that the ocean thermal energy conversion facility or plantship will not be operated with reasonable regard to the freedom of navigation or other reasonable uses of the high seas and authorized uses of the Continental Shelf, as defined by United States law, treaty, convention, or customary international law;

(4) he has been informed, within 45 days after the conclusion of public hearings on that application, or on proposed licenses for the designated application area, by the Administrator of the Environmental Protection Agency that the ocean thermal energy conversion facility or plantship will not conform with all applicable provisions of any law for which he has enforcement authority;

(5) he has received the opinion of the Attorney General, pursuant to section 104 of this Act, stating that issuance of the license would create a situation in violation of the antitrust laws, or the 90-day period provided in section 104 has expired;

(6) he has consulted with the Secretary of Energy, the Secretary of Transportation, the Secretary of State, the Secretary of the Interior, and the Secretary of Defense, to determine their views on the adequacy of the application, and its effect on programs within their respective jurisdictions and determines on the basis thereof, that the application for license is inadequate;

(7) the proposed ocean thermal energy conversion facility or plantship will not be documented under the laws of the United States;

(8) the applicant has not agreed to the condition that no vessel may be used for the transportation to the United States of things produced, processed, refined, or manufactured at the ocean thermal energy conversion facility or plantship unless such vessel is documented under the laws of the United States;

(9) when the license is for an ocean thermal energy conversion facility, he determines that the facility, including any submarine electric transmission cables and equipment or pipelines which are components of the facility, will not be located and designed so as to minimize interference with other uses of the high seas or the Continental Shelf, including cables or pipelines already in position on or in the seabed and the possibility of their repair;

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(10) the Governor of each adjacent coastal State with an approved coastal zone management program in good standing pursuant to the Coastal Zone Management Act of 1972 (33 U.S.C. 1451 et seq.) determines that, in his or her view, the application is inadequate or inconsistent with respect to programs within his or her jurisdiction;

16 USC 1451 *et seq.*

(11) when the license is for an ocean thermal energy conversion facility, he determines that the thermal plume of the facility is expected to impinge on so as to degrade the thermal gradient

used by any other ocean thermal energy conversion facility already licensed or operating, without the consent of its owner;

(12) when the license is for an ocean thermal energy conversion facility, he determines that the thermal plume of the facility is expected to impinge on so as to adversely affect the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation, unless the Secretary of State approves such impingement after consultation with such nation;

(13) when the license is for an ocean thermal energy conversion plantship, he determines that the applicant has not provided adequate assurance that the plantship will be operated in such a way as to prevent its thermal plume from impinging on so as to degrade the thermal gradient used by any other ocean thermal energy conversion facility or plantship without the consent of its owner, and from impinging on so as to adversely affect the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation unless the Secretary of State approves uch impingement after consultation with such nation; and

(14) when a regulation has been adopted which places an upper limit on the number or total capacity of ocean thermal energy conversion facilities or plantships to be licensed under this Act for simultaneous operation, either overall or within specific geographic areas, pursuant to a determination under the provisions of section 107(b)(4) of this Act, issuance of the license will cause such upper limit to be exceeded.

Issuance conditions.

(d)(1) In issuing a license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship, the Administrator shall prescribe conditions which he deems necessary to carry out the provisions of this Act, or which are otherwise required by any Federal department or agency pursuant to the terms of this Act.

Written agreement of compliance.

(2) No license shall be issued, transferred, or renewed under this Act unless the licensee or transferee first agrees in writing that (A) there will be no substantial change from the plans, operational systems, and methods, procedures, and safeguards set forth in his application, as approved, without prior approval in writing from the Administrator, and (B) he will comply with conditions the Administrator may prescribe in accordance with the provisions of this Act.

Disposal or removal requirements.

Waiver.

(3) The Administrator shall establish such bonding requirements or other assurances as he deems necessary to assure that, upon the revocation, termination, relinquishment, or surrender of a license, the licensee will dispose of or remove all components of the ocean thermal energy conversion facility or plantship as directed by the Administrator. In the case of components which another applicant or licensee desires to use, the Administrator may waive the disposal or removal requirements until he has reached a decision on the application. In the case of components lying on or below the seabed, the Administrator may waive the disposal or removal requirements if he finds that such removal is not otherwise necessary and that the remaining components do not constitute any threat to the environment, navigation, fishing, or other uses of the seabed.

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License transfer.

(e) Upon application, a license issued under this Act may be transferred if the Administrator determines that such transfer is in the public interest and that the transferee meets the requirements of this Act and the prerequisites to issuance under subsection (c) of this section.

(f) Any United States citizen who otherwise qualifies under the terms of this Act shall be eligible to be issued a license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship.

License term and renewal.

(g) Licenses issued under this Act shall be for a term of not to exceed 25 years. Each licensee shall have a preferential right to renew his license subject to the requirements of subsection (c) of this section, upon such conditions and for such term, not to exceed an additional 10 years upon each renewal, as the Administrator determines to be reasonable and appropriate.

SEC. 102. PROCEDURE.

42 USC. 9112.

Regulations.

(a) The Administrator shall, after consultation with the Secretary of Energy and the heads of other Federal agencies, issue regulations to carry out the purposes and provisions of this Act, in accordance with the provisions of section 553 of title 5, United States Code, without regard to subsection (a) thereof. Such regulations shall pertain to, but need not be limited to, application for issuance, transfer, renewal, suspension, and termination of licenses. Such regulations shall provide for full consultation and cooperation with all other interested Federal agencies and departments and with any potentially affected coastal State, and for consideration of the views of any interested members of the general public. The Administrator is further authorized, consistent with the purposes and provisions of this Act, to amend or rescind any such regulation. The Administrator shall complete issuance of final regulations to implement this Act within 1 year of the date of its enactment.

Consultation.

(b) The Administrator, in consultation with the Secretary of the Interior and the Secretary of the department in which the Coast Guard is operating may, if he determines it to be necessary, prescribe regulations consistent with the purposes of this Act, relating to those activities in site evaluation and preconstruction testing at potential ocean thermal energy conversion facility or plantship locations that may (1) adversely affect the environment; (2) interfere with other reasonable uses of the high seas or with authorized uses of the Outer Continental Shelf; or (3) pose a threat to human health and safety. If the Administrator prescribes regulations relating to such activities, such activities may not be undertaken after the effective date of such regulations except in accordance therewith.

Expertise or statutory responsibility descriptions.

(c) Not later than 60 days after the date of enactment of this Act, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Chief of Engineers of the United States Army Corps of Engineers, and the heads of any other Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of ocean thermal energy conversion facilities or plantships, shall transmit to the Administrator written description of their expertise or statutory responsibilities pursuant to this Act or any other Federal law.

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Application receipt and notice.

Publication in Federal Register.

(d)(1) Within 21 days after the receipt of an application, the Administrator shall determine whether the application appears to contain all of the information required by paragraph (2) of this subsection. If the Administrator determines that such information appears to be contained in the application, the Administrator shall, no later than 5 days after making such a determination, publish notice of the application and a summary of the plans in the Federal Register. If the Administrator determines that all of the required information does not appear to be contained in the application, the Administrator shall notify the applicant and take no further action with respect to the application until such deficiencies have been remedied.

(2) Each application shall include such financial, technical, and other information as the Administrator determines by regulation to be necessary or appropriate to process the license pursuant to section 101.

Area description, publication in Federal Register.

(e)(1) At the time notice of an application for an ocean thermal energy conversion facility is published pursuant to subsection (d) of this section, the Administrator shall publish a description in the Federal Register of an application area encompassing the site proposed in the application for such facility and within which the thermal plume of one ocean thermal energy conversion facility might be expected to impinge on so as to degrade the thermal gradient used by another ocean thermal energy conversion facility, unless the application is for a license for an ocean thermal energy conversion facility to be located within an application area which has already been designated.

Additional license applications.

(2) The Administrator shall accompany such publication with a call for submission of any other applications for licenses for the ownership, construction, and operation of an ocean thermal energy conversion facility within the designated application area. Any person intending to file such an application shall submit a notice of intent to file an application to the Administrator not later than 60 days after the publication of notice pursuant to subsection (d) of this section, and shall submit the completed application no later than 90 days after publication of such notice. The Administrator shall publish notice of any such application received in accordance with subsection (d) of this section. No application for a license for the ownership, construction, and operation of an ocean thermal energy conversion facility within the designated application area for which a notice of intent to file was received after such 60-day period, or which is received after such 90-day period has elapsed, shall be considered until action has been completed on all timely filed applications pending with respect to such application area.

Application copies.

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Application review.

(f) An application filed with the Administrator shall constitute an application for all Federal authorizations required for ownership, construction, and operation of an ocean thermal energy conversion facility or plantship, except for authorizations required by documentation, inspection, certification, construction, and manning laws and regulations administered by the Secretary of the department in which the Coast Guard is operating. At the time notice of any application is published pursuant to subsection (d) of this section, the Administrator shall forward a copy of such application to those Federal agencies and departments with jurisdiction over any aspect of such ownership, construction, or operation for comment, review, or recommendation as to conditions and for such other action as may be required by law. Each agency or department involved shall review the application and, based upon legal considerations within its area of responsibility, recommend to the Administrator the approval or disapproval of the application not later than 45 days after public hearings are concluded pursuant to subsection (g) of this section. In any case in which an agency or department recommends disapproval, it shall set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall notify the Administrator of the manner in which the application may be amended or the license conditioned so as to bring it into compliance with the law or regulation involved.

Notice, comments, and hearings.

Record.

Consolidation of hearings.

(g) A license may be issued, transferred, or renewed only after public notice, opportunity for comment, and public hearings in accordance with this subsection. At least one such public hearing shall be held in the District of Columbia and in any adjacent coastal State to which a facility is proposed to be directly connected by pipeline or electric transmission cable. Any interested person may present relevant material at any such hearing. After the hearings required by this subsection are concluded, if the Administrator determines that there exist one or more specific and material factual issues which may be resolved by a formal evidentiary hearing, at least one adjudicatory hearing shall be held in the District of Columbia in accordance with the provisions of section 554 of title 5, United States Code. The record developed in any such adjudicatory hearing shall be part of the basis for the Administrator's decision to approve or deny a license. Hearings held pursuant to this subsection shall be consolidated insofar as practicable with hearings held by other agencies. All public hearings on all applications with respect to facilities for any designated application area shall be consolidated and shall be concluded not later than 240 days after notice of the initial application has been published pursuant to subsection (d) of this section. All public hearings on applications with respect to ocean thermal energy conversion plantships shall be concluded not later than 240 days after notice of the application has been published pursuant to subsection (d) of this section.

Application fee.

(h) Each person applying for a license pursuant to this Act shall remit to the Administrator at the time the application is filed a nonrefundable application fee, which shall be deposited into miscellaneous receipts of the Treasury. The amount of the fee shall be established by regulation by the Administrator, and shall reflect the reasonable administrative costs incurred in reviewing and processing the application.

Application approval or denial.

(i)(1) The Administrator shall approve or deny any timely filed application with respect to a facility for a designated application area submitted in accordance with the provision of this Act not later than 90 days after public hearings on proposed licenses for that area are concluded pursuant to subsection (g) of this section. The Administrator shall approve or deny an application for a license for ownership, construction, and operation of an ocean thermal energy conversion plantship submitted pursuant to this Act no later than 90 days after the public hearings on that application are concluded pursuant to subsection (g) of this section.

Applications for same area.

(2) In the event more than one application for a license for ownership, construction, and operation of an ocean thermal energy conversion facility is submitted pursuant to this Act for the same designated application area, the Administrator, unless one or a specific combination of the proposed facilities clearly best serves the national interest, shall make decisions on license applications in the order in which they were submitted to him.

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Facility selection, determination factors.

(3) In determining whether any one or a specific combination of the proposed ocean thermal energy conversion facilities clearly best serves the national interest, the Administrator, in consultation with the Secretary of Energy, shall consider the following factors:

(A) the goal of making the greatest possible use of ocean thermal energy conversion by installing the largest capacity practicable in each application area;

(B) the amount of net energy impact of each of the proposed ocean thermal energy conversion facilities;

(C) the degree to which the proposed ocean thermal energy conversion facilities will affect the environment;

(D) any significant differences between anticipated dates and commencement of operation of the proposed ocean thermal energy conversion facilities; and

(E) any differences in costs of construction and operation of the proposed ocean thermal energy conversion facilities, to the extent that such differentials may significantly affect the ultimate cost of energy or products to the consumer.

SEC. 103. PROTECTION OF SUBMARINE ELECTRIC TRANSMISSION CABLES AND EQUIPMENT.

42 USC 9113.

Penalties and fines.

(a) Any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, any submarine electric transmission cable or equipment being constructed or operated under a license issued pursuant to this Act shall be guilty of a misdemeanor and, on conviction thereof, shall be liable to imprisonment for a term not exceeding 2 years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court.

(b) Any person who by culpable negligence shall break or injure any submarine electric transmission cable or equipment being constructed or operated under a license issued pursuant to this Act shall be guilty of a misdemeanor and, on conviction thereof, shall be liable to imprisonment for a term not exceeding 3 months, or to a fine not exceeding $500, or to both fine and imprisonment, at the discretion of the court.

(c) The provisions of subsections (a) and (b) of this section shall not apply to any person who, after having taken all necessary precautions to avoid such breaking or injury, breaks or injures any submarine electric transmission cable or equipment in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel.

Suit for damages.

(d) The penalties provided in subsections (a) and (b) of this section for the breaking or injury of any submarine electric transmission cable or equipment shall not be a bar to a suit for damages on account of such breaking or injury.

Indemnity.

(e) Whenever any vessel sacrifices any anchor, fishing net, or other fishing gear to avoid injuring any submarine electric transmission cable or equipment being constructed or operated under a license issued pursuant to this Act, the licensee shall indemnify the owner of such vessel for the items sacrificed: *Provided*, That the owner of the vessel had taken all reasonable precautionary measures beforehand.

Repair cost.

(f) Any licensee who causes any break in or injury to any submarine cable or pipeline of any type shall bear the cost of the repairs.

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42 USC 9114.

SEC. 104. ANTITRUST REVIEW.

Application copy, transmittal to Attorney General.

(a) Whenever any application for issuance, transfer, or renewal of any license is received, the Administrator shall transmit promptly to the Attorney General a complete copy of such application. Within 90 days of the receipt of the application, the Attorney General shall conduct such antitrust review of the application as he deems appropriate, and submit to the Administrator any advice or recommendations he deems advisable to avoid any action upon such application by the Administrator which would create a situation inconsistent with the antitrust laws. If the Attorney General fails to file such views within the 90-day period, the Administrator shall proceed as if such views had been received. The Administrator shall not issue, transfer, or renew the license during the 90-day period, except upon written confirmation by the Attorney General that he does not intend to submit any further advice or recommendation on the application during such period.

(b) The issuance of a license under this Act shall not be admissible in any way as a defense to any civil or criminal action for violation of the antitrust laws of the United States, nor shall it in any way modify or abridge any private right of action under such laws. Nothing in this section shall be construed to bar the Attorney General or the Federal Trade Commission from challenging any anticompetitive situation involved in the ownership, construction, or operation of an ocean thermal energy conversion facility or plantship.

42 USC 9115.

SEC. 105. ADJACENT COASTAL STATES.

(a)(1) The Administrator, in issuing notice of application pursuant to section 102(d) of this title, shall designate as an "adjacent coastal State" any coastal State which (A) would be directly connected by electric transmission cable or pipeline to an ocean thermal energy conversion facility as proposed in an application, or (B) in whose waters any part of such proposed ocean thermal energy conversion facility would be located, or (C) in whose waters an ocean thermal energy conversion plantship would be operated as proposed in an application.

(2) The Administrator shall, upon request of a State, designate such State as an "adjacent coastal State" if he determines that (A) there is a risk of damage to the coastal environment of such State equal to or greater than the risk posed to a State required to be designated as an "adjacent coastal State" by paragraph (1) of this subsection or (B) that the thermal plume of the proposed ocean thermal energy conversion facility or plantship is likely to impinge on so as to degrade the thermal gradient at possible locations for ocean thermal energy conversion facilities which could reasonably be expected to be directly connected by electric transmission cable or pipeline to such State. This paragraph shall apply only with respect to requests made by a State not later than the 14th day after the date of publication of notice of application for a proposed ocean thermal energy conversion facility in the Federal Register in accordance with section 102(d) of this title. The Administrator shall make any designation required by

Publication in Federal Register.

this paragraph not later than the 45th day after the date he receives such a request from a State.

Application copy, transmittal to State Governor.

(b)(1) Not later than 5 days after the designation of adjacent coastal State pursuant to this section, the Administrator shall transmit a complete copy of the application to the Governor of such State. The Administrator shall not issue a license without consultation with the Governor of each adjacent coastal State which has an approved coastal zone management program in good standing pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). If the Governor of such a State has not transmitted his approval or disapproval to the Administrator by the 45th day after public hearings on the application is concluded pursuant to section 102(g) of this title, such approval shall be conclusively presumed. If the Governor of such a State notifies the Administrator that an application which the Governor would otherwise approve pursuant to this paragraph is inconsistent in some respect with the State's coastal zone management program, the Administrator shall condition the license granted so as to make it consistent with such State program.

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(2) Any adjacent coastal State which does not have an approved coastal zone management program in good standing, and any other interested State, shall have the opportunity to make its views known to, and to have them given full consideration by, the Administrator regarding the location, construction, and operation of an ocean thermal energy conversion facility or plantship.

Agreement or compact between States.

(c) The consent of Congress is given to 2 or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, (1) to apply for a license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship or for the transfer of such a license, and (2) to establish such agencies, joint or otherwise, as are deemed necessary or appropriate for implementing and carrying out the provisions of any such agreement or compact. Such agreement or compact shall be binding and obligatory upon any State or other party thereto without further approval by the Congress.

SEC. 106. DILIGENCE REQUIREMENTS.

42 USC 9116.

Regulations.

(a) The Administrator shall promulgate regulations requiring each licensee to pursue diligently the construction and operation of the ocean thermal energy conversion facility or plantship to which the license applies.

License termination.

(b) If the Administrator determines that a licensee is not pursuing diligently the construction and operation of the ocean thermal energy conversion facility or plantship to which the license applies, or that the project has apparently been abandoned, the Administrator shall cause proceedings to be instituted under section 111 of this title to terminate the license.

SEC. 107. PROTECTION OF THE ENVIRONMENT.

42 USC 9117.

Environmental assessment program.

(a) The Administrator shall initiate a program to assess the effects on the environment of ocean thermal energy conversion facilities and plantships. The program shall include baseline studies of locations where ocean thermal energy conversion facilities or plantships are likely to be sited or operated; and research; and monitoring of the effects of ocean thermal energy conversion facilities and plantships in actual operation. The purpose of the program shall be to assess the environmental effects of individual ocean thermal energy facilities and plantships, and to assess the magnitude of any cumulative environmental effects of large numbers of ocean thermal energy facilities and plantships.

(b) The program shall be designed to determine, among other things—

(1) any short-term and long-term effects on the environment which may occur as a result of the operation of ocean thermal energy conversion facilities and plantships;

(2) the nature and magnitude of any oceanographic, atmospheric, weather, climatic, or biological changes in the environ-

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ment which may occur as a result of deployment and operation of large numbers of ocean thermal energy conversion facilities and plantships;

(3) the nature and magnitude of any oceanographic, biological or other changes in the environment which may occur as a result of the operation of electric transmission cables and equipment located in the water column or on or in the seabed, including the hazards of accidentally severed transmission cables; and

(4) whether the magnitude of one or more of the cumulative environmental effects of deployment and operation of large numbers of ocean thermal energy conversion facilities and plantships requires that an upper limit be placed on the number or total capacity of such facilities or plantships to be licensed under this Act for simultaneous operation, either overall or within specific geographic areas.

Plan submittal to Congress.

(c) Within 180 days after enactment of this Act, the Administrator shall prepare a plan to carry out the program described in subsections (a) and (b) of this section, including necessary funding levels for the next 5 fiscal years, and submit the plan to the Congress.

(d) The program established by subsections (a) and (b) of this section shall be reduced to the minimum necessary to perform baseline studies and to analyze monitoring data, when the Administrator determines that the program has resulted in sufficient knowledge to make the determinations enumerated in subsection (b) of this section with an acceptable level of confidence.

Environmental impact statement.

(e) The issuance of any license for ownership, construction, and operation of an ocean thermal energy conversion facility or plantship shall be deemed to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). For all timely applications covering proposed facilities in a single application area, and for each application relating to a proposed plantship, the Administrator shall, pursuant to such section 102(2)(C) and in cooperation with other involved Federal agencies and departments, prepare a single environmental impact statement, which shall fulfill the requirement of all Federal agencies in carrying out their responsibilities pursuant to this Act to prepare an environmental impact statement. Each such draft environmental impact statement relating to proposed facilities shall be prepared and published within 180 days after notice of the initial application has been published pursuant to section 102(d) of this title. Each such draft environmental impact statement relating to a proposed plantship shall be prepared and published within 180 days after notice of the application has been published pursuant to section 102(d) of this title. Each final environmental impact statement shall be published not later than 90 days following the date on which public hearings are concluded pursuant to section 102(g) of this title. The Administrator may extend the deadline for publication of a specific draft or final environmental impact statement to a later specified time for good cause shown in writing.

Ante, p. 979.

Hearings.

Vessel or floating craft.

(f) An ocean thermal energy conversion facility or plantship licensed under this title shall be deemed not to be a "vessel or other floating craft" for the purposes of section 502(12)(B) of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1362(12)(B)).

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42 USC 9118.

SEC. 108. MARINE ENVIRONMENTAL PROTECTION AND SAFETY OF LIFE AND PROPERTY AT SEA.

(a) The Secretary of the department in which the Coast Guard is operating shall, subject to recognized principles of international law, prescribe by regulation and enforce procedures with respect to any ocean thermal energy conversion facility or plantship licensed under this Act, including, but not limited to, rules governing vessel movement, procedures for transfer of materials between such a facility or plantship and transport vessels, designation and marking of anchorage areas, maintenance, law enforcement, and the equipment, training, and maintenance required (1) to promote the safety of life and property at sea, (2) to prevent pollution of the marine environment, (3) to clean up any pollutants which may be discharged, and (4) to otherwise prevent or minimize any adverse impact from the construction and operation of such ocean thermal energy conversion facility or plantship.

Regulations.

(b) The Secretary of the department in which the Coast Guard is operating shall issue and enforce regulations, subject to recognized principles of international law, with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on any ocean thermal energy conversion facility or plantship licensed under this Act.

(c) Whenever a licensee fails to mark any component of such an ocean thermal energy conversion facility or plantship in accordance with applicable regulations, the Secretary of the department in which the Coast Guard is operating shall mark such components for the protection of navigation, and the licensee shall pay the cost of such marking.

Safety zone.

(d)(1) Subject to recognized principles of international law and after consultation with the Secretary of Commerce, the Secretary of the Interior, the Secretary of State, and the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating shall designate a zone of appropriate size around and including any ocean thermal energy conversion facility licensed under this Act and may designate such a zone around and including any ocean thermal energy conversion plantship licensed under this Act for the purposes of reorganizational safety and protection of the facility or plantship. The Secretary of the department in which the Coast Guard is operating shall by regulation define permitted activities within such zone consistent with the purpose for which it was designated. The Secretary of the department in which the Coast Guard is operating shall, not later than 30 days after publication of notice pursuant tc section 102(d) of this title, designate such safety zone with respect to any proposed ocean thermal energy conversion facility or plantship.

Rules and regulations

(2) In addition to any other regulations, the Secretary of the department in which the Coast Guard is operating is authorized, in accordance with this subsection, to establish a safety zone to be effective during the period of construction of an ocean thermal energy conversion facility or plantship licensed under this Act, and to issue rules and regulations relating thereto.

Regulations, enforcement and compliance.

(e)(1) The Secretary of the department in which the Coast Guard is operating shall promulgate and enforce regulations specified in paragraph (2) of this subsection and such other regulations as he deems necessary concerning the documentation, design, construction, alteration, equipment, maintenance, repair, inspection, certification, and manning of ocean thermal energy conversion facilities and plantships. In addition to other requirements prescribed under those regulations, the Secretary of the department in which the Coast Guard is operating may require compliance with those vessel documentation, inspection, and manning laws which he determines to be appropriate.

Facility or plantship requirements. Regulations.

(2) Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall promulgate regulations under paragraph (1) of this subsection which require that any ocean thermal energy conversion facility or plantship—

(A) be documented;

(B) comply with minimum standards of design, construction, alteration, and repair; and

(C) be manned or crewed by United States citizens or aliens lawfully admitted to the United States for permanent residence, unless—

(i) there is not a sufficient number of United States citizens, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work, or

(ii) the President makes a specific finding, with respect to the particular vessel, platform, or moored or standing structure, that application of this requirement would not be consistent with the national interest.

(3) For the purposes of the documentation laws, for which compliance is required under paragraph (1) of this subsection, ocean thermal energy conversion facilities and plantships shall be deemed to be vessels and, if documented, vessels of the United States for the purposes of the Ship Mortgage Act, 1920 (46 U.S.C. 911-984).

(f) Subject to recognized principles of international law, the Secretary of the department in which the Coast Guard is operating shall promulgate and enforce such regulations as he deems necessary to protect navigation in the vicinity of a vessel engaged in the installation, repair, or maintenance of any submarine electric transmission cable or equipment, and to govern the markings and signals used by such a vessel.

42 USC 9119.

SEC. 109. PREVENTION OF INTERFERENCE WITH OTHER USES OF THE HIGH SEAS.

(a) Each license shall include such conditions as may be necessary and appropriate to ensure that construction and operation of the ocean thermal energy conversion facility or plantship are conducted with reasonable regard for navigation, fishing, energy production, scientific research, or other uses of the high seas, either by citizens of the United States or by other nations in their exercise of the freedoms of the high seas as recognized under the Convention of the High Seas and the general principles of international law.

Regulations.

(b) The Administrator shall promulgate regulations specifying under what conditions and in what circumstances the thermal plume of an ocean thermal energy conversion facility or plantship licensed under this Act will be deemed—

(1) to impinge on so as to degrade the thermal gradient used by another ocean thermal energy conversion facility or plantship, or

(2) to impinge on so as to adversely affect the territorial sea or area of natural resource jurisdiction, as recognized by the United States, of any other nation.

Such regulations shall also provide for the Administrator to mediate or arbitrate any disputes among licensees regarding the extent to which the thermal plume of one licensee's facility or plantship impinges on the operation of another licensee's facility or plantship.

(3) Except in a situation involving force majeure, a licensee of an ocean thermal energy conversion facility or plantship shall not permit a vessel, registered in or flying the flag of a foreign state, to call at, load or unload cargo at, or otherwise utilize such a facility or plantship licensed under this Act unless (A) the foreign state involved has agreed, by specific agreement with the United States, to recognize the jurisdiction of the United States over the vessel and its personnel, in accordance with the provisions of this Act, while the vessel is located within the safety zone, and (B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

Regulations, enforcement.

(c) The Secretary of the department in which the Coast Guard is operating shall promulgate, after consultation with the Administrator, and shall enforce, regulations governing the movement and navigation of ocean thermal energy conversion plantships licensed under this Act to ensure that the thermal plume of such an ocean thermal energy conversion plantship does not unreasonably impinge on so as to degrade the thermal gradient used by the operation of any other ocean thermal energy conversion plantship or facility except in case of force majeure or with the consent of owner of the other such plantship or facility, and to ensure that the thermal plume such of an ocean thermal energy conversion plantship does not impinge on so as to adversely affect the territorial sea or area of national resource jurisdiction, as recognized by the United States, of any other nation unless the Secretary of State has approved such impingment after consultation with such nation.

SEC. 110. MONITORING OF LICENSEES' ACTIVITIES.

42 USC 9120.

Each license shall require the licensee—

(1) to allow the Administrator to place appropriate Federal officers or employees aboard the ocean thermal energy conversion facility or plantship to which the license applies, at such times and to such extent as the Administrator deems reasonable and necessary to assess compliance with any condition or regulation applicable to the license, and to report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply;

(2) to cooperate with such officers and employees in the performance of monitoring functions; and

(3) to monitor the environmental effects, if any, of the operation of the ocean thermal energy conversion facility or plantship in accordance with regulations issued by the Administrator, and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate mitigation methods and possibilities.

SEC. 111. SUSPENSION, REVOCATION, OR TERMINATION OF LICENSE.

42 USC 9121.

(a) Whenever a licensee fails to comply with any applicable provision of this Act or any applicable rule, regulation, restriction, or condition issued or imposed by the Administrator under the authority of this Act, the Attorney General, at the request of the Administrator, shall file an action in the appropriate United States district court to—

(1) suspend the license; or

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(2) if such failure is knowing and continues for a period of 30 days after the Administrator mails notification of such failure by registered letter to the licensee at his record post office address, revoke such license.

No proceeding under this section is necessary if the license, by its terms, provides for automatic suspension or termination upon the occurrence of a fixed or agreed upon condition, event, or time.

(b) If the Administrator determines that immediate suspension of the construction or operation of an ocean thermal energy conversion facility or plantship or any component thereof is necessary to protect public health and safety or to eliminate imminent and substantial danger to the environment established by any treaty or convention, the Administrator may order the licensee to cease or alter such construction or operation pending the completion of a judicial proceeding pursuant to subsection (a) of this section.

SEC. 112. RECORDKEEPING AND PUBLIC ACCESS TO INFORMATION.

42 USC 9122.

Reports.

(a) Each licensee shall establish and maintain such records, make such reports, and provide such information as the Administrator, after consultation with other interested Federal departments and agencies, shall by regulation prescribe to carry out the provisions of this Act. Each licensee shall submit such reports and shall make available such records and information as the Administrator may request.

Confidential information.

(b) Any information reported to or collected by the Administrator under this Act which is exempt from disclosure pursuant to section 552(b)(4) of title 5, United States Code (relating to trade secrets and confidential commercial and financial information), shall not—

(1) be publicly disclosed by the Administrator or by any other officer or employee of the United States, unless the Administrator has—

(A) determined that the disclosure is necessary to protect the public health or safety or the environment against an unreasonable risk of injury, and

(B) notified the person who submitted the information to

days before the disclosure is to be made, unless the delay resulting from such notice would be detrimental to the public health or safety or the environment, or

(2) be otherwise disclosed except—

(A)(i) to other Federal and adjacent coastal State government departments and agencies for official use,

(ii) to any committee of the Congress of appropriate jurisdiction, or

(iii) pursuant to court order, and

(B) when the administrator has taken appropriate steps to inform the recipient of the confidential nature of the information.

42 USC 9123.

SEC. 113. RELINQUISHMENT OR SURRENDER OF LICENSE.

Liability.

(a) Any licensee may at any time, without penalty, surrender to the Administrator a license issued to him, or relinquish to the Administrator, in whole or in part, any right to conduct construction or operation of an ocean thermal energy conversion facility or plantship, including part or all of any right of way which may have been granted in conjunction with such license: *Provided,* That such surrender or relinquishment shall not relieve the licensee of any obligation or liability established by this or any other Act, or of any obligation or liability for actions taken by him prior to such surrender or relinquishment, or during disposal or removal of any components required to be disposed of or removed pursuant to this Act.

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Right of way.

(b) If part or all of a right of way which is relinquished, or for which the license is surrendered, to the Administrator pursuant to subsection (a) of this section contains an electric transmission cable or pipeline which is used in conjunction with another license for an ocean thermal energy conversion facility, the Administrator shall allow the other licensee an opportunity to add such right of way to his license before informing the Secretary of the Interior that the right of way has been vacated.

42 USC 9124.

SEC. 114. CIVIL ACTIONS.

(a) Except as provided in subsection (b) of this section, any person having a valid legal interest which is or may be adversely affected may commence a civil action for equitable relief on his own behalf in the United States District Court for the District of Columbia whenever such action constitutes a case or controversy—

(1) against any person who is alleged to be in violation of any provision of this Act or any regulation or condition of a license issued pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary.

Suits.

In suits brought under this Act, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any provision of this Act or any regulation or term or condition of a license issued pursuant to this Act, or to order the Administrator to perform such act or duty, as the case may be.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation to the Administrator and to any alleged violator; or

(B) if the Administrator or the Attorney General has commenced and is diligently prosecuting a civil or criminal action with respect to such matters in a court of the United States, but in any such action any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to 60 days after the plaintiff has given notice of such action to the Administrator.

Notice.

Notice under this subsection shall be given in such a manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

Litigation costs.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines that such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person or class of persons may have under any statute or common law to seek enforcement or to seek any other relief.

SEC. 115. JUDICIAL REVIEW.

42 USC 9125.

Any person suffering legal wrong, or who is adversely affected or aggrieved by the Administrator's decision to issue, transfer, modify, renew, suspend, or terminate a license may, not later than 60 days after such decision is made, seek judicial review of such decision in the United States Court of Appeals for the District of Columbia. A person shall be deemed to be aggrieved by the Administrator's decision within the meaning of this Act if he—

(1) has participated in the administrative proceedings before the Administrator (or if he did not so participate, he can show that his failure to do so was caused by the Administrator's failure to provide the required notice); and

(2) is adversely affected by the Administrator's action.

SEC. 116. TEST PLATFORMS AND COMMERCIAL DEMONSTRATION OCEAN THERMAL ENERGY CONVERSION FACILITY OR PLANTSHIP.

42 USC 9126.

(a) The provisions of this title shall not apply to any test platform which will not operate as an ocean thermal energy conversion facility or platform after conclusion of the testing period.

(b) The provisions of this title shall not apply to ownership, construction, or operation of any ocean thermal energy conversion facility or plantship which the Secretary of Energy has designated in writing as a demonstration project for the development of alternative energy sources for the United States which is conducted by, participated in, or approved by the Department of Energy. The Secretary of Energy, after consultation with the Administrator, shall require such demonstration projects to abide by as many of the substantive requirements of this title as he deems to be practicable without damaging the nature of or unduly delaying such projects.

SEC. 117. PERIODIC REVIEW AND REVISION OF REGULATIONS.

42 USC 9127.

The Administrator and the Secretary of the department in which the Coast Guard is operating shall periodically, at intervals of not more than every 3 years, and in consultation with the Secretary of Energy, review any regulations promulgated pursuant to the provisions of this title to determine the status and impact of such regulations on the continued development, evolution, and commercialization of ocean thermal energy conversion technology. The results of each such review shall be included in the next annual report required by section 405. The Administrator and such Secretary are authorized and directed to promulgate any revisions to the then effective regulations as are deemed necessary and appropriate based on such review, to ensure that any regulations promulgated pursuant to the provisions of this title do not impede such development, evolution, and commercialization of such technology. Additionally, the Secretary of Energy is authorized to propose, based on such review, such revisions for the same purpose. The Administrator or such Secretary, as appropriate, shall have exclusive jurisdiction with respect to any such proposal by the Secretary of Energy and, pursuant to applicable procedures, shall consider and take final action on any such proposal in an expeditious manner. Such consideration shall include at least one informal hearing pursuant to the procedures in section 553 of title 5, United States Code.

Review results.

Post, p. 999.

Proposals by Secretary of Energy.

Hearing.

TITLE II—MARITIME FINANCING FOR OCEAN THERMAL ENERGY CONVERSION

42 USC 9141.

SEC. 201. DETERMINATIONS UNDER THE MERCHANT MARINE ACT, 1936.

(a)(1) For the purposes of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), any ocean thermal energy conversion facility or plantship licensed pursuant to this Act, and any vessel providing shipping service to or from such an ocean thermal energy conversion

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facility or plantship, shall be deemed to be a vessel operated in the foreign commerce of the United States.

(2) The provisions of paragraph (1) of this subsection shall apply for taxable years beginning after December 31, 1981.

(b) For the purposes of the Merchant Marine Act, 1936 (46 U.S.C. 1177 et seq.) any vessel documented under the laws of the United States and used in providing shipping service to or from any ocean thermal energy conversion facility or plantship licensed pursuant to the provisions of this Act shall be deemed to be used in, and used in an essential service in, the foreign commerce or foreign trade of the United States, as defined in section 905(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1244(a)).

SEC. 202. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) Section 1101 of the Merchant Marine Act, 1936 (46 U.S.C. 1271), is amended—

(1) in subsection (b) by striking "and" immediately before "dredges" and inserting in lieu thereof a comma, and by inserting immediately after "dredges" the following: "and ocean thermal energy conversion facilities or plantships",

(2) in subsection (g) by striking "and" after the semicolon,

(3) in subsection (h) by striking "equipping" and inserting in lieu thereof "equipping and", and

(4) by adding at the end thereof a new subsection (i) to read as follows:

Definition.

"(i) The term 'ocean thermal energy conversion facility or plantship' means any at-sea facility or vessel, whether mobile, floating unmoored, moored, or standing on the seabed, which uses temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility or vessel to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any cable or pipeline used to deliver such electricity, freshwater, or product to shore, and all other associated equipment and appurtenances of such facility or vessel, to the extent they are located seaward of the highwater mark.".

(b) Section 1104(a)(1) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(a)(1)), is amended by striking "or (E)" and inserting in lieu thereof "(E) as an ocean thermal energy conversion facility or plantship; or (F)".

(c) Section 1104(b)(2) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(b)(2)), is amended by striking "vessel;" and inserting in lieu thereof "vessel: *Provided further,* That in the case of an ocean thermal energy conversion facility or plantship which is constructed without the aid of construction-differential subsidy, such obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the facility or plantship;".

SEC. 203. OTEC DEMONSTRATION FUND.

(a) Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1279b) is further amended by adding at the end thereof a new section 1110 to read as follows:

Guarantees.
46 USC 1279c.
46 USC 1273.

"SEC. 1110. (a) Pursuant to the authority granted under section 1103(a) of this title, the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a commercial demonstration ocean thermal energy conversion facility or plantship owned by citizens of the United States. Guarantees or commitments to guarantee under this subsection shall be subject to all the provisos, requirements, regulations, and procedures which apply to guarantees or commitments to guarantee made pursuant to section 1104(a)(1) of this title, except that— 46 USC 1274. Exceptions.

"(1) no guarantees or commitments to guarantee may be made by the Secretary of Commerce under this subsection before October 1, 1981;

"(2) the provisions of subsection (d) of section 1104 of this title shall apply to guarantees or commitments to guarantee for that portion of a commercial demonstration ocean thermal energy conversion facility or plantship not to be supported with appropriated Federal funds;

"(3) guarantees or commitments to guarantee made pursuant to this section may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the commercial demonstration ocean thermal energy conversion facility or plantship: *Provided*, That, if the commercial demonstration ocean thermal energy conversion facility or plantship is supported with appropriated Federal funds, such guarantees or commitments to guarantee may not exceed 87½ percent of the aggregate principal amount of that portion of the actual cost or depreciated actual cost for which the obligor has an obligation to secure financing in accordance with the terms of the agreement between the obligor and the Department of Energy or other Federal agency; and

"(4) the provisions of this section may be used to guarantee obligations for a total of not more than 5 separate commercial demonstration ocean thermal energy conversion facilities and plantships or a demonstrated 400 megawatt capacity, whichever comes first.

"(b) A guarantee or commitment to guarantee shall not be made under this section unless the Secretary of Energy, in consultation with the Secretary of Commerce, certifies to the Secretary of Commerce that, for the ocean thermal energy conversion facility or plantship for which the guarantee or commitment to guarantee is sought, there is sufficient guarantee of performance and payment to lower the risk to the Federal Government to a level which is reasonable. The Secretary of Energy must base his considerations on the following: (1) the successful demonstration of the technology to be used in such facility at a scale sufficient to establish the likelihood of technical and economic viability in the proposed market; and (2) the need of the United States to develop new and renewable sources of energy and the benefits to be realized from the construction and successful operation of such facility or plantship.

OTEC Demonstration Fund.

"(c) A special subaccount in the Federal Ship Financing Fund, to be known as the OTEC Demonstration Fund, shall be established on October 1, 1981. The OTEC Demonstration Fund shall be used for obligation guarantees authorized under this section which do not qualify under other sections of this title. Except as specified otherwise in this section, the operation of the OTEC Demonstration Fund shall be identical with that of the parent Federal Ship Financing Fund: except that, notwithstanding the provisions of section 1104(g), (1) all moneys received by the Secretary pursuant to sections 1101 through 1107 of this title with respect to guarantees or commitments to guarantee made pursuant to this section shall be deposited only in the OTEC Demonstration Fund, and (2) whenever there shall be outstanding any notes or other obligations issued by the Secretary of Commerce pursuant to section 1105(d) of this title with respect to the OTEC Demonstration Fund, all moneys received by the Secretary of Commerce pursuant to sections 1101 through 1107 of this title with respect to ocean thermal energy conversional facilities or plantships shall be deposited in the OTEC Demonstration Fund. Assets in the OTEC Demonstration Fund may at any time be transferred to the

46 USC 1274.
46 USC 1271-1279.
Notes or obligations.
46 USC 1275.

46 USC 1271-1279.
Transfer of assets.

parent fund whenever and to the extent that the balance thereof exceeds the total guarantees or commitments to guarantee made pursuant to this section then outstanding, plus any notes or other obligations issued by the Secretary of Commerce pursuant to section 1105(d) of this title with respect to the OTEC Demonstration Fund. The Federal Ship Financing Fund shall not be liable for any guarantees or commitments to guarantee issued pursuant to this section. The aggregate unpaid principal amount of the obligations guaranteed with the backing of the OTEC Demonstration Fund and outstanding at any one time shall not exceed $2,000,000,000.

Notes or obligations. 46 USC 1275.

"(d) The provisions of section 1105(d) of this title shall apply specifically to the OTEC Demonstration Fund as well as to the Fund: *Provided, however,* That any notes or obligations issued by the Secretary of Commerce pursuant to section 1105(d) of this title with respect to the OTEC Demonstration Fund shall be payable solely from proceeds realized by the OTEC Demonstration Fund.

Interest.

"(e) The interest on any obligation guaranteed under this section shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954.".

26 USC 1 *et seq.*

(b)(1) Section 1103(f) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(f)) is amended by striking out "$10,000,000,000." and inserting in lieu thereof "$12,000,000,000, of which $2,000,000,000 shall be limited to obligations pertaining to commercial demonstration ocean thermal energy conversion facilities or plantships guaranteed pursuant to section 1110 of this title.".

Ante, p. 992.

Effective date. 46 USC 1273 note.

(2) The amendment made by paragraph (1) of this subsection shall take effect October 1, 1981.

TITLE III—ENFORCEMENT

42 USC 9151.

SEC. 301. PROHIBITED ACTS.

It is unlawful for any person who is a United States citizen or national, or a foreign national on board an ocean thermal energy conversion facility or plantship or other vessel documented or numbered under the laws of the United States, or who is subject to the jurisdiction of the United States by an international agreement to which the United States is a party—

(1) to violate any provision of this Act, or any rule, regulation, or order issued pursuant to this Act, or any term or condition of any license issued to such person pursuant to this Act;

(2) to refuse to permit any Federal officer or employee authorized to monitor or enforce the provisions of sections 110 and 303 of this Act to board an ocean thermal energy conversion facility or plantship or any vessel documented or numbered under the laws of the United States, for purposes of conducting any search or inspection in connection with the monitoring or enforcement of this Act or any rule, regulation, order, term, or condition referred to in paragraph (1) of this section;

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(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer or employee in the conduct of any search or inspection described in paragraph (2) of this section;

(4) to resist a lawful arrest for any act prohibited by this section; or

(5) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person subject to this section knowing that the other person has committed any act prohibited by this section.

42 USC 9152.

SEC. 302. REMEDIES AND PENALTIES.

Orders, issuance and enforcement.

(a)(1) The Administrator or his delegate shall have the authority to issue and enforce orders during proceedings brought under this Act. Such authority shall include the authority to issue subpenas, administer oaths, compel the attendance and testimony of witnesses and the production of books, papers, documents, and other evidence, to take depositions before any designated individual competent to administer oaths, and to examine witnesses.

(2) Whenever on the basis of any information available to him the Administrator finds that any person subject to section 301 of this title is in violation of any provision of this Act or any rule, regulation, order, license, or term or condition thereof, or other requirements under this Act, he may issue an order requiring such person to comply with such provision or requirement, or bring a civil action in accordance with subsection (b) of this section.

(3) Any compliance order issued under this subsection shall state with reasonable specificity the nature of the violation and a time for compliance, not to exceed 30 days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b)(1) Upon a request by the Administrator, the Attorney General shall commence a civil action for appropriate relief, including a permanent or temporary injunction, any violation for which the Administrator is authorized to issue a compliance order under subsection (a)(2) of this section.

(2) Upon a request by the Administrator, the Attorney General shall bring an action in an appropriate district court of the United States for equitable relief to redress a violation, by any person subject to section 301 of this title, of any provision of this Act, any regulation issued pursuant to this Act, or any license condition.

Liability.

(c)(1) Any person who is found by the Administrator, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 301 of this title shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Administrator, or his designee, by written notice. In determining the amount of such penalty, the Administrator shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

Review.

(2) Any person against whom a civil penalty is assessed under paragraph (1) of this subsection may obtain a review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Administrator shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

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Filing of certified copy.

Assessment, failure to pay.

(3) If any person subject to section 301 fails to pay an assessment of a civil penalty against him after it has become final, or after the appropriate court has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

Review.

(4) The Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

(d)(1) Any person subject to section 301 of this title is guilty of an offense if he willfully commits any act prohibited by such section.

(2) Any offense, other than an offense for which the punishment is prescribed by section 103 of this Act, is punishable by a fine of not more than $75,000 for each day during which the violation continues.

Any offense described in paragraphs (2), (3), (4), and (5) of section 301 is punishable by the fine or imprisonment for not more than 6 months, or both. If, in the commission of any offense, the person subject to section 301 uses a dangerous weapon, engages in conduct that causes bodily injury to any Federal officer or employee, or places any Federal officer or employee in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000 or imprisonment for not more than 10 years, or both.

(e) Any ocean thermal energy conversion facility or plantship licensed pursuant to this Act and any other vessel documented or numbered under the laws of the United States, except a public vessel engaged in noncommercial activities, used in any violation of this Act or of any rule, regulation, order, license, or term or condition thereof, or other requirements of this Act, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof, whenever it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

42 USC 9153.

SEC. 303. ENFORCEMENT.

Responsibility of NOAA Administrator.

(a) Except where a specific section of this Act designates enforcement responsibility, the provisions of this Act shall be enforced by the Administrator. The Secretary of the department in which the Coast Guard is operating shall have exclusive responsibility for enforcement measures which affect the safety of life and property at sea, shall exercise such other enforcement responsibilities with respect to vessels subject to the provisions of this Act as are authorized under other provisions of law, and may, upon the specific request of the Administrator, assist the Administrator in the enforcement of any provision of this Act. The Administrator and the Secretary of the department in which the Coast Guard is operating may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment, including aircraft and vessels, and facilities of any other Federal agency or department, and may authorize officers or employees of other departments or agencies to provide assistance as necessary in carrying out subsection (b) of this section. The Administrator and the Secretary of the department in which the Coast Guard is operating may issue regulations jointly or severally as may be necessary and appropriate to carry out their duties under this section.

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(b) To enforce the provisions of this Act on board any ocean thermal energy conversion facility or plantship or other vessel subject to the provisions of this Act, any officer who is authorized by the Administrator or the Secretary of the department in which the Coast Guard is operating may—

(1) board and inspect any vessel which is subject to the provisions of this Act;

(2) search the vessel if the officer has reasonable cause to believe that the vessel has been used or employed in the violation of any provision of this Act;

(3) arrest any person subject to section 301 of this title if the officer has reasonable cause to believe that the person has committed a criminal act prohibited by sections 301 and 302(d) of this title;

(4) seize the vessel together with its gear, furniture, appurtenances, stores, and cargo, used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act if such seizure is necessary to prevent evasion of the enforcement of this Act;

(5) seize any evidence related to any violation of any provision of this Act;

(6) execute any warrant or other process issued by any court of competent jurisdiction; and

(7) exercise any other lawful authority.

(c) Except as otherwise specified in section 115 of this Act, the district courts of the United States shall have exclusive original jurisdiction over any case or controversy arising under the provisions of this Act. Except as otherwise specified in this Act, venue shall lie in any district wherein, or nearest to which, the cause of action arose, or wherein any defendant resides, may be found, or has his principal office. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

Definitions.

(d) For the purposes of this section, the term "vessel" includes an ocean thermal energy conversion facility or plantship, and the term "provisions of this Act" or "provision of this Act" includes any rule, regulation, or order issued pursuant to this Act and any term or condition of any license issued pursuant to this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

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SEC. 401. EFFECT OF LAW OF THE SEA TREATY.

42 USC 9161.

If the United States ratifies a treaty, which includes provisions with respect to jurisdiction over ocean thermal energy conversion activities, resulting from any United Nations Conference on the Law of the Sea, the Administrator, after consultation with the Secretary of State, shall promulgate any amendment to the regulations promulgated under this Act which is necessary and appropriate to conform such regulations to the provisions of such treaty, in anticipation of the date when such treaty shall come into force and effect for, or otherwise be applicable to, the United States.

SEC. 402. INTERNATIONAL NEGOTIATIONS.

42 USC 9162.

The Secretary of State, in cooperation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall seek effective international action and cooperation in support of the policy and purposes of this Act and may initiate and conduct negotiations for the purpose of entering into international agreements designed to guarantee noninterference of ocean thermal energy conversion facilities and plantships with the thermal gradients used by other such facilities and plantships, to assure protection of such facilities and plantships and of navigational safety in the vicinity thereof, and to resolve such other matters relating to ocean thermal energy conversion facilities and plantships as need to be resolved in international agreements.

SEC. 403. RELATIONSHIP TO OTHER LAWS.

42 USC 9163.

(a)(1) The Constitution, laws, and treaties of the United States shall apply to an ocean thermal energy conversion facility or plantship licensed under this Act and to activities connected, associated, or potentially interfering with the use or operation of any such facility or plantship, in the same manner as if such facility or plantship were an area of exclusive Federal jurisdiction located within a State. Nothing in this Act shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by Federal law, regulation, or treaty.

(2) Ocean thermal energy conversion facilities and plantships licensed under this Act do not possess the status of islands and have no territorial seas of their own.

(b)(1) Except as may otherwise be provided by this Act, nothing in this Act shall in any way alter the responsibilities and authorities of a

State or the United States within the territorial seas of the United States.

(2) The law of the nearest adjacent coastal State to which an ocean thermal energy conversion facility located beyond the territorial sea and licensed under this Act is connected by electric transmission cable or pipeline, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to such facility, to the extent applicable and not inconsistent with any provision or regulation under this Act or other Federal laws and regulations now in effect or hereafter adopted, amended, or repealed: *Provided, however,* That the application of State taxation laws is not extended hereby outside the seaward boundary of any State. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States outside the seaward boundary of any State. Enforcement.

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(c)(1) For the purposes of the customs laws administered by the Secretary of the Treasury, ocean thermal energy conversion facilities and plantships documented under the laws of the United States and licensed under this Act shall be deemed to be vessels.

(2) Except insofar as they apply to vessels documented under the laws of the United States, the customs laws administered by the Secretary of the Treasury shall not apply to any ocean thermal energy conversion facility or plantship licensed under the provisions of this Act, but all foreign articles to be used in the construction of any such facility or plantship, including any component thereof, shall first be made subject to all applicable duties and taxes which would be imposed upon or by reason of their importation if they were imported for consumption in the United States. Duties and taxes shall be paid thereon in accordance with laws applicable to merchandise imported into the customs territory of the United States.

42 USC 9164.

SEC. 404. SUBMARINE ELECTRIC TRANSMISSION CABLE AND EQUIPMENT SAFETY.

Safety standards and regulations.

(a) The Secretary of Energy, in cooperation with other interested Federal agencies and departments, shall establish and enforce such standards and regulations as may be necessary to assure the safe construction and operation of submarine electric transmission cables and equipment subject to the jurisdiction of the United States. Such standards and regulations shall include, but not be limited to, requirements for the use of the safest and best available technology for submarine electric transmission cable shielding, and for the use of automatic switches to shut off electric current in the event of a break in such a cable.

Report to Congress.

(b) The Secretary of Energy, in cooperation with other interested Federal agencies and departments, is authorized and directed to report to the Congress within 60 days after the date of enactment of this Act on appropriations and staffing needed to monitor submarine electric transmission cables and equipment subject to the jurisdiction of the United States so as to assure that they meet all applicable standards for construction, operation, and maintenance.

42 USC 9165.

SEC. 405. ANNUAL REPORT.

Submittal to President of Senate and Speaker of House.

Within 6 months after the end of each of the first 3 fiscal years after the date of enactment of this Act, the Administrator shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the administration of this Act during such fiscal year. Such report shall include, with respect to the fiscal year covered by the report—

(1) a description of progress in implementing this Act;

(2) a list of all licenses issued, suspended, revoked, relinquished, surrendered, terminated, renewed, or transferred; denials of issuance of licenses; and required suspensions and modifications of activities under licenses;

(3) a description of ocean thermal energy conversion activities undertaken pursuant to licenses;

(4) the number and description of all civil and criminal proceedings instituted under title III of this Act, and the current status of such proceedings; and

(5) such recommendations as the Administrator deems appropriate for amending this Act.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS. 42 USC 9166.

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There are authorized to be appropriated to the Secretary of Commerce, for the use of the Administrator in carrying out the provisions of this Act, not to exceed $3,000,000 for the fiscal year ending September 30, 1981, not to exceed $3,500,000 for the fiscal year ending September 30, 1982, and not to exceed $3,500,000 for the fiscal year ending September 30, 1983.

SEC. 407. SEVERABILITY. 42 USC 9167.

If any provision of this Act or any application thereof is held invalid, the validity of the remainder of the Act, or any other application, shall not be affected thereby.

Approved August 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-994 accompanying H.R. 6154 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-721 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  July 2, considered and passed Senate.
  July 21, H.R. 6154 considered and passed House; passage vacated and S. 2492 passed in lieu.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 32:
  Aug. 4, Presidential statement.

Public Law 96-345
96th Congress

94 STAT. 1139

An Act

To provide for an accelerated program of wind energy research, development, and demonstration, to be carried out by the Department of Energy with the support of the National Aeronautics and Space Administration and other Federal agencies, and for other purposes.

Sept. 8, 1980
[H.R. 5892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wind Energy Systems Act of 1980".

Wind Energy Systems Act of 1980.
42 USC 9201 note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that— 42 USC 9201.

(1) the United States is faced with a finite and diminishing resource base of native fossil fuels and, as a consequence, must develop as quickly as possible a diversified, pluralistic national energy capability and posture;

(2) the current imbalance between supply and demand for fuels and energy in the United States is likely to grow for many years;

(3) it is in the Nation's interest to provide opportunities for the increased production of electricity from renewable energy sources;

(4) the early wide-spread utilization of wind energy for the generation of electricity and for mechanical power could lead to relief on the demand for existing non-renewable fuel and energy supplies;

(5) the use of large wind energy systems for certain limited applications is already economically feasible;

(6) the use of small wind energy systems for certain applications is already economically feasible, and therefore, the Federal Government should not undertake any financial incentive or financial initiative which may detrimentally affect commercial markets for small wind energy systems;

(7) an aggressive research, development and demonstration program to accelerate widespread utilization of wind energy should solve existing technical problems of converting wind energy into electricity and mechanical energy and, supported by an assured and growing market for wind energy systems during the next decade, should maximize the future contribution of wind energy to the Nation's future energy production;

(8) it is the proper and appropriate role of the Federal Government to undertake research and development, to participate in demonstration programs for wind energy systems, and to assist private industry, other entities, and the general public in hastening the widespread utilization of such systems;

(9) the widespread use of wind energy systems to supplement and replace conventional methods for the generation of electricity and mechanical power would have a beneficial effect upon the environment;

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(10) the evaluation of the performance and reliability of wind energy technologies can be expedited by the testing of prototypes under carefully controlled conditions;

(11) innovation and creativity in the development of components and systems for converting wind energy into electricity and mechanical energy can be fostered through encouraging direct contact between the manufacturers of such components and systems and utilities and other persons interested in utilizing such components and systems; and

(12) consistent with the findings of the Domestic Policy Review on Solar Energy, wind energy can potentially contribute 1.7 quads of energy per year by the year 2000.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish during the next eight years an aggressive research, development, demonstration, and technology applications program for converting wind energy into electricity and mechanical energy. It is declared to be the further policy of the United States and the purpose of this Act that the objectives of such program are—

(1) to reduce the average cost of electricity produced by installed wind energy systems, by the end of fiscal year 1988, to a level competitive with conventional energy sources;

(2) to reach a total megawatt capacity in the United States from wind energy systems, by the end of fiscal year 1988, of at least eight hundred megawatts, of which at least one hundred megawatts are provided by small wind energy systems; and

(3) to accelerate the growth of a commercially viable and competitive industry to make wind energy systems available to the general public as an option in order to reduce national consumption of fossil fuel.

DEFINITIONS

42 USC 9202.

SEC. 3. For purposes of this Act—

(1) the term "wind energy system" means a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which comprises all necessary components, including energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for individual, residential, agricultural, commercial, industrial, utility, or governmental use;

(2) the term "small wind energy system" means a wind energy

system having a maximum rated capacity of one hundred kilowatts or less;

(3) the term "large wind energy system" means a wind energy system which is not a small wind energy system;

(4) the term "public and private entity" means any individual, corporation, partnership, firm, association, agricultural cooperative, public- or investor-owned utility, public or private institution or group, any State or local government agency, or any other domestic entity;

(5) the term "known wind resource" means a site with an estimated average annual wind velocity of at least twelve miles per hour;

(6) the term "conventional energy source" means energy produced from oil, gas, coal, and nuclear fuels; and

(7) the term "Secretary" means the Secretary of Energy.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

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42 USC 9203.

Sec. 4. (a) The Secretary shall prepare a comprehensive program management plan for the research, development, demonstration, and technology application activities to carry out the purposes of this Act. The program activities shall be conducted in accordance with such comprehensive plan which shall include—

(1) a five-year program for small wind energy systems,

(2) an eight-year program for large wind energy systems, and

(3) a three-year program for wind resource assessment

Consultation.

which shall be consistent with the provisions of sections 5, 6, and 7. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Interior, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate.

Transmittal to congessional committees.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within nine months after the date of the enactment of this Act.

Detailed description of plan, transmittal to Congress.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the comprehensive plan as then in effect, setting forth the modifications which may be necessary to appropriately revise such plan and any changes in circumstances which may have occurred since the plan or the last previous modification thereof was transmitted in accordance with this section. The detailed description of the comprehensive plan under this subsection shall include but need not be limited to a statement setting forth with respect to each of the programs under this Act any changes in—

(1) the anticipated research, development, demonstration, and technology application objectives to be achieved by the program;

(2) the program elements, management structure, and activities, including any regional aspects and field responsibilities thereof;

(3) the program strategies and technology applications plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(4) any significant economic, environmental, and societal effects which the program may have;

(5) the total estimated cost of individual program items; and

(6) the estimated relative financial contributions of the Federal Government and non-Federal participants in the program.

Such description shall also include a detailed justification of any such changes, a detailed description of the progress made toward achieving the goals of this Act, a statement on the status of interagency

cooperation in meeting such goals, and any legislative or other recommendations which the Secretary may have to help attain such goals.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION

42 USC 9204

SEC. 5. (a) The Secretary shall initiate research and development or accelerate existing research and development in areas in which the lack of knowledge limits the widespread utilization of wind energy systems in order to achieve the purposes of this Act.

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Advanced wind energy systems.

(b)(1) The Secretary shall continue an aggressive program for the development of prototypes of advanced wind energy systems.

New or improved technology proposals.

(2) As often as he deems appropriate, the Secretary shall solicit and evaluate proposals for the research and development of any new or improved technologies, which, in the Secretary's opinion, will contribute to the development of improvements in current wind energy systems.

(c) The Secretary is authorized to enter into contracts, grants, and cooperative agreements with public and private entities for the purchase, fabrication, installation, and testing to obtain scientific, technological, and economic information from the demonstration of a variety of prototypes of advanced wind energy systems under a variety of circumstances and conditions.

(d) In carrying out the responsibilities under this section, the Secretary is not subject to the requirements of section 553 of title 5, United States Code, or section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

TECHNOLOGY APPLICATION PROGRAMS

42 USC 9205.

SEC. 6. (a) The Secretary shall establish a technology application program for wind energy systems to achieve the purposes of this Act by reduction in unit costs of wind energy systems through mass production and by determination of operating and maintenance costs through broad operational systems experience.

Federal assistance proposals.

(b) In achieving the objectives of this section, the Secretary shall solicit and evaluate proposals for Federal assistance pursuant to paragraphs (1), (2), and (3) of subsection (c) for investigating, purchasing, and installing such wind energy systems from public or private entities wishing to utilize wind energy systems.

(c) In achieving the objectives of this section, the Secretary is authorized to use various forms of Federal assistance including, but not limited to—

(1) contracts and cooperative agreements;
(2) grants;
(3) loans; and
(4) direct Federal procurement.

(d) In carrying out his duties under this Act, the Secretary is authorized to enter into such contracts and cooperative agreements with any public or private entity as may be necessary or appropriate for the production and utilization of large and small wind energy systems in quantities sufficient to achieve the objectives of this section.

Grants.

(e) In carrying out his duties under this Act, the Secretary shall, within six months of the date of enactment of this Act, establish procedures to allow any public or private entity wishing to install a large wind energy system to apply for and, upon meeting such terms and conditions as the Secretary may prescribe, to receive a direct grant for a portion of the total purchase and installation cost of such wind energy system: *Provided*, That grants for the portion of such cost in the case of large wind energy systems shall not exceed (A) 50 per centum of such cost during the first six years of the program under this subsection, and (B) 25 per centum of such cost during the seventh or eighth year of the program.

Loans

(f)(1) In carrying out his duties under this Act, the Secretary shall, within six months of the date of enactment of this Act, establish procedures to allow public or private entities wishing to install a

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small or large wind energy system to apply for and, upon meeting such terms and conditions as the Secretary may prescribe, to receive loans for up to 75 per centum of the total purchase and installation costs of wind energy systems providing in the aggregate up to three hundred and twenty megawatts peak generating capacity involving at a minimum four projects: *Provided*, That no such loan in any fiscal year shall be for more than 50 per centum of the amount appropriated under this Act for such fiscal year.

(2) Each loan shall be for a term which the Secretary deems appropriate, but no loan shall exceed twenty years beyond the date the wind energy system becomes operational.

Interest rate.

42 USC 1962d-17.

(3) Each loan made pursuant to this section shall bear interest at the discount or interest rate used at the time the loan is made for water resource planning projects under section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d)-17(a)). Such loan can be prepaid at any time without prepayment penalty and shall be contingent upon such other terms and conditions prescribed by the Secretary.

(g)(1) In carrying out his duties under this Act, the Secretary is authorized to provide funds for the accelerated procurement and installation of small and large wind energy systems by Federal agencies.

Arrangements with appropriate Federal agencies.

(2) The Secretary is authorized to enter into arrangements with appropriate Federal agencies, including the Water and Power Resources Services and the Federal power marketing agencies for large wind energy systems, to carry out such projects and activities as may be appropriate for the broad technology applications of small and large wind energy systems which are suitable and effective for use by such Federal agencies.

Terms and conditions.

(h) The terms and conditions prescribed by the Secretary under this subsection shall require such observation, monitoring, and reporting requirements as the Secretary deems necessary for a period of five years and shall provide for members of the public to view and inspect the system under reasonable conditions.

Terminations.

(i) New Federal assistance for technology applications systems shall terminate upon the appropriate determination by the Secretary, in the annual update of the comprehensive program management plan pursuant to section 4. Termination of the small wind energy systems program shall occur when the Secretary finds that such systems have become economically competitive with conventional energy sources, or on September 30, 1985, whichever occurs first. Termination of the large wind energy systems program shall occur when the Secretary finds that such systems have become economically competitive with conventional energy sources, or on September 30, 1988, whichever occurs first.

WIND RESOURCE ASSESSMENT

42 USC 9206.

SEC. 7. The Secretary shall initiate a three-year national wind resource assessment program. As part of such program, the Secretary shall—

(1) conduct activities to validate existing assessments of known wind resources;

(2) perform wind resource assessments in regions of the United States where the use of wind energy may prove feasible;

(3) initiate a general site prospecting program;

(4) establish standard wind data collection and siting techniques; and

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National wind data center.

(5) establish, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Environmental Protection Agency, a national wind data center which shall make public information available on the known wind energy resources of various regions throughout the United States.

CRITERIA FOR PROGRAM SELECTION

42 USC 9207.

SEC. 8. The Secretary shall set priorities which are, as far as possible, consistent with the intent and purposes of this Act and which are set in accordance with the following criteria:

(1) the construction, operation, and maintenance costs of wind energy systems shall be minimized;

(2) programs established under this Act shall be conducted with the express intent of bringing wind energy system costs down to a level competitive with energy costs from conventional energy systems;

(3) priority shall be given in the conduct of programs established under this Act to those projects in which cost-sharing funds are provided by private, industrial, agricultural, or governmental entities or utilities; and

(4) to the extent that the Secretary is limited by the availability of funds to carry out the objectives of this Act, priority, but not exclusive emphasis, should be given in the early years of the programs to activities under sections 5 and 7 and in the later years of the programs to activities under section 6.

MONITORING, INFORMATION GATHERING, AND LIAISON

42 USC 9208.

SEC. 9. (a) The Secretary, in coordination with such Government agencies as may be appropriate, shall—

(1) monitor the performance and operation of wind energy systems installed under this Act;

(2) collect and evaluate data and information on the performance and operation of wind energy systems installed under this Act; and

Reports to Congress.

(3) from time to time carry out such studies and investigations and take such other actions, including the submission of special reports to the Congress when appropriate, as may be necessary to assure that the programs for which the Secretary is responsible under this Act effectively carry out the purposes of this Act.

(b) The Secretary shall also maintain continuing liaison with related industries and interests and with the scientific and technical community in order to assure that the benefits of programs under this Act are and will continue to be realized to the maximum extent feasible.

(c) The Secretary shall assure, subject to section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, that full and complete information with respect to any program, project, or other activity conducted under this Act is made available to Federal, State, and local authorities, relevant segments of the economy, the scientific community, and the public so that the early, widespread, and practical use of wind energy throughout the United States is promoted to the maximum extent feasible.

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UTILIZATION OF CAPABILITIES AND FACILITIES

42 USC 9209.

SEC. 10. The Secretary shall utilize the technological and management capabilities, equipment, and facilities of the National Aeronautics and Space Administration to the maximum extent practicable in carrying out his duties under this Act, and shall enter into such additional agreements with the Administrator of such Administration as may be necessary for this purpose.

ANALYSIS OF APPLICATIONS OF WIND ENERGY SYSTEMS

Federal applications study.
42 USC 9210.

SEC. 11. The Secretary shall—

(1) initiate and conduct a federal applications study for wind energy systems, cooperatively with appropriate Federal agencies to determine the potential for the use of wind systems at specific Federal facilities; and this study shall—

(A) include an analysis which determines those sites at which wind energy systems are economically competitive with the marginal costs of new conventional energy sources in the areas;

(B) identify potential sites and uses of wind energy systems at the following agencies as well as any others which the Secretary deems necessary:

(i) the Department of Defense;

(ii) the Department of Transportation (including the United States Coast Guard, the Federal Aviation Administration, and the Federal Highway Administration);

(iii) the Department of Commerce;

(iv) the Department of Agriculture; and

(v) the Department of the Interior;

Report to Congress.

(C) provide a preliminary report to the Congress within nine months after the date of enactment of this Act; and

Detailed plan, presentation to Congress.

(D) include the presentation of a detailed plan for the use of wind energy systems for power generation at specific sites in Federal Government agencies to the Congress within twelve months after the date of enactment of this Act;

(2) study the effects, at varying levels of market penetration, of the widespread utilization of wind energy systems on the existing electrical utility system;

Recommendations to congressional committees.

(3) determine the necessity for, and make recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives within eighteen months after the date of enactment of this Act on, the need for any additional incentives for either users or manufacturers, in each of the potential markets for wind energy systems, to accelerate the widespread utilization of wind energy technologies;

Evaluation of systems; report to Congress.

(4) evaluate the actual performance of wind energy systems in various applications, including but not limited to residential, agricultural, large and small scale irrigation pumping, industrial, commercial, remote nonnetwork utility, and other applications, and report thereon to the Congress within two years after the date of enactment of this Act;

Study.

(5) initiate and conduct a study involving the prospects for applications of wind energy systems for power generation in foreign countries, particularly lesser developed countries and the potential for the exploration of these energy systems. This study shall involve the cooperation of the Department of State and the Department of Commerce, as well as other Federal agencies which the Secretary deems appropriate. A final report shall be submitted to the Congress, as well as a preliminary report within twelve months of the date of enactment of this Act; and

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Reports to Congress.

(6) in carrying out his functions under this section, consult with the appropriate government agencies, industry representatives, and members of the scientific and technical community having expertise and interest in this subject.

Merging of studies.

The Secretary, as appropriate, may merge any continuing or on-going studies within the Department of Energy or any other Federal agency with those required under this section to avoid any unnecessary duplication of effort or funding.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

42 USC 9211.

SEC. 12. (a) In carrying out his functions under this Act, the Secretary shall take steps to assure that small business concerns will have realistic and adequate opportunities to participate in the programs under this Act to the maximum extent practicable.

(b) The Secretary shall, to the maximum extent practicable, use all authority provided by law to protect trade secrets and other proprietary information submitted by small business under this Act and to avoid the unnecessary disclosure of such information.

Compliance with antitrust laws.

(c) The Secretary shall take such steps as may be necessary to assure compliance with the antitrust laws in the conduct of activities related to the manufacture or sale of wind energy systems directly or indirectly assisted under this Act, and shall implement this Act in a manner which will protect against the creation of noncompetitive market situations in the conduct of such activities.

GENERAL PROVISIONS

42 USC 9212.

SEC. 13. (a) Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities in addition to those specified in this Act if such projects or activities appropriately further the purposes set forth in this subsection.

(b) This Act applies to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the territories and possessions of the United States including the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

42 USC 9213.

SEC. 14. (a) There is authorized to be appropriated to the Secretary to carry out this Act (1) for the fiscal year ending September 30, 1981, the sum of $100,000,000 (of which $10,000,000 shall be available exclusively for purposes of section 7), and (2) for each fiscal year beginning after that date, such sum as may be authorized by legislation hereafter enacted.

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(b) In each of the five years of the small wind energy systems program, at least 25 per centum of the total authorization for appropriations under subsection (a) shall be for small wind energy systems activities, including supporting activities.

Approved September 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-662 (Comm. on Science and Technology) and No. 96-1217 (Comm. of Conference).
SENATE REPORT No. 96-753 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 3, 4, considered and passed House.
Vol. 126 (1980): June 16, considered and passed Senate, amended.
June 20, House concurred in Senate amendment to the text with an amendment, and concurred in the Senate amendment to the title.
Aug. 6, Senate agreed to conference report.
Aug. 26, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 37 (1980): Sept. 8, Presidential statement.

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94 STAT. 1347

Public Law 96-368
96th Congress

An Act

Oct. 1, 1980
[S. 2443]

To authorize the Department of Energy to carry out a high-level liquid nuclear waste management demonstration project at the Western New York Service Center in West Valley, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

West Valley Demonstration Project Act.
42 USC 2021a note.

SECTION 1. This Act may be cited as the "West Valley Demonstration Project Act".

42 USC 2021a note.

SEC. 2. (a) The Secretary shall carry out, in accordance with this Act, a high level radioactive waste management demonstration project at the Western New York Service Center in West Valley, New York, for the purpose of demonstrating solidification techniques

which can be used for preparing high level radioactive waste for disposal. Under the project the Secretary shall carry out the following activities:

Activities.

(1) The Secretary shall solidify, in a form suitable for transportation and disposal, the high level radioactive waste at the Center by vitrification or by such other technology which the Secretary determines to be the most effective for solidification.

(2) The Secretary shall develop containers suitable for the permanent disposal of the high level radioactive waste solidified at the Center.

(3) The Secretary shall, as soon as feasible, transport, in accordance with applicable provisions of law, the waste solidified at the Center to an appropriate Federal repository for permanent disposal.

(4) The Secretary shall, in accordance with applicable licensing requirements, dispose of low level radioactive waste and transuranic waste produced by the solidification of the high level radioactive waste under the project.

(5) The Secretary shall decontaminate and decommission—

(A) the tanks and other facilities of the Center in which the high level radioactive waste solidified under the project was stored,

(B) the facilities used in the solidification of the waste, and

(C) any material and hardware used in connection with the project,

in accordance with such requirements as the Commission may prescribe.

(b) Before undertaking the project and during the fiscal year ending September 30, 1981, the Secretary shall carry out the following:

Hearings

(1) The Secretary shall hold in the vicinity of the Center public hearings to inform the residents of the area in which the Center is located of the activities proposed to be undertaken under the project and to receive their comments on the project.

(2) The Secretary shall consider the various technologies available for the solidification and handling of high level radioactive waste taking into account the unique characteristics of such waste at the Center.

(3) The Secretary shall—

(A) undertake detailed engineering and cost estimates for the project,

(B) prepare a plan for the safe removal of the high level radioactive waste at the Center for the purposes of solidification and include in the plan provisions respecting the safe breaching of the tanks in which the waste is stored, operating equipment to accomplish the removal, and sluicing techniques,

(C) conduct appropriate safety analyses of the project, and

(D) prepare required environmental impact analyses of the project.

(4) The Secretary shall enter into a cooperative agreement with the State in accordance with the Federal Grant and Cooperative Agreement Act of 1977 under which the State will carry out the following:

41 USC 501 note.

(A) The State will make available to the Secretary the facilities of the Center and the high level radioactive waste at the Center which are necessary for the completion of the project. The facilities and the waste shall be made available without the transfer of title and for such period as may be required for completion of the project.

(B) The Secretary shall provide technical assistance in securing required license amendments.

State costs, percentage.

(C) The State shall pay 10 per centum of the costs of the project, as determined by the Secretary. In determining the costs of the project, the Secretary shall consider the value of the use of the Center for the project. The State may not use

Federal funds to pay its share of the cost of the project, but may use the perpetual care fund to pay such share.

Licensing amendment application.

(D) Submission jointly by the Department of Energy and the State of New York of an application for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.

42 USC 2011 note.
42 USC 5801 note.

(c) Within one year from the date of the enactment of this Act, the Secretary shall enter into an agreement with the Commission to establish arrangements for review and consultation by the Commission with respect to the project: *Provided*, That review and consultation by the Commission pursuant to this subsection shall be conducted informally by the Commission and shall not include nor require formal procedures or actions by the Commission pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, or any other law. The agreement shall provide for the following:

Publications in Federal Register.

(1) The Secretary shall submit to the Commission, for its review and comment, a plan for the solidification of the high level radioactive waste at the Center, the removal of the waste for purposes of its solidification, the preparation of the waste for disposal, and the decontamination of the facilities to be used in solidifying the waste. In preparing its comments on the plan, the Commission shall specify with precision its objections to any provision of the plan. Upon submission of a plan to the Commission, the Secretary shall publish a notice in the Federal Register of the submission of the plan and of its availability for public inspection, and, upon receipt of the comments of the Commission respecting a plan, the Secretary shall publish a notice in the Federal Register of the receipt of the comments and of the availability of the comments for public inspection. If the Secretary does not revise the plan to meet objections specified in the comments of the Commission, the Secretary shall publish in the Federal Register a detailed statement for not so revising the plan.

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(2) The Secretary shall consult with the Commission with respect to the form in which the high level radioactive waste at the Center shall be solidified and the containers to be used in the permanent disposal of such waste.

Reports and other information to Commission.

(3) The Secretary shall submit to the Commission safety analysis reports and such other information as the Commission may require to identify any danger to the public health and safety which may be presented by the project.

(4) The Secretary shall afford the Commission access to the Center to enable the Commission to monitor the activities under the project for the purpose of assuring the public health and safety.

Consultation with EPA and others.

(d) In carrying out the project, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Director of the Geological Survey, and the commercial operator of the Center.

Appropriation authorization.
42 USC 2021a note.

SEC. 3. (a) There are authorized to be appropriated to the Secretary for the project not more than $5,000,000 for the fiscal year ending September 30, 1981.

(b) The total amount obligated for the project by the Secretary shall be 90 per centum of the costs of the project.

(c) The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

Report to Speaker of the House and President pro tempore of the Senate.
42 USC 2021a note.

SEC. 4. Not later than February 1, 1981, and on February 1 of each calendar year thereafter during the term of the project, the Secretary shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate an up-to-date report containing a detailed description of the activities of the Secretary in carrying out the project, including agreements entered into and the costs incurred during the period reported on and the activities to be undertaken in the next fiscal year and the estimated costs thereof.

42 USC 2021a note.

42 USC 2011 note.

42 USC 5801 note.

SEC. 5. (a) Other than the costs and responsibilities established by this Act for the project, nothing in this Act shall be construed as affecting any rights, obligations, or liabilities of the commercial operator of the Center, the State, or any person, as is appropriate, arising under the Atomic Energy Act of 1954 or under any other law, contract, or agreement for the operation, maintenance, or decontamination of any facility or property at the Center or for any wastes at the Center. Nothing in this Act shall be construed as affecting any applicable licensing requirement of the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974. This Act shall not apply or be extended to any facility or property at the Center which is not used in conducting the project. This Act may not be construed to expand or diminish the rights of the Federal Government.

(b) This Act does not authorize the Federal Government to acquire title to any high level radioactive waste at the Center or to the Center or any portion thereof.

Definitions.
42 USC 2021a note.

SEC. 6. For purposes of this Act:

(1) The term "Secretary" means the Secretary of Energy.

(2) The term "Commission" means the Nuclear Regulatory Commission.

(3) The term "State" means the State of New York.

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(4) The term "high level radioactive waste" means the high level radioactive waste which was produced by the reprocessing at the Center of spent nuclear fuel. Such term includes both liquid wastes which are produced directly in reprocessing, dry solid material derived from such liquid waste, and such other material as the Commission designates as high level radioactive waste for purposes of protecting the public health and safety.

(5) The term "transuranic waste" means material contaminated with elements which have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and which are in concentrations greater than 10 nanocuries per gram, or in such other concentrations as the Commission may prescribe to protect the public health and safety.

(6) The term "low level radioactive waste" means radioactive waste not classified as high level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e. (2) of the Atomic Energy Act of 1954.

42 USC 2014.

(7) The term "project" means the project prescribed by section 2(a).

(8) The term "Center" means the Western New York Service Center in West Valley, New York.

Approved October 1, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1100, pt. I (Comm. on Science and Technology) and pt. II (Comm. on Interstate and Foreign Commerce), both accompanying H.R. 6865.
SENATE REPORT No. 96-787 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 12, considered and passed Senate.
  Sept. 15, H.R. 6865 considered and passed House; passage vacated and S. 2443, amended, passed in lieu.
  Sept. 17, Senate concurred in House amendment with amendments; House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 40:
  Oct. 1, Presidential statement.

94 STAT. 1539

Public Law 96-386
96th Congress

An Act

Oct. 7, 1980
[H.R. 6308]

To provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the twentieth century to be carried out by the Department of Energy.

Magnetic Fusion Energy Engineering Act of 1980.
42 USC 9301 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Magnetic Fusion Energy Engineering Act of 1980".

FINDINGS AND POLICY

42 USC 9301.

SEC. 2. (a) The Congress hereby finds that—

(1) the United States must formulate an energy policy designed to meet an impending worldwide shortage of many exhaustible, conventional energy resources in the next few decades;

(2) the energy policy of the United States must be designed to ensure that energy technologies using essentially inexhaustible resources are commercially available at a time prior to serious depletion of conventional resources;

(3) fusion energy is one of the few known energy sources which are essentially inexhaustible, and thus constitutes a long-term energy option;

(4) major progress in all aspects of magnetic fusion energy technology during the past decade instills confidence that power production from fusion energy systems is achievable;

(5) the United States must aggressively pursue research and development programs in magnetic fusion designed to foster advanced concepts and advanced technology and to develop efficient, reliable components and subsystems;

(6) to ensure the timely commercialization of magnetic fusion energy systems, the United States must demonstrate at an early date the engineering feasibility of magnetic fusion energy systems;

(7) progress in magnetic fusion energy systems is currently limited by the funds made available rather than technical barriers;

(8) it is a proper role for the Federal Government to accelerate research, development, and demonstration programs in magnetic fusion energy technologies; and

(9) acceleration of the current magnetic fusion program will require a doubling within seven years of the present funding level without consideration of inflation and a 25 per centum increase in funding each of fiscal years 1982 and 1983.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to accelerate the national effort in research, development, and demonstration activities related to magnetic fusion energy systems. Further, it is declared to be the policy of the United States and the purpose of this Act that the objectives of such program shall be—

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(1) to promote an orderly transition from the current research and development program through commercial development;

(2) to establish a national goal of demonstrating the engineering feasibility of magnetic fusion by the early 1990's;

(3) to achieve at the earliest practicable time, but not later than the year 1990, operation of a magnetic fusion engineering device based on the best available confinement concept;

(4) to establish as a national goal the operation of a magnetic fusion demonstration plant at the turn of the twenty-first century;

(5) to foster cooperation in magnetic fusion research and development among government, universities, industry, and national laboratories;

(6) to promote the broad participation of domestic industry in the national magnetic fusion program;

(7) to continue international cooperation in magnetic fusion research for the benefit of all nations;

(8) to promote greater public understanding of magnetic fusion; and

(9) to maintain the United States as the world leader in magnetic fusion.

DEFINITIONS

42 USC 9302.

SEC. 3. For the purposes of this Act—

(1) "fusion" means a process whereby two light nuclei, such as deuterium and tritium, collide at high velocity, forming a compound nucleus, which subsequently separates into constituents which are different from the original colliding nuclei, and which carry away the accompanying energy release;

(2) "magnetic fusion" means the use of magnetic fields to confine a very hot, fully ionized gas of light nuclei, so that the fusion process can occur;

(3) "energy system" means a facility designed to utilize energy released in the magnetic fusion process for the generation of electricity and the production of hydrogen or other fuels;

(4) "fusion engineering device" means a magnetic fusion facility which achieves at least a burning plasma and serves to test components for engineering purposes;

(5) "demonstration plant" means a prototype energy system which is of sufficient size to provide safety, environmental reliability, availability, and ready engineering extrapolation of all components to commercial size but which system need not be economically competitive with then alternative energy sources; and

(6) "Secretary" means Secretary of Energy.

PROGRAM ACTIVITIES

42 USC 9303.

SEC. 4. (a) The Secretary shall initiate activities or accelerate existing activities in research areas in which the lack of knowledge limits magnetic fusion energy systems in order to ensure the achievement of the purposes of this Act.

Plasma confinement research.

(b)(1) The Secretary shall maintain an aggressive plasma confinement research program on the current lead concept to provide a full measure of support for the design, construction, and operation of the fusion engineering devices.

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(2) The Secretary shall maintain a broadly based research program on alternate confinement concepts and on advanced fuels at a sufficient level of funding to achieve optimal design of each successive magnetic fusion facility using the then best available confinement and fuel concept.

(3) The Secretary shall ensure that research on properties of materials likely to be required for the construction of fusion engineering devices is adequate to provide timely information for the design of such devices.

Fusion engineering device designs.

(c)(1) The Secretary shall initiate design activities on a fusion engineering device using the best available confinement concept to ensure operation of such a device at the earliest practicable time, but not later than the year 1990.

(2) The Secretary shall develop and test the adequacy of the engineering design of components to be utilized in the fusion engineering device.

(d) The Secretary shall initiate at the earliest practical time each activity which he deems necessary to achieve the national goal for operation of a demonstration plant at the turn of the twenty-first century.

Magnetic fusion energy systems, assessment factors.

(e) The Secretary shall continue efforts to assess factors which will determine the commercial introduction of magnetic fusion energy systems including, but not limited to—

(1) projected costs relative to other alternative energy sources;
(2) projected growth rates in energy demand;
(3) safety-related design limitations;
(4) environmental impacts; and
(5) limitations on the availability of strategic elements, such as helium, lithium, and special metals.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

42 USC 9304.

SEC. 5. (a) The Secretary shall prepare a comprehensive program management plan for the conduct of the research, development, and demonstration activities under this Act. Such plan shall include at a minimum—

(1) a presentation of the program strategy which will be used to achieve the purposes of this Act;
(2) a five-year program implementation schedule, including identification of detailed milestone goals, with associated budget and program resources requirements;
(3) risk assessments;
(4) supporting research and development needed to solve problems which may inhibit or limit development of magnetic fusion energy systems; and
(5) an analysis of institutional, environmental, and economic considerations which are limiting the national magnetic fusion program.

Submittal to congressional committees.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than January 1, 1982.

MAGNETIC FUSION ENGINEERING CENTER

42 USC 9305.

SEC. 6. (a) The Secretary shall develop a plan for the creation of a national magnetic fusion engineering center for the purpose of accelerating fusion technology development via the concentration and coordination of major magnetic fusion engineering devices and associated activities at such a national center.

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Plan development, factors.

(b) In developing the plan, the Secretary shall include relevant factors including, but not limited to—

(1) means of saving cost and time through the establishment of the national center relative to the cost and schedule currently projected for the program;
(2) means of providing common facilities to be shared by many magnetic fusion concepts;
(3) assessment of the environmental and safety-related aspects of the national center;
(4) provisions for international cooperation in magnetic fusion activities at the national center;
(5) provision of access to facilities for the broader technical involvement of domestic industry and universities in the magnetic fusion energy program;
(6) siting criteria for the national center including a list of potential sites;
(7) the advisability of establishing such a center considering all factors, including the alternative means and associated costs of pursuing such technology; and
(8) changes in the management structure of the magnetic fusion program to allow more effective direction of activities related to the national center.

Report to congressional committees.

(c) The Secretary shall submit not later than July 1, 1981, a report to the House Committee on Science and Technology and the Senate Committee on Energy and Natural Resources characterizing the plan and setting forth the steps necessary for implementation of the plan, including any steps already implemented.

TECHNICAL PANEL ON MAGNETIC FUSION

SEC. 7. (a) A technical panel on magnetic fusion of the Energy Research Advisory Board shall be established to review the conduct of the national magnetic fusion energy program. 42 USC 9306.

(b)(1) The technical panel shall be comprised of such representatives from domestic industry, universities, government laboratories, and other scientific and technical organizations as the Chairman of the Energy Research Advisory Board deems appropriate based on his assessment of the technical qualifications of each such representative. Membership.

(2) Members of the technical panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and fact-finding groups reporting to the Energy Research Advisory Board.

(d) The technical panel shall review and may make recommendations on the following items, among others: Review.

(1) the preparation of the five-year program plan prepared pursuant to section 5; *Ante*, p. 1541.

(2) the type of future facilities needed to meet the goals of this Act along with their projected completion dates;

(3) the adequacy of participation by universities and industry in the program;

(4) the adequacy of international cooperation in magnetic fusion and any problems associated therewith; and

(5) institutional, environmental, and economic factors limiting, or prospectively limiting, efforts to achieve commercial application of magnetic fusion energy systems. 94 STAT. 1543

(e) The technical board shall submit to the Energy Research Advisory Board on at least a triennial basis a written report of its findings and recommendations with regard to the magnetic fusion program. Written report.

(f) After consideration of the technical panel report, the Energy Research Advisory Board shall submit such report, together with any comments such Board deems appropriate, to the Secretary. Report to Secretary.

PROGRAM ADVISORY COMMITTEES

SEC. 8. The Secretary may direct the director of each laboratory or installation at which a major magnetic fusion facility is operated for, or funded primarily by, the Federal Government to establish, for the sole purpose of providing advice to such director, a program advisory committee composed of persons with expertise in magnetic fusion from such domestic industry, universities, government laboratories, and other scientific and technical organizations as such director deems appropriate. 42 USC 9307.

INTERNATIONAL COOPERATION

SEC. 9. (a)(1) The Secretary in consultation with the Secretary of State shall actively seek to enter into or to strengthen existing international cooperative agreements in magnetic fusion research and development activities of mutual benefit to all parties. 42 USC 9308.

(2) The Secretary shall seek to achieve equitable exchange of information, data, scientific personnel, and other considerations in the conduct of cooperative efforts with technologically advanced nations.

(b)(1) The Secretary shall examine the potential impacts on the national magnetic fusion program of United States participation in an international effort to construct fusion engineering devices. Magnetic fusion, examination and exploration.

(2) The Secretary shall explore, to the extent feasible, the prospects for joint financial participation by other nations with the United States in the construction of a fusion engineering device.

Results, transmittal to congressional committees.

(3) Within two years of the enactment of this Act the Secretary shall transmit to the House Committee on Science and Technology and the Senate Committee on Energy and Natural Resources the results of such examinations and explorations with his recommendations for construction of a national or international fusion engineering device: *Provided, however,* That such examinations and explorations shall not have the effect of delaying design activities related to a national fusion engineering device.

TECHNICAL MANPOWER REQUIREMENTS

42 USC 9309.

SEC. 10. (a) The Secretary shall assess the adequacy of the projected United States supply of manpower in the engineering and scientific disciplines required to achieve the purposes of this Act taking cognizance of the other demands likely to be placed on such manpower supply.

Report to President and Congress.

(b) The Secretary shall within one year of the date of enactment of this Act submit a report to the President and to the Congress setting forth his assessment along with his recommendations regarding the
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need for increased support for education in such engineering and scientific disciplines.

INFORMATION DISSEMINATION

42 USC 9310.

SEC. 11. (a) The Secretary shall take all necessary steps to assure that technical information relevant to the status and progress of the national magnetic fusion program is made readily available to interested persons in domestic industry and universities in the United States: *Provided, however,* That upon a showing to the Secretary by any person that any information or portion thereof provided to the Secretary directly or indirectly from such person would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Secretary shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code.

(b) The Secretary shall maintain an aggressive program in the United States for the provision of public information and educational materials to promote widespread knowledge of magnetic fusion among educational, community, business, environmental, labor, and governmental entities and the public at large.

REPORTS

Submittal to Congress.
42 USC 9311.
42 USC 7321.

SEC. 12. As a separate part of the annual report submitted pursuant to section 801 of the Department of Energy Organization Act (Public Law 95-91), the Secretary shall submit to Congress an annual report of activities pursuant to this Act. Such report shall include—

(a) modifications to the comprehensive program management plan for implementing this Act;

(b) an evaluation of the status of national magnetic fusion energy program in the United States;

(c) a summary of the findings and recommendations of any report of the Energy Research Advisory Board on magnetic fusion;

(d) an analysis of the progress made in commercializing magnetic fusion technology; and

(e) suggestions for improvements in the national magnetic fusion program, including recommendations for legislation.

AUTHORIZATION OF APPROPRIATIONS

42 USC 9312.

SEC. 13. (a) There is hereby authorized to be appropriated to the Secretary, for the fiscal year ending September 30, 1981, such sums as are provided in the annual authorization Act pursuant to section 660 of Public Law 95-91.

42 USC 7270.
Contract.

(b) In carrying out the provisions of this Act, the Secretary is authorized to enter into contracts only to such extent or in such amounts as may be provided in advance in appropriations Acts.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1096 (Comm. on Science and Technology).
SENATE REPORT No. 96-942 accompanying S. 2926 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Aug. 25, considered and passed House.
    Sept. 23, S. 2926 considered and passed Senate; passage vitated and H.R. 6308, amended, passed in lieu.
    Sept. 24, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 44:
    Oct. 7, Presidential statement.

Public Law 96-501
96th Congress

94 STAT. 2697

An Act

Dec. 5, 1980
[S. 885]

To assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pacific Northwest Electric Power Planning and Conservation Act.
16 USC 839 note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Purposes.
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Sec. 8. Amendments to existing law.
Sec. 9. Administrative provisions.
Sec. 10. Savings provisions.
Sec. 11. Effective date.
Sec. 12. Severability.

PURPOSES

16 USC 839.

SEC. 2. The purposes of this Act, together with the provisions of other laws applicable to the Federal Columbia River Power System, are all intended to be construed in a consistent manner. Such purposes are also intended to be construed in a manner consistent with applicable environmental laws. Such purposes are:

(1) to encourage, through the unique opportunity provided by the Federal Columbia River Power System—

(A) conservation and efficiency in the use of electric power, and

(B) the development of renewable resources within the Pacific Northwest;

(2) to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply;

(3) to provide for the participation and consultation of the Pacific Northwest States, local governments, consumers, customers, users of the Columbia River System (including Federal and State fish and wildlife agencies and appropriate Indian tribes), and the public at large within the region in—

(A) the development of regional plans and programs related to energy conservation, renewable resources, other resources, and protecting, mitigating, and enhancing fish and wildlife resources,

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(B) facilitating the orderly planning of the region's power system, and

(C) providing environmental quality;

(4) to provide that the customers of the Bonneville Power Administration and their consumers continue to pay all costs necessary to produce, transmit, and conserve resources to meet the region's electric power requirements, including the amortization on a current basis of the Federal investment in the Federal Columbia River Power System;

(5) to insure, subject to the provisions of this Act—

(A) that the authorities and responsibilities of State and local governments, electric utility systems, water management agencies, and other non-Federal entities for the regulation, planning, conservation, supply, distribution, and use of electric power shall be construed to be maintained, and

(B) that Congress intends that this Act not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this Act; and

(6) to protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

DEFINITIONS

16 USC 839a.

SEC. 3. As used in this Act, the term—

(1) "Acquire" and "acquisition" shall not be construed as authorizing the Administrator to construct, or have ownership of, under this Act or any other law, any electric generating facility.

(2) "Administrator" means the Administrator of the Bonneville Power Administration.

(3) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution.

(4)(A) "Cost-effective", when applied to any measure or resource referred to in this Act, means that such measure or resource must be forecast—

(i) to be reliable and available within the time it is needed, and

(ii) to meet or reduce the electric power demand, as determined by the Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(B) For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

94 STAT. 2699

(C) In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

(D) For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure or resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.

(5) "Consumer" means any end user of electric power.

(6) "Council" means, unless otherwise specifically provided, the members appointed to the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to section 4.

(7) "Customer" means anyone who contracts for the purchase of power from the Administrator pursuant to this Act.

(8) "Direct service industrial customer" means an industrial customer that contracts for the purchase of power from the Administrator for direct consumption.

(9) "Electric power" means electric peaking capacity, or electric energy, or both.

(10) "Federal base system resources" means—

(A) the Federal Columbia River Power System hydroelectric projects;

(B) resources acquired by the Administrator under long-term contracts in force on the effective date of this Act; and

(C) resources acquired by the Administrator in an amount necessary to replace reductions in capability of the resources referred to in subparagraphs (A) and (B) of this paragraph.

(11) "Indian tribe" means any Indian tribe or band which is located in whole or in part in the region and which has a governing body which is recognized by the Secretary of the Interior.

(12) "Major resource" means any resource that—

(A) has a planned capability greater than fifty average megawatts, and

(B) if acquired by the Administrator, is acquired for a period of more than five years.

Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act. 16 USC 838i.

(13) "New large single load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility—

(A) which is not contracted for, or committed to, as determined by the Administrator, by a public body, cooperative, investor-owned utility, or Federal agency customer prior to September 1, 1979, and

(B) which will result in an increase in power requirements of such customer of ten average megawatts or more in any consecutive twelve-month period.

(14) "Pacific Northwest", "region", or "regional" means—

(A) the area consisting of the States of Oregon, Washington, and Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River drainage basin; and

(B) any contiguous areas, not in excess of seventy-five air miles from the area referred to in subparagraph (A), which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of this Act which has a distribution system from which it serves both within and without such region.

(15) "Plan" means the Regional Electric Power and Conservation plan (including any amendments thereto) adopted pursuant

to this Act and such plan shall apply to actions of the Administrator as specified in this Act.

(16) "Renewable resource" means a resource which utilizes solar, wind, hydro, geothermal, biomass, or similar sources of energy and which either is used for electric power generation or will reduce the electric power requirements of a consumer, including by direct application.

(17) "Reserves" means the electric power needed to avert particular planning or operating shortages for the benefit of firm power customers of the Administrator and available to the Administrator (A) from resources or (B) from rights to interrupt, curtail, or otherwise withdraw, as provided by specific contract provisions, portions of the electric power supplied to customers.

(18) "Residential use" or "residential load" means all usual residential, apartment, seasonal dwelling and farm electrical loads or uses, but only the first four hundred horsepower during any monthly billing period of farm irrigation and pumping for any farm.

(19) "Resource" means—

(A) electric power, including the actual or planned electric power capability of generating facilities, or

(B) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

(20) "Secretary" means the Secretary of Energy.

REGIONAL PLANNING AND PARTICIPATION

Pacific Northwest Electric Power and Conservation Planning Council, establishment. 16 USC 839b.

SEC. 4. (a)(1) The purposes of this section are to provide for the prompt establishment and effective operation of the Pacific Northwest Electric Power and Conservation Planning Council, to further the purposes of this Act by the Council promptly preparing and adopting (A) a regional conservation and electric power plan and (B) a program to protect, mitigate, and enhance fish and wildlife, and to otherwise expeditiously and effectively carry out the Council's responsibilities and functions under this Act.

(2) To achieve such purposes and facilitate cooperation among the States of Idaho, Montana, Oregon, and Washington, and with the Bonneville Power Administration, the consent of Congress is given for an agreement described in this paragraph and not in conflict with this Act, pursuant to which—

94 STAT. 2701

(A) there shall be established a regional agency known as the "Pacific Northwest Electric Power and Conservation Planning Council" which (i) shall have its offices in the Pacific Northwest, (ii) shall carry out its functions and responsibilities in accordance with the provisions of this Act, (iii) shall continue in force and effect in accordance with the provisions of this Act, and (iv) except as otherwise provided in this Act, shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law; and

(B) two persons from each State may be appointed, subject to the applicable laws of each such State, to undertake the functions and duties of members of the Council.

Members, appointment.

Time extension.

The State may fill any vacancy occurring prior to the expiration of the term of any member. The appointment of six initial members, subject to applicable State law, by June 30, 1981, by at least three of such States shall constitute an agreement by the States establishing the Council and such agreement is hereby consented to by the Congress. Upon request of the Governors of two of the States, the Secretary shall extend the June 30, 1981, date for six additional months to provide more time for the States to make such appointments.

Terms of office.

(3) Except as otherwise provided by State law, each member appointed to the Council shall serve for a term of three years, except that, with respect to members initially appointed, each Governor shall designate one member to serve a term of two years and one member to serve a term of three years. The members of the Council

shall select from among themselves a chairman. The members and officers and employees of the Council shall not be deemed to be officers or employees of the United States for any purpose. The Council shall appoint, fix compensation, and assign and delegate duties to such executive and additional personnel as the Council deems necessary to fulfill its functions under this Act, taking into account such information and analyses as are, or are likely to be, available from other sources pursuant to provisions of this Act. The compensation of the members shall be fixed by State law. The compensation of the members and officers shall not exceed the rate prescribed for Federal officers and positions at step 1 of level GS-18 of the General Schedule.

Compensation.

45 FR 69201.

(4) For the purpose of providing a uniform system of laws, in addition to this Act, applicable to the Council relating to the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Council, advisory committees, disclosure of information, judicial review of Council functions and actions under this Act, and related matters, the Federal laws applicable to such matters in the case of the Bonneville Power Administration shall apply to the Council to the extent appropriate, except that with respect to open meetings, the Federal laws applicable to open meetings in the case of the Federal Energy Regulatory Commission shall apply to the Council to the extent appropriate. In applying the Federal laws applicable to financial disclosure under the preceding sentence, such laws shall be applied to members of the Council without regard to the duration of their service on the Council or the amount of compensation received for such service. No contract, obligation, or other action of the Council shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States. For the purpose of judicial review of any action of the Council or challenging any provision of this Act relating to functions and responsibilities of the Council, notwithstanding any other provision of law, the courts of the United States shall have exclusive jurisdiction of any such review.

94 STAT. 2702

(b)(1) If the Council is not established and its members are not timely appointed in accordance with subsection (a) of this section, or if, at any time after such Council is established and its members are appointed in accordance with subsection (a)—

(A) any provision of this Act relating to the establishment of the Council or to any substantial function or responsibility of the Council (including any function or responsibility under subsection (d) or (h) of this section or under section 6(c) of this Act) is held to be unlawful by a final determination of any Federal court, or

(B) the plan or any program adopted by such Council under this section is held by a final determination of such a court to be ineffective by reason of subsection (a)(2)(B),

the Secretary shall establish the Council pursuant to this subsection as a Federal agency. The Secretary shall promptly publish a notice thereof in the Federal Register and notify the Governors of each of the States referred to in subsection (a) of this section.

Notice, publication in Federal Register.

(2) As soon as practicable, but not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and thereafter within forty-five days after a vacancy occurs, the Governors of the States of Washington, Oregon, Idaho, and Montana may each (under applicable State laws, if any) provide to the Secretary a list of nominations from such State for each of the State's positions to be selected for such Council. The Secretary may extend this time an additional thirty days. The list shall include at least two persons for each such position. The list shall include such information about such nominees as the Secretary may request. The Secretary shall appoint the Council members from each Governor's list of nominations for each State's positions, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within forty-five days of receipt of

such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of any such State fails to make the required nominations for any State position on such Council within the time specified for such nominations, the Secretary shall select from such State and appoint the Council member or members for such position. The members of the Council shall select from among themselves one member of the Council as Chairman.

Compensation.

45 FR 69201.

(3) The members of the Council established by this subsection who are not employed by the United States or a State shall receive compensation at a rate equal to the rate prescribed for offices and positions at level GS-18 of the General Schedule for each day such members are engaged in the actual performance of duties as members of such Council, except that no such member may be paid more in any calendar year than an officer or employee at step 1 of level GS-18 is paid during such year. Members of such Council shall be considered officers or employees of the United States for purposes of title II of the Ethics in Government Act of 1978 (5 U.S.C. app.) and shall also be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. Such Council may appoint, and assign duties to, an executive director who shall serve at the pleasure of such Council and who shall be compensated at the rate established for GS-18 of the General Schedule. The executive director shall exercise the powers and duties delegated to such director by such Council, including the power to appoint and fix compensation of additional personnel in accordance with applicable Federal law to carry out the functions and responsibilities of such Council.

Compensation.

94 STAT. 2703

Funds, books, papers, documents and equipment, transfer.

(4) When a Council is established under this subsection after a Council was established pursuant to subsection (a) of this section, the Secretary shall provide, to the greatest extent feasible, for the transfer to the Council established by this subsection of all funds, books, papers, documents, equipment, and other matters in order to facilitate the Council's capability to achieve the requirements of subsections (d) and (h) of this section. In order to carry out its functions and responsibilities under this Act expeditiously, the Council shall take into consideration any actions of the Council under subsection (a) and may review, modify, or confirm such actions without further proceedings.

Termination.

(5)(A) At any time beginning one year after the plan referred to in such subsection (d) and the program referred to in such subsection (h) of this section are both finally adopted in accordance with this Act, the Council established pursuant to this subsection shall be terminated by the Secretary 90 days after the Governors of three of the States referred to in this subsection jointly provide for any reason to the Secretary a written request for such termination. Except as provided in subparagraph (B), upon such termination all functions and responsibilities of the Council under this Act shall also terminate.

Transfer of functions.

(B) Upon such termination of the Council, the functions and responsibilities of the Council set forth in subsection (h) of this section shall be transferred to, and continue to be funded and carried out, jointly, by the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service, in the same manner and to the same extent as required by such subsection and in cooperation with the Federal and the region's State fish and wildlife agencies and Indian tribes referred to in subsection (h) of this section and the Secretary shall provide for the transfer to them of all records, books, documents, funds, and personnel of such Council that relate to subsection (h) matters. In order to carry out such functions and responsibilities expeditiously, the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service shall take into consideration any actions of the Council under this subsection, and may review, modify, or confirm such actions without further proceedings. In the event the Council is terminated pursuant to this paragraph, whenever any action of the Administrator requires any approval or other action by the Council, the Administrator may take such action without such approval or action, except that the Administrator may not implement any proposal to acquire a major generating resource or to grant billing credits involving a major generating resource until the expenditure of funds for that purpose is specifically authorized by Act of Congress enacted after such termination.

(c)(1) The provisions of this subsection shall, except as specifically provided in this subsection, apply to the Council established pursuant to either subsection (a) or (b) of this section.

Quorum.

(2) A majority of the members of the Council shall constitute a quorum. Except as otherwise provided specifically in this Act, all actions and decisions of the Council shall be by majority vote of the members present and voting. The plan or any part thereof and any amendment thereto shall not be approved unless such plan or amendment receives the votes of—

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(A) a majority of the members appointed to the Council, including the vote of at least one member from each State with members on the Council; or

(B) at least six members of the Council.

Council meeting.

(3) The Council shall meet at the call of the Chairman or upon the request of any three members of the Council. If any member of the Council disagrees with respect to any matter transmitted to any Federal or State official or any other person or wishes to express additional views concerning such matter, such member may submit a statement to accompany such matter setting forth the reasons for such disagreement or views.

Annual work program budget, availability.

(4) The Council shall determine its organization and prescribe its practices and procedures for carrying out its functions and responsibilities under this Act. The Council shall make available to the public a statement of its organization, practices, and procedures, and make available to the public its annual work program budget at the time the President submits his annual budget to Congress.

Personnel detail.

(5) Upon request of the Council established pursuant to subsection (b) of this section, the head of any Federal agency is authorized to detail or assign to the Council, on a reimbursable basis, any of the personnel of such agency to assist the Council in the performance of its functions under this Act.

Offices, equipment and supplies.

(6) At the Council's request, the Administrator of the General Services Administration shall furnish the Council established pursuant to subsection (b) of this section with such offices, equipment, supplies, and services in the same manner and to the same extent as such Administrator is authorized to furnish to any other Federal agency or instrumentality such offices, supplies, equipment, and services.

Information to Congress.

(7) Upon the request of the Congress or any committee thereof, the Council shall promptly provide to the Congress, or to such committee, any record, report, document, material, and other information which is in the possession of the Council.

(8) To obtain such information and advice as the Council determines to be necessary or appropriate to carry out its functions and responsibilities pursuant to this Act, the Council shall, to the greatest extent practicable, solicit engineering, economic, social, environmental, and other technical studies from customers of the Administrator and from other bodies or organizations in the region with particular expertise.

(9) The Administrator and other Federal agencies, to the extent authorized by other provisions of law, shall furnish the Council all information requested by the Council as necessary for performance of its functions, subject to such requirements of law concerning trade secrets and proprietary data as may be applicable.

Compensation and other expenses, payment.

(10)(A) At the request of the Council, the Administrator shall pay from funds available to the Administrator the compensation and other expenses of the Council as are authorized by this Act, including the reimbursement of those States with members on the Council for services and personnel to assist in preparing a plan pursuant to subsection (d) and a program pursuant to subsection (h) of this section, as the Council determines are necessary or appropriate for

16 USC 838 note.
16 USC 838i.
Records, reports, review.

94 STAT. 2705

the performance of its functions and responsibilities. Such payments shall be included by the Administrator in his annual budgets submitted to Congress pursuant to the Federal Columbia River Transmission System Act and shall be subject to the requirements of that Act, including the audit requirements of section 11(d) of such Act. The records, reports, and other documents of the Council shall be available to the Comptroller General for review in connection with such audit or other review and examination by the Comptroller General pursuant to other provisions of law applicable to the Comptroller General. Funds provided by the Administrator for such payments shall not exceed annually an amount equal to 0.02 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded. In order to assist the Council's initial organization, the Administrator after the enactment of this Act shall promptly prepare and propose an amended annual budget to expedite payment for Council activities.

(B) Notwithstanding the limitation contained in the fourth sentence of subparagraph (A) of this paragraph, upon an annual showing by the Council that such limitation will not permit the Council to carry out its functions and responsibilities under this Act the Administrator may raise such limit up to any amount not in excess of 0.10 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded.

Voluntary scientific and advisory committee, establishment.

(11) The Council shall establish a voluntary scientific and statistical advisory committee to assist in the development, collection, and evaluation of such statistical, biological, economic, social, environmental, and other scientific information as is relevant to the Council's development and amendment of a regional conservation and electric power plan.

(12) The Council may establish such other voluntary advisory committees as it determines are necessary or appropriate to assist it in carrying out its functions and responsibilities under this Act.

(13) The Council shall ensure that the membership for any advisory committee established or formed pursuant to this section shall, to the extent feasible, include representatives of, and seek the advice of, the Federal, and the various regional, State, local, and Indian Tribal Governments, consumer groups, and customers.

Electric power plan, transmittal to Administrator.

Hearings.

(d)(1) Within two years after the Council is established and the members are appointed pursuant to subsection (a) or (b) of this section, the Council shall prepare, adopt, and promptly transmit to the Administrator a regional conservation and electric power plan. The adopted plan, or any portion thereof, may be amended from time to time, and shall be reviewed by the Council not less frequently than once every five years. Prior to such adoption, public hearings shall be held in each Council member's State on the plan or substantial, nontechnical amendments to the plan proposed by the Council for adoption. A public hearing shall also be held in any other State of the region on the plan or amendments thereto, if the Council determines that the plan or amendments would likely have a substantial impact on that State in terms of major resources which may be developed in that State and which the Administrator may seek to acquire. Action of the Council under this subsection concerning such hearings shall be subject to section 553 of title 5, United States Code and such procedure as the Council shall adopt.

(2) Following adoption of the plan and any amendment thereto, all actions of the Administrator pursuant to section 6 of this Act shall be consistent with the plan and any amendment thereto, except as otherwise specifically provided in this Act.

(e)(1) The plan shall, as provided in this paragraph, give priority to resources which the Council determines to be cost-effective. Priority shall be given: first, to conservation; second, to renewable resources; third, to generating resources utilizing waste heat or generating resources of high fuel conversion efficiency; and fourth, to all other resources.

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(2) The plan shall set forth a general scheme for implementing conservation measures and developing resources pursuant to section 6 of this Act to reduce or meet the Administrator's obligations with

due consideration by the Council for (A) environmental quality, (B) compatibility with the existing regional power system, (C) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish, and (D) other criteria which may be set forth in the plan.

(3) To accomplish the priorities established by this subsection, the plan shall include the following elements which shall be set forth in such detail as the Council determines to be appropriate:

(A) an energy conservation program to be implemented under this Act, including, but not limited to, model conservation standards;

(B) recommendation for research and development;

(C) a methodology for determining quantifiable environmental costs and benefits under section 3(4);

(D) a demand forecast of at least twenty years (developed in consultation with the Administrator, the customers, the States, including State agencies with ratemaking authority over electric utilities, and the public, in such manner as the Council deems appropriate) and a forecast of power resources estimated by the Council to be required to meet the Administrator's obligations and the portion of such obligations the Council determines can be met by resources in each of the priority categories referred to in paragraph (1) of this subsection which forecast (i) shall include regional reliability and reserve requirements, (ii) shall take into account the effect, if any, of the requirements of subsection (h) on the availability of resources to the Administrator, and (iii) shall include the approximate amounts of power the Council recommends should be acquired by the Administrator on a long-term basis and may include, to the extent practicable, an estimate of the types of resources from which such power should be acquired;

(E) an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power at the lowest probable cost;

(F) the program adopted pursuant to subsection (h); and

(G) if the Council recommends surcharges pursuant to subsection (f) of this section, a methodology for calculating such surcharges.

Studies.

(4) The Council, taking into consideration the requirement that it devote its principal efforts to carrying out its responsibilities under subsections (d) and (h) of this section, shall undertake studies of conservation measures reasonably available to direct service industrial customers and other major consumers of electric power within the region and make an analysis of the estimated reduction in energy use which would result from the implementation of such measures as rapidly as possible, consistent with sound business practices. The Council shall consult with such customers and consumers in the conduct of such studies.

Model conservation standards.

(f)(1) Model conservation standards to be included in the plan shall include, but not be limited to, standards applicable to (A) new and existing structures, (B) utility, customer, and governmental conservation programs, and (C) other consumer actions for achieving conservation. Model conservation standards shall reflect geographic and climatic differences within the region and other appropriate considerations, and shall be designed to produce all power savings that are cost-effective for the region and economically feasible for consumers, taking into account financial assistance made available to consumers under section 6(a) of this Act. These model conservation standards shall be adopted by the Council and included in the plan after consultation, in such manner as the Council deems appropriate, with the Administrator, States, and political subdivisions, customers of the Administrator, and the public.

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Surcharge.

(2) The Council by a majority vote of the members of the Council is authorized to recommend to the Administrator a surcharge and the Administrator may thereafter impose such a surcharge, in accordance with the methodology provided in the plan, on customers for those portions of their loads within the region that are within States

or political subdivisions which have not, or on the Administrator's customers which have not, implemented conservation measures that achieve energy savings which the Administrator determines are comparable to those which would be obtained under such standards. Such surcharges shall be established to recover such additional costs as the Administrator determines will be incurred because such projected energy savings attributable to such conservation measures have not been achieved, but in no case may such surcharges be less than 10 per centum or more than 50 per centum of the Administrator's applicable rates for such load or portion thereof.

(g)(1) To insure widespread public involvement in the formulation of regional power policies, the Council and Administrator shall maintain comprehensive programs to—

(A) inform the Pacific Northwest public of major regional power issues,

(B) obtain public views concerning major regional power issues, and

(C) secure advice and consultation from the Administrator's customers and others.

(2) In carrying out the provisions of this section, the Council and the Administrator shall—

(A) consult with the Administrator's customers;

(B) include the comments of such customers in the record of the Council's proceedings; and

(C) recognize and not abridge the authorities of State and local governments, electric utility systems, and other non-Federal entities responsible to the people of the Pacific Northwest for the planning, conservation, supply, distribution, and use of electric power and the operation of electric generating facilities.

(3) In the preparation, adoption, and implementation of the plan, the Council and the Administrator shall encourage the cooperation, participation, and assistance of appropriate Federal agencies, State entities, State political subdivisions, and Indian tribes. The Council and the Administrator are authorized to contract, in accordance with applicable law, with such agencies, entities, tribes, and subdivisions individually, in groups, or through associations thereof to (A) investigate possible measures to be included in the plan, (B) provide public involvement and information regarding a proposed plan or amendment thereto, and (C) provide services which will assist in the implementation of the plan. In order to assist in the implementation of the plan, particularly conservation, renewable resource, and fish and wildlife activities, the Administrator, when requested and subject to available funds, may provide technical assistance in establishing conservation, renewable resource, and fish and wildlife objectives by individual States or subdivisions thereof or Indian tribes. Such objectives, if adopted by a State or subdivision thereof or Indian tribes, may be submitted to the Council and the Administrator for review, and upon approval by the Council, may be incorporated as part of the plan.

Contracts.

Technical assistance.

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(h)(1)(A) The Council shall promptly develop and adopt, pursuant to this subsection, a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries. Because of the unique history, problems, and opportunities presented by the development and operation of hydroelectric facilities on the Columbia River and its tributaries, the program, to the greatest extent possible, shall be designed to deal with that river and its tributaries as a system.

(B) This subsection shall be applicable solely to fish and wildlife, including related spawning grounds and habitat, located on the Columbia River and its tributaries. Nothing in this subsection shall alter, modify, or affect in any way the laws applicable to rivers or river systems, including electric power facilities related thereto, other than the Columbia River and its tributaries, or affect the rights and obligations of any agency, entity, or person under such laws.

(2) The Council shall request, in writing, promptly after the Council is established under either section 4(a) or 4(b) of this Act and prior to

the development or review of the plan, or any major revision thereto, from the Federal, and the region's State, fish and wildlife agencies and from the region's appropriate Indian tribes, recommendations for—

(A) measures which can be expected to be implemented by the Administrator, using authorities under this Act and other laws, and other Federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project on the Columbia River and its tributaries;

(B) establishing objectives for the development and operation of such projects on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and

(C) fish and wildlife management coordination and research and development (including funding) which, among other things, will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams.

(3) Such agencies and tribes shall have 90 days to respond to such request, unless the Council extends the time for making such recommendations. The Federal, and the region's, water management agencies, and the region's electric power producing agencies, customers, and public may submit recommendations of the type referred to in paragraph (2) of this subsection. All recommendations shall be accompanied by detailed information and data in support of the recommendations.

(4)(A) The Council shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Administrator, to the Federal, and the region's, State fish and wildlife agencies, to the appropriate Indian tribes, to Federal agencies responsible for managing, operating, or regulating hydroelectric facilities located on the Columbia River or its tributaries, and to any customer or other electric utility which owns or operates any such facility. Notice shall also be given to the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Council and shall be available for reproduction at reasonable cost.

Written and oral comments.

(B) The Council shall provide for public participation and comment regarding the recommendations and supporting documents, including an opportunity for written and oral comments, within such reasonable time as the Council deems appropriate.

Fish and wildlife protection.

(5) The Council shall develop a program on the basis of such recommendations, supporting documents, and views and information obtained through public comment and participation, and consultation with the agencies, tribes, and customers referred to in subparagraph (A) of paragraph (4). The program shall consist of measures to protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management of such facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. Enhancement measures shall be included in the program to the extent such measures are designed to achieve improved protection and mitigation.

(6) The Council shall include in the program measures which it determines, on the basis set forth in paragraph (5), will—

(A) complement the existing and future activities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost;

(D) be consistent with the legal rights of appropriate Indian tribes in the region; and

(E) in the case of anadromous fish—

(i) provide for improved survival of such fish at hydroelectric facilities located on the Columbia River system; and

(ii) provide flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives.

(7) The Council shall determine whether each recommendation received is consistent with the purposes of this Act. In the event such recommendations are inconsistent with each other, the Council, in consultation with appropriate entities, shall resolve such inconsistency in the program giving due weight to the recommendations, expertise, and legal rights and responsibilities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes. If the Council does not adopt any recommendation of the fish and wildlife agencies and Indian tribes as part of the program or any other recommendation, it shall explain in writing, as part of the program, the basis for its finding that the adoption of such recommendation would be—

(A) inconsistent with paragraph (5) of this subsection;

(B) inconsistent with paragraph (6) of this subsection; or

(C) less effective than the adopted recommendations for the protection, mitigation, and enhancement of fish and wildlife.

(8) The Council shall consider, in developing and adopting a program pursuant to this subsection, the following principles:

(A) Enhancement measures may be used, in appropriate circumstances, as a means of achieving offsite protection and mitigation with respect to compensation for losses arising from the development and operation of the hydroelectric facilities of the Columbia River and its tributaries as a system.

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(B) Consumers of electric power shall bear the cost of measures designed to deal with adverse impacts caused by the development and operation of electric power facilities and programs only.

(C) To the extent the program provides for coordination of its measures with additional measures (including additional enhancement measures to deal with impacts caused by factors other than the development and operation of electric power facilities and programs), such additional measures are to be implemented in accordance with agreements among the appropriate parties providing for the administration and funding of such additional measures.

(D) Monetary costs and electric power losses resulting from the implementation of the program shall be allocated by the Administrator consistent with individual project impacts and systemwide objectives of this subsection.

(9) The Council shall adopt such program or amendments thereto within one year after the time provided for receipt of the recommendations. Such program shall also be included in the plan adopted by the Council under subsection (d).

Fish and wildlife, protection.

(10)(A) The Administrator shall use the Bonneville Power Administration fund and the authorities available to the Administrator under this Act and other laws administered by the Administrator to protect, mitigate, and enhance fish and wildlife to the extent affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries in a manner consistent with the plan, if in existence, the program adopted by the Council under this subsection, and the purposes of this Act. Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(B) The Administrator may make expenditures from such fund which shall be included in the annual or supplementary budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act. Any amounts included in such budget for the construction of capital facilities with an estimated life of greater than 15 years and an estimated cost of at least $1,000,000 shall be funded in the same manner and in accordance with the same

16 USC 838 note.

procedures as major transmission facilities under the Federal Columbia River Transmission System Act.

Allocation of funds.

(C) The amounts expended by the Administrator for each activity pursuant to this subsection shall be allocated as appropriate by the Administrator, in consultation with the Corps of Engineers and the Water and Power Resources Service, among the various hydroelectric projects of the Federal Columbia River Power System. Amounts so allocated shall be allocated to the various project purposes in accordance with existing accounting procedures for the Federal Columbia River Power System.

(11)(A) The Administrator and other Federal agencies responsible for managing, operating, or regulating Federal or non-Federal hydroelectric facilities located on the Columbia River or its tributaries shall—

(i) exercise such responsibilities consistent with the purposes of this Act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by such projects or facilities in a manner that provides equitable treatment for such fish and wildlife with the other purposes for which such system and facilities are managed and operated;

(ii) exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable, the program adopted by the Council under this subsection. If, and to the extent that, such other Federal agencies as a result of such consideration impose upon any non-Federal electric power project measures to protect, mitigate, and enhance fish and wildlife which are not attributable to the development and operation of such project, then the resulting monetary costs and power losses (if any) shall be borne by the Administrator in accordance with this subsection.

(B) The Administrator and such Federal agencies shall consult with the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators in carrying out the provisions of this paragraph and shall, to the greatest extent practicable, coordinate their actions.

Report to congressional committees.

(12)(A) Beginning on October 1 of the first fiscal year after all members to the Council are appointed initially, the Council shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate and to the Committees on Interstate and Foreign Commerce and on Interior and Insular Affairs of the House of Representatives. The report shall describe the actions taken and to be taken by the Council under this Act, including this subsection, the effectiveness of the fish and wildlife program, and potential revisions or modifications to the program to be included in the plan when adopted. At least ninety days prior to its submission of such report, the Council shall make available to such fish and wildlife agencies, and tribes, the Administrator and the customers a draft of such report. The Council shall establish procedures for timely comments thereon. The Council shall include as an appendix to such report such comments or a summary thereof.

(B) The Administrator shall keep such committees fully and currently informed of the actions taken and to be taken by the Administrator under this Act, including this subsection.

Review.

(i) The Council may from time to time review the actions of the Administrator pursuant to sections 4 and 6 of this Act to determine whether such actions are consistent with the plan and programs, the extent to which the plan and programs is being implemented, and to assist the Council in preparing amendments to the plan and programs.

(j)(1) The Council may request the Administrator to take an action under section 6 to carry out the Administrator's responsibilities under the plan.

(2) To the greatest extent practicable within ninety days after the Council's request, the Administrator shall respond to the Council in writing specifying—

(A) the means by which the Administrator will undertake the action or any modification thereof requested by the Council, or

(B) the reasons why such action would not be consistent with the plan, or with the Administrator's legal obligations under this Act, or other provisions of law, which the Administrator shall specifically identify.

Hearing.

(3) If the Administrator determines not to undertake the requested action, the Council, within sixty days after notice of the Administrator's determination, may request the Administrator to hold an informal hearing and make a final decision.

Conservation measures and resources, analysis.

94 STAT. 2712

(k)(1) Not later than October 1, 1987, or six years after the Council is established under this Act, whichever is later, the Council shall complete a thorough analysis of conservation measures and conservation resources implemented pursuant to this Act during the five-year period beginning on the date the Council is established under this Act to determine if such measures or resources:

(A) have resulted or are likely to result in costs to consumers in the region greater than the costs of additional generating resources or additional fuel which the Council determines would be necessary in the absence of such measures or resources;

(B) have not been or are likely not to be generally equitable to all consumers in the region; or

(C) have impaired or are likely to impair the ability of the Administrator to carry out his obligations under this Act and other laws, consistent with sound business practices.

(2) The Administrator may determine that section 3(4)(D) shall not apply to any proposed conservation measure or resource if the Administrator finds after receipt of such analysis from the Council that such measure or resource would have any result or effect described in subparagraph (A), (B) or (C) of paragraph (1).

SALE OF POWER

16 USC 839c.

SEC. 5. (a) All power sales under this Act shall be subject at all times to the preference and priority provisions of the Bonneville Project Act of 1937 (16 U.S.C. 832 and following) and, in particular, sections 4 and 5 thereof. Such sales shall be at rates established pursuant to section 7.

16 USC 832c, 832d.
16 USC 832f.

(b)(1) Whenever requested, the Administrator shall offer to sell to each requesting public body and cooperative entitled to preference and priority under the Bonneville Project Act of 1937 and to each requesting investor-owned utility electric power to meet the firm power load of such public body, cooperative or investor-owned utility in the Region to the extent that such firm power load exceeds—

(A) the capability of such entity's firm peaking and energy resources used in the year prior to the enactment of this Act to serve its firm load in the region, and

(B) such other resources as such entity determines, pursuant to contracts under this Act, will be used to serve its firm load in the region.

In determining the resources which are used to serve a firm load, for purposes of subparagraphs (A) and (B), any resources used to serve a firm load under such subparagraphs shall be treated as continuing to be so used, unless such use is discontinued with the consent of the Administrator, or unless such use is discontinued because of obsolescence, retirement, loss of resource, or loss of contract rights.

(2) Contracts with investor-owned utilities shall provide that the Administrator may reduce his obligations under such contracts in accordance with section 5(a) of the Bonneville Project Act of 1937.

(3) In addition to his authorities to sell electric power under paragraph (1), the Administrator is also authorized to sell electric power to Federal agencies in the region.

(4) Sales under this subsection shall be made only if the public body, cooperative, Federal agency or investor-owned utility complies with the Administrator's standards for service in effect on the effective date of this Act or as subsequently revised.

(5) The Administrator shall include in contracts executed in accord-

ance with this subsection provisions that enable the Administrator to restrict his contractual obligations to meet the loads referred to in this subsection in the future if the Administrator determines, after a reasonable period of experience under this Act, that the Administrator cannot be assured on a planning basis of acquiring sufficient resources to meet such loads during a specified period of insufficiency. Any such contract with a public body, cooperative, or Federal agency shall specify a reasonable minimum period between a notice of restriction and the earliest date such restriction may be imposed.

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(6) Contracts executed in accordance with this subsection with public body, cooperative, and Federal agency customers shall—

(A) provide that the restriction referred to in paragraph (5) shall not be applicable to any such customers until the operating year in which the total of such customers' firm loads to be served by the Administrator equals or exceeds the firm capability of the Federal base system resources;

(B) not permit restrictions which would reduce the total contractual entitlement of such customers to an amount less than the firm capability of the Federal base system resources; and

(C) contain a formula for determining annually, on a uniform basis, each such customer's contractual entitlement to firm power during such a period of restriction, which formula shall not consider customer resources other than those the customer has determined, as of the effective date of this Act, to be used to serve its own firm loads.

The formula referred to in subparagraph (C) shall obligate the Administrator to provide on an annual basis only firm power needed to serve the portion of such customer's firm load in excess of the capability of such customer's own firm resources determined by such customer under paragraph (1) of this subsection to be used to serve its firm load.

Purchase and exchange sale.

(c)(1) Whenever a Pacific Northwest electric utility offers to sell electric power to the Administrator at the average system cost of that utility's resources in each year, the Administrator shall acquire by purchase such power and shall offer, in exchange, to sell an equivalent amount of electric power to such utility for resale to that utility's residential users within the region.

Limitation.

(2) The purchase and exchange sale referred to in paragraph (1) of this subsection with any electric utility shall be limited to an amount not in excess of 50 per centum of such utility's Regional residential load in the year beginning July 1, 1980, such 50 per centum limit increasing in equal annual increments to 100 per centum of such load in the year beginning July 1, 1985, and each year thereafter.

Cost benefits.

(3) The cost benefits, as specified in contracts with the Administrator, of any purchase and exchange sale referred to in paragraph (1) of this subsection which are attributable to any electric utility's residential load within a State shall be passed through directly to such utility's residential loads within such State, except that a State which lies partially within and partially without the region may require that such cost benefits be distributed among all of the utility's residential loads in that State.

Termination.

(4) An electric utility may terminate, upon reasonable terms and conditions agreed to by the Administrator and such utility prior to such termination, its purchase and sale under this subsection if the supplemental rate charge provided for in section 7(b)(3) is applied and the cost of electric power sold to such utility under this subsection exceeds, after application of such rate charge, the average system cost of power sold by such utility to the Administrator under this subsection.

94 STAT. 2714

(5) Subject to the provisions of sections 4 and 6, in lieu of purchasing any amount of electric power offered by a utility under paragraph (1) of this subsection, the Administrator may acquire an equivalent amount of electric power from other sources to replace power sold to such utility as part of an exchange sale if the cost of such acquisition

is less than the cost of purchasing the electric power offered by such utility.

(6) Exchange sales to a utility pursuant to this subsection shall not be restricted below the amounts of electric power acquired by the Administrator from, or on behalf of, such utility pursuant to this subsection.

"Average system cost."

(7) The "average system cost" for electric power sold to the Administrator under this subsection shall be determined by the Administrator on the basis of a methodology developed for this purpose in consultation with the Council, the Administrator's customers, and appropriate State regulatory bodies in the region. Such methodology shall be subject to review and approval by the Federal Energy Regulatory Commission. Such average system cost shall not include—

(A) the cost of additional resources in an amount sufficient to serve any new large single load of the utility;

(B) the cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after the effective date of this Act; and

(C) any costs of any generating facility which is terminated prior to initial commercial operation.

(d)(1)(A) The Administrator is authorized to sell in accordance with this subsection electric power to existing direct service industrial customers. Such sales shall provide a portion of the Administrator's reserves for firm power loads within the region.

Industrial firm power.

(B) After the effective date of this Act, the Administrator shall offer in accordance with subsection (g) of this section to each existing direct service industrial customer an initial long term contract that provides such customer an amount of power equivalent to that to which such customer is entitled under its contract dated January or April 1975 providing for the sale of "industrial firm power."

(2) The Administrator shall not sell electric power, including reserves, directly to new direct service industrial customers.

(3) The Administrator shall not sell amounts of electric power, including reserves, to existing direct service industrial customers in excess of the amount permitted under paragraph (1) unless the Administrator determines, after a plan has been adopted pursuant to section 4 of this Act, that such proposed sale is consistent with the plan and that—

(A) additional power system reserves are required for the region's firm loads,

(B) the proposed sale would provide a cost-effective method of supplying such reserves,

(C) such loads or loads of similar character cannot provide equivalent operating or planning benefits to the region if served by an electric utility under contractual arrangements providing reserves, and

(D) the Administrator has or can acquire sufficient electric power to serve such loads, and

unless the Council has determined such sale is consistent with the plan. After such determination by the Administrator and by the Council, the Administrator is authorized to offer to existing direct service industrial customers power in such amounts in excess of the

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amount permitted under paragraph (1) of this subsection as the Administrator determines to be necessary to provide additional power system reserves to meet the region's firm loads.

Definitions.

(4)(A) As used in this section, the term "existing direct service industrial customer" means any direct service industrial customer of the Administrator which has a contract for the purchase of electric power from the Administrator on the effective date of this Act.

(B) The term "new direct service industrial customer" means any industrial entity other than an existing direct service industrial customer.

New contract.

(C)(i) Where a new contract is offered in accordance with subsection (g) to any existing direct service industrial customer which has not received electric power prior to the effective date of this Act from the Administrator pursuant to a contract with the Administrator existing on the date of the enactment of this Act, electric power delivered under such new contract shall be conditioned on the Administrator reasonably acquiring, in accordance with this Act and within such estimated period of time (as specified in the contract) as he deems reasonable, sufficient resources to meet, on a planning basis, the load requirement of such customer. Such contract shall also provide that the obligation of the Administrator to acquire such resources to meet such load requirement shall, except as provided in clause (ii) of this subparagraph, apply only to such customer and shall not be sold or exchanged by such customer to any other person.

Contract rights, transfer.

(ii) Rights under a contract described in clause (i) of this subparagraph may be transferred by an existing direct service industrial customer referred to in clause (i) to a successor in interest in connection with a reorganization or other transfer of all major assets of such customer. Following such a transfer, such successor in interest (or any other subsequent successor in interest) may also transfer rights under such a contract only in connection with a reorganization or other transfer of all assets of such successor in interest.

(iii) The limitations of clause (i) of this subparagraph shall not apply to any customer referred to in clause (i) whenever the Administrator determines that such customer is receiving electric power pursuant to a contract referred to in such clause (ii).

(e)(1) The contractual entitlement to firm power of any customer from whom, or on whose behalf, the Administrator has acquired electric power pursuant to section 6 may not be restricted below the amount of electric power so acquired from, or on behalf of, such customer. If in any year such customer's requirements are less than such entitlement, any excess of such entitlement shall be first made available to increase the entitlement of other customers of the same class before being available for the entitlement of other customers. For purposes of this paragraph, the following entities shall each constitute a class:

(A) public bodies and cooperatives;
(B) Federal agencies;
(C) direct service industrial; and
(D) investor owned utilities.

(2) Any contractual entitlement to firm power which is based on electric power acquired from, or on behalf of, a customer pursuant to section 6 shall be in addition to any other contractual entitlement to firm power not subject to restriction that such customer may have under this section. For the purposes of this subsection, references to amounts of power acquired by the Administrator pursuant to section 6 shall be deemed to mean the amounts specified in the resource acquisition contracts exclusive of any amounts recognized in such contracts as replacement for Federal base system resources.

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(3) The Administrator shall, consistent with the provisions of this Act, insure that any restrictions upon any particular customer class made pursuant to this subsection and subsection (b) of this section are distributed equitably throughout the region.

(f) The Administrator is authorized to sell, or otherwise dispose of, electric power, including power acquired pursuant to this and other Acts, that is surplus to his obligations incurred pursuant to subsections (b), (c), and (d) of this section in accordance with this and other Acts applicable to the Administrator, including the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), and the Act of August 31, 1964 (16 U.S.C. 837–837h).

Long-term contracts.

16 USC 838d.

(g)(1) As soon as practicable within nine months after the effective date of this Act, the Administrator shall commence necessary negotiations for, and offer, initial long-term contracts (within the limitations of the third sentence of section 5(a) of the Bonneville Project Act) simultaneously to—

(A) existing public body and cooperative customers and investor-owned utility customers under subsection (b) of this section;

(B) Federal agency customers under subsection (b) of this section;

(C) electric utility customers under subsection (c) of this section; and

(D) direct service industrial customers under subsection (d)(1).

(2) Each customer offered a contract pursuant to this subsection shall have one year from the date of such offer to accept such contract. Such contract shall be effective as provided in this subsection.

(3) An initial contract with a public body, cooperative or investor-owned electric utility customer or a Federal agency customer pursuant to subsection (b) of this section shall be effective on the date executed by such customer, unless another effective date is otherwise agreed to by the Administrator and the customer.

(4) An initial contract with an electric utility customer pursuant to subsection (c) of this section shall be effective on the date executed by such customer, but no earlier than the first day of the tenth month after the effective date of this Act.

(5) An initial contract with a direct service industrial customer pursuant to subsection (d)(1), shall be effective on the date agreed upon by the Administrator and such customer, but no later than the first day of the tenth month after the effective date of this Act. When such contract is executed, it may for rate purposes be given retroactive effect to such first day.

(6) Initial contracts offered public body, cooperative and Federal agency customers in accordance with this subsection shall provide that during a period of insufficiency declared in accordance with subsection (b) of this section each customer's contractual entitlement shall, to the extent of its requirements on the Administrator, be no less than the amount of firm power received from the Administrator in the year immediately preceding the period of insufficiency.

(7) The Administrator shall be deemed to have sufficient resources for the purpose of entering into the initial contracts specified in paragraph (1) (A) through (D).

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CONSERVATION AND RESOURCE ACQUISITION

16 USC 839d.

SEC. 6. (a)(1) The Administrator shall acquire such resources through conservation, implement all such conservation measures, and acquire such renewable resources which are installed by a residential or small commercial consumer to reduce load, as the Administrator determines are consistent with the plan, or if no plan is in effect with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) and, in the case of major resources, in accordance with subsection (c) of this section. Such conservation measures and such resources may include, but are not limited to—

(A) loans and grants to consumers for insulation or weatherization, increased system efficiency, and waste energy recovery by direct application,

(B) technical and financial assistance to, and other cooperation with, the Administrator's customers and governmental authorities to encourage maximum cost-effective voluntary conservation and the attainment of any cost-effective conservation objectives adopted by individual States or subdivisions thereof,

(C) aiding the Administrator's customers and governmental authorities in implementing model conservation standards adopted pursuant to section 4(f), and

(D) conducting demonstration projects to determine the cost effectiveness of conservation measures and direct application of renewable energy resources.

(2) In addition to acquiring electric power pursuant to section 5(c), or on a short-term basis pursuant to section 11(b)(6)(i) of the Federal Columbia River Transmission System Act, the Administrator shall acquire, in accordance with this section, sufficient resources—

16 USC 838i.

(A) to meet his contractual obligations that remain after taking into account planned savings from measures provided for in paragraph (1) of this subsection, and

(B) to assist in meeting the requirements of section 4(h) of this Act.

The Administrator shall acquire such resources without considering restrictions which may apply pursuant to section 5(b) of this Act.

(b)(1) Except as specifically provided in this section, acquisition of resources under this Act shall be consistent with the plan, as determined by the Administrator.

(2) The Administrator may acquire resources (other than major resources) under this Act which are not consistent with the plan, but which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(3) If no plan is in effect, the Administrator may acquire resources under this Act which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(4) The Administrator shall acquire any non-Federal resources to replace Federal base system resources only in accordance with the provisions of this section. The Administrator shall include in the contracts for the acquisition of any such non-Federal replacement resources provisions which will enable him to ensure that such non-Federal replacement resources are developed and operated in a manner consistent with the considerations specified in section 4(e)(2) of this Act.

(5) Notwithstanding any acquisition of resources pursuant to this section, the Administrator shall not reduce his efforts to achieve conservation and to acquire renewable resources installed by a residential or small commercial consumer to reduce load, pursuant to subsection (a)(1) of this section.

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(c)(1) For each proposal under subsection (a), (b), (f), (h), or (l) of this section to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to that of a major resource, to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource, the Administrator shall—

Publication in Federal Register.

(A) publish notice of the proposed action in the Federal Register and provide a copy of such notice to the Council, the Governor of each State in which facilities would be constructed or a conservation measure implemented, and the Administrator's customers;

Public hearings.

(B) not less than sixty days following publication of such notice, conduct one or more public hearings, presided over by a hearing officer, at which testimony and evidence shall be received, with opportunity for such rebuttal and cross-examination as the hearing officer deems appropriate in the development of an adequate hearing record;

(C) develop a record to assist in evaluating the proposal which shall include the transcript of the public hearings, together with exhibits, and such other materials and information as may have been submitted to, or developed by, the Administrator; and

(D) following completion of such hearings, promptly provide to the Council and make public a written decision that includes, in addition to a determination respecting the requirements of subsection (a), (b), (f), (h), (l), or (m) of this section, as appropriate—

(i) if a plan is in effect, a finding that the proposal is either consistent or inconsistent with the plan or, notwithstanding its inconsistency with the plan, a finding that it is needed to meet the Administrator's obligations under this Act, or

(ii) if no plan is in effect, a finding that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or notwithstanding its inconsistency, a finding that it is needed to meet the Administrator's obligations under this Act.

In the case of subsection (f) of this section, such decision shall be treated as satisfying the applicable requirements of this subsection and of subsection (f) of this section, if it includes a finding of probable consistency, based upon the Administrator's evaluation of information available at the time of completion of the hearing under this paragraph. Such decision shall include the reasons for such finding.

(2) Within sixty days of the receipt of the Administrator's decision pursuant to paragraph (1)(D) of this subsection, the Council may determine by a majority vote of all members of the Council, and notify the Administrator—

(A) that the proposal is either consistent or inconsistent with the plan, or

(B) if no plan is in effect, that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(3) The Administrator may not implement any proposal referred to in paragraph (1) that is determined pursuant to paragraph (1) or (2) by either the Administrator or the Council to be inconsistent with the plan or, if no plan is in effect, with the criteria of section 4(e)(1) and the considerations of section 4(e)(2)— 94 STAT. 2719

(A) unless the Administrator finds that, notwithstanding such inconsistency, such resource is needed to meet the Administrator's obligations under this Act, and

(B) until the expenditure of funds for that purpose has been specifically authorized by Act of Congress enacted after the date of the enactment of this Act.

(4) Before the Administrator implements any proposal referred to in paragraph (1) of this subsection, the Administrator shall—

(A) submit to the appropriate committees of the Congress the administrative record of the decision (including any determination by the Council under paragraph (2)) and a statement of the procedures followed or to be followed for compliance with the National Environmental Policy Act of 1969,

42 USC 4321 note. Publication in Federal Register.

(B) publish notice of the decision in the Federal Register, and

(C) note the proposal in the Administrator's annual or supplementary budget submittal made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following).

The Administrator may not implement any such proposal until ninety days after the date on which such proposal has been noted in such budget or after the date on which such decision has been published in the Federal Register, whichever is later.

(5) The authority of the Council to make a determination under paragraph (2)(B) if no plan is in effect shall expire on the date two years after the establishment of the Council.

(d) The Administrator is authorized to acquire a resource, other than a major resource, whether or not such resource meets the criteria of section 4(e)(1) and the considerations of section 4(e)(2) but which he determines is an experimental, developmental, demonstration, or pilot project of a type with a potential for providing cost-effective service to the region. The Administrator shall make no obligation for the acquisition of such resource until it is included in the annual budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act.

(e)(1) In order to effectuate the priority given to conservation measures and renewable resources under this Act, the Administrator shall, to the maximum extent practicable, make use of his authorities under this Act to acquire conservation measures and renewable resources, to implement conservation measures, and to provide credits and technical and financial assistance for the development and implementation of such resources and measures (including the funding of, and the securing of debt for, expenses incurred during the investigation and preconstruction of resources, as authorized in subsection (f) of this section).

(2) To the extent conservation measures or acquisition of resources require direct arrangements with consumers, the Administrator

shall make maximum practicable use of customers and local entities capable of administering and carrying out such arrangements.

(f)(1) For resources which the Administrator determines may be eligible for acquisition under this section and satisfy the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or, if a plan is in effect, to be consistent with the plan, the Administrator is authorized to enter into agreements with sponsors of—

(A) a renewable resource, other than a major resource, to fund or secure debt incurred in the investigation and initial development of such resource, or

(B) any other resource to provide for the reimbursement of the sponsor's investigation and preconstruction expenses concerning such resource (which expenses shall not include procurement of capital equipment or construction material for such resource).

In the case of any resource referred to in subparagraph (B) of this paragraph, such reimbursement is authorized only if—

(i) such resource is subsequently denied State siting approval or other necessary Federal or State permits, or approvals,

(ii) such investigation subsequently demonstrates, as determined by the Administrator, that such resource does not meet the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or is not acceptable because of environmental impacts, or

(iii) after such investigation the Administrator determines not to acquire the resource and the sponsor determines not to construct the resource.

(2) The Administrator may exercise the authority of this subsection only after he determines that the failure to do so would result in inequitable hardship to the consumers of such sponsors. The Administrator may provide reimbursement under this subsection only for expenses incurred after the date of the enactment of this Act.

(3) Any agreement under paragraph (1) of this subsection shall provide the Administrator an option to acquire any such resource, including a renewable resource, and shall include such other provisions, as the Administrator deems appropriate, for the Administrator's recovery from such sponsors or any assignee of the sponsors, if such sponsor or assignee continues development of the resource, of any advances made by the Administrator pursuant to such agreement.

(4) The Administrator shall not reimburse any expense incurred by the sponsors (except necessary expenses involved in the liquidation of the resource) after the date of a final denial of application for State siting approval or after the date the Administrator determines that the resource to be inconsistent with the plan or the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(g) At the request of the appropriate State, any environmental impact statement which may be required with respect to a resource, to the extent determined possible by the Administrator in accordance with applicable law and regulations, may be prepared jointly and in coordination with any required environmental impact statement of the State or any other statement which serves the purpose of an environmental impact statement which is required by State law.

Billing credits.

(h)(1) If a customer so requests, the Administrator shall grant billing credits to such customer, and provide services to such customer at rates established for such services, for—

(A) conservation activities independently undertaken or continued after the effective date of this Act by such customer or political subdivision served by such customer which reduce the obligation of the Administrator that would otherwise have existed to acquire other resources under this Act, or

(B) resources constructed, completed, or acquired after the effective date of this Act by a customer, an entity acting on behalf of such customer, or political subdivision served by the customer which reduce the obligation of the Administrator to acquire resources under this Act. Such resources shall be renewable resources or multipurpose projects or other resources which are not inconsistent with the plan or, in the absence of a plan, not inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

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(2) The energy and capacity on which a credit under this subsection to a customer is based shall be the amount by which a conservation activity or resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator.

(3) The amount of credits for conservation under this subsection shall be set to credit the customer implementing or continuing the conservation activity for which the credit is granted for the savings resulting from such activity. The rate impact on the Administrator's other customers of granting the credit shall be equal to the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually saved by the activity for which the credit is granted.

(4) For resources other than conservation, the customer shall be credited for net costs actually incurred by such customer, an entity acting on behalf of such customer, or political subdivision served by such customer, in acquiring, constructing, or operating the resource for which the credit is granted. The rate impact to the Administrator's other customers of granting the credit shall be no greater than the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually produced by the resource for which the credit is granted.

(5) Retail rate structures which are voluntarily implemented by the Administrator's customers and which induce conservation or installation of consumer-owned renewable resources shall be considered, for purposes of this subsection, to be (A) conservation activities independently undertaken or carried on by such customers, or (B) customer-owned renewable resources, and shall qualify for billing credits upon the same showing as that required for other conservation or renewable resource activities.

(6) Prior to granting any credit or providing services pursuant to this subsection, the Administrator shall—

(A) comply with the notice provisions of subsection (c) of this section, and include in such notice the methodology the Administrator proposes to use in determining the amount of any such credit;

(B) include the cost of such credit in the Administrator's annual or amended budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838(j));

(C) require that resources in excess of customer's reasonable load growth shall have been offered to others for ownership, participation or other sponsorship pursuant to subsection (m) of this section, except in the case of conservation, multi-purpose projects uniquely suitable for development by the customer, or renewable resources; and

(D) require that the operators of any generating resource for which a billing credit is to be granted agree to operate such resource in a manner compatible with the planning and operation of the region's power system.

(i) Contracts for the acquisition of resources and for billing credits for major resources, including conservation activities, entered into pursuant to this section shall contain such terms and conditions, applicable after the contract is entered into, as will—

(1) insure timely construction, scheduling, completion, and operation of resources,

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(2) insure that the costs of any acquisition are as low as reasonably possible, consistent (A) with sound engineering, operating, and safety practices, and (B) the protection, mitigation, and enhancement of fish and wildlife, including related spawning grounds and habitat affected by the development of such resources, and

(3) insure that the Administrator exercises effective oversight, inspection, audit, and review of all aspects of such construction and operation.

Such contracts shall contain provisions assuring that the Administrator has the authority to approve all costs of, and proposals for, major modifications in construction, scheduling or operations and to assure that the Administrator is provided with such current information as he deems necessary to evaluate such construction and operation.

(j)(1) All contractual and other obligations required to be carried out by the Administrator pursuant to this Act shall be secured solely by the Administrator's revenues received from the sale of electric power and other services. Such obligations are not, nor shall they be construed to be, general obligations of the United States, nor are such obligations intended to be or are they secured by the full faith and credit of the United States.

(2) All contracts entered into by the Administrator for the acquisition of resources pursuant to this Act shall require that, in the sale of any obligations, all offerings and promotional material for the sale of such obligations shall include the language contained in the second sentence of paragraph (1) of this subsection. The Administrator shall monitor and enforce such requirement.

(k) In the exercise of his authorities pursuant to this section, the Administrator shall, consistent with the provisions of this Act and the Administrator's obligations to particular customer classes, insure that benefits under this section, including financial and technical assistance, conduct of conservation demonstrations, and experimental projects, services, and billing credits, are distributed equitably throughout the region.

Investigations.

(l)(1) The Administrator is authorized and directed to investigate opportunities for adding to the region's resources or reducing the region's power costs through the accelerated or cooperative development of resources located outside the States of Idaho, Montana, Oregon, and Washington if such resources are renewable resources, and are now or in the future planned or considered for eventual development by nonregional agencies or authorities that will or would own, sponsor, or otherwise develop them. The Administrator shall keep the Council fully and currently informed of such investigations, and seek the Council's advice as to the desirability of pursuing such investigations.

(2) The Administrator is authorized and directed to investigate periodically opportunities for mutually beneficial interregional exchanges of electric power that reduce the need for additional generation or generating capacity in the Pacific Northwest and the regions with which such exchanges may occur. The Council shall take into consideration in formulating a plan such investigations.

(3) After the Administrator submits a report to Congress pursuant to paragraph (5) of this subsection, the Administrator is authorized to acquire resources consistent with such investigations and consistent with the plan or, if no plan is in effect, with the priorities of section 4(e)(1) and the considerations of section 4(e)(2). Such acquisitions shall be in accordance with the provisions of this subsection.

(4) The Administrator shall conduct the investigations and the acquisitions, if any, authorized under this subsection with the assistance of other Federal agencies as may be appropriate.

Report to Congress.

(5) No later than July 1, 1981, the Administrator shall submit to the Congress a report of the results of the investigations undertaken pursuant to this subsection, together with the prospects for obtaining additional resources under the authority granted by this subsection and for reductions in generation or generating capacity through exchanges.

(m) Except as to resources under construction on the effective date of this Act, the Administrator shall determine in each case of a major resource acquisition that a reasonable share of the particular resource, or a reasonable equivalent, has been offered to each Pacific Northwest electric utility for ownership, participation, or other sponsorship, but not in excess of the amounts needed to meet such utility's Regional load.

RATES

16 USC 839e.

SEC. 7. (a)(1) The Administrator shall establish, and periodically review and revise, rates for the sale and disposition of electric energy and capacity and for the transmission of non-Federal power. Such rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, including the amortization of the Federal investment in the Federal Columbia River Power System (including irrigation costs required to be repaid out of power revenues) over a reasonable period of years and the other costs and expenses incurred by the Administrator pursuant to this Act and other provisions of law. Such rates shall be established in accordance with sections 9 and 10 of the Federal Columbia River Transmission System Act (16 U.S.C. 838), section 5 of the Flood Control Act of 1944, and the provisions of this Act.

16 USC 838g, 838h.
16 USC 825s.

(2) Rates established under this section shall become effective only, except in the case of interim rules as provided in subsection (i)(6), upon confirmation and approval by the Federal Energy Regulatory Commission upon a finding by the Commission, that such rates—

(A) are sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs,

(B) are based upon the Administrator's total system costs, and

(C) insofar as transmission rates are concerned, equitably allocate the costs of the Federal transmission system between Federal and non-Federal power utilizing such system.

(b)(1) The Administrator shall establish a rate or rates of general application for electric power sold to meet the general requirements of public body, cooperative, and Federal agency customers within the Pacific Northwest, and loads of electric utilities under section 5(c). Such rate or rates shall recover the costs of that portion of the Federal base system resources needed to supply such loads until such sales exceed the Federal base system resources. Thereafter, such rate or rates shall recover the cost of additional electric power as needed to supply such loads, first from the electric power acquired by the Administrator under section 5(c) and then from other resources.

(2) After July 1, 1985, the projected amounts to be charged for firm power for the combined general requirements of public body, cooperative and Federal agency customers, exclusive of amounts charged such customers under subsection (g) for the costs of conservation, resource and conservation credits, experimental resources and uncontrollable events, may not exceed in total, as determined by the Administrator, during any year after July 1, 1985, plus the ensuing four years, an amount equal to the power costs for general requirements of such customers if, the Administrator assumes that—

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(A) the public body and cooperative customers' general requirements had included during such five-year period the direct service industrial customer loads which are—

(i) served by the Administrator, and

(ii) located within or adjacent to the geographic service boundaries of such public bodies and cooperatives;

(B) public body, cooperative, and Federal agency customers were served, during such five-year period, with Federal base system resources not obligated to other entities under contracts existing as of the effective date of this Act (during the remaining term of such contracts) excluding obligations to direct service industrial customer loads included in subparagraph (A) of this paragraph;

(C) no purchases or sales by the Administrator as provided in section 5(c) were made during such five-year period;

(D) all resources that would have been required, during such five-year period, to meet remaining general requirements of the public body, cooperative and Federal agency customers (other than requirements met by the available Federal base system resources determined under subparagraph (B) of this paragraph) were—

(i) purchased from such customers by the Administrator pursuant to section 6, or

(ii) not committed to load pursuant to section 5(b),

and were the least expensive resources owned or purchased by public bodies or cooperatives; and any additional needed resources were obtained at the average cost of all other new resources acquired by the Administrator; and

(E) the quantifiable monetary savings, during such five-year period, to public body, cooperative and Federal agency customers resulting from—

(i) reduced public body and cooperative financing costs as applied to the total amount of resources, other than Federal base system resources, identified under subparagraph (D) of this paragraph, and

(ii) reserve benefits as a result of the Administrator's actions under this Act

were not achieved.

(3) Any amounts not charged to public body, cooperative, and Federal agency customers by reason of paragraph (2) of this subsection shall be recovered through supplemental rate charges for all other power sold by the Administrator to all customers. Rates charged public body, cooperative, or Federal agency customers pursuant to this subsection shall not include any costs or benefits of a net revenue surplus or deficiency occurring for the period ending June 30, 1985, to the extent such surplus or deficiency is caused by—

(A) a difference between actual power deliveries and power deliveries projected for the purpose of establishing rates to direct service industrial customers under subsection (c)(1) of this subsection, and

(B) an overrecovery or underrecovery of the net costs incurred by the Administrator under section 5(c) as a result of such difference.

Any such revenue surplus or deficiency incurred shall be recovered from, or repaid to, customers over a reasonable period of time after July 1, 1985, through a supplemental rate charge or credit applied proportionately for all other power sold by the Administrator at rates established under other subsections of this section prior to July 1, 1985.

(4) The term "general requirements" as used in this section means the public body, cooperative or Federal agency customer's electric power purchased from the Administrator under section 5(b) of this Act, exclusive of any new large single load.

"General requirements."

(c)(1) The rate or rates applicable to direct service industrial customers shall be established—

(A) for the period prior to July 1, 1985, at a level which the Administrator estimates will be sufficient to recover the cost of resources the Administrator determines are required to serve such customers' load and the net costs incurred by the Administrator pursuant to section 5(c) of this Act, based upon the Administrator's projected ability to make power available to such customers pursuant to their contracts, to the extent that such costs are not recovered through rates applicable to other customers; and

(B) for the period beginning July 1, 1985, at a level which the Administrator determines to be equitable in relation to the retail rates charged by the public body and cooperative customers to their industrial consumers in the region.

(2) The determination under paragraph (1)(B) of this subsection shall be based upon the Administrator's applicable wholesale rates to such public body and cooperative customers and the typical margins included by such public body and cooperative customers in their retail industrial rates but shall take into account—

(A) the comparative size and character of the loads served,

(B) the relative costs of electric capacity, energy, transmission, and related delivery facilities provided and other service provisions, and

(C) direct and indirect overhead costs,

all as related to the delivery of power to industrial customers, except that the Administrator's rates during such period shall in no event be less than the rates in effect for the contract year ending on June 30, 1985.

(3) The Administrator shall adjust such rates to take into account the value of power system reserves made available to the Administrator through his rights to interrupt or curtail service to such direct service industrial customers.

(d)(1) In order to avoid adverse impacts on retail rates of the Administrator's customers with low system densities, the Administrator shall, to the extent appropriate, apply discounts to the rate or rates for such customers.

(2) In order to avoid adverse impacts of increased rates pursuant to this Act on any direct service industrial customer using raw minerals indigenous to the region as its primary resource, the Administrator, upon request of such customer showing such impacts and after considering the effect of such request on his other obligations under this Act, is authorized, if the Administrator determines that such impacts will be significant, to establish a special rate applicable to such customer if all power sold to such customer may be interrupted, curtailed, or withdrawn to meet firm loads in the region. Such rate shall be established in accordance with this section and shall include such terms and conditions as the Administrator deems appropriate.

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(e) Nothing in this Act prohibits the Administrator from establishing, in rate schedules of general application, a uniform rate or rates for sale of peaking capacity or from establishing time-of-day, seasonal rates, or other rate forms.

(f) Rates for all other firm power sold by the Administrator for use in the Pacific Northwest shall be based upon the cost of the portions of Federal base system resources, purchases of power under section 5(c) of this Act and additional resources which, in the determination of the Administrator, are applicable to such sales.

(g) Except to the extent that the allocation of costs and benefits is governed by provisions of law in effect on the effective date of this Act, or by other provisions of this section, the Administrator shall equitably allocate to power rates, in accordance with generally accepted ratemaking principles and the provisions of this Act, all costs and benefits not otherwise allocated under this section, including, but not limited to, conservation, fish and wildlife measures, uncontrollable events, reserves, the excess costs of experimental resources acquired under section 6, the cost of credits granted pursuant to section 6, operating services, and the sale of or inability to sell excess electric power.

(h) Notwithstanding any other provision of this section (except the provisions of subsection (a) of this section), the Administrator shall adjust power rates to include any surcharges arising under section 4(f) of this Act, and shall allocate any revenues from such charges in such manner as the Administrator determines will help achieve the purposes of section 4(f) of this Act.

(i) In establishing rates under this section, the Administrator shall use the following procedures:

Publication in Federal Register.

(1) Notice of the proposed rates shall be published in the Federal Register with a statement of the justification and reasons supporting such rates. Such notice shall include a date for a hearing in accordance with paragraph (2) of this subsection.

(2) One or more hearings shall be conducted as expeditiously as practicable by a hearing officer to develop a full and complete record and to receive public comment in the form of written and oral presentation of views, data, questions, and argument related to such proposed rates. In any such hearing—

(A) any person shall be provided an adequate opportunity by the hearing officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and

(B) the hearing officer, in his discretion, shall allow a reasonable opportunity for cross examination, which, as determined by the hearing officer, is not dilatory, in order to develop information and material relevant to any such proposed rate.

(3) In addition to the opportunity to submit oral and written material at the hearings, any written views, data, questions, and arguments submitted by persons prior to, or before the close of, hearings shall be made a part of the administrative record.

Publication in Federal Register.

(4) After such a hearing, the Administrator may propose revised rates, publish such proposed rates in the Federal Register, and conduct additional hearings in accordance with this subsection.

(5) The Administrator shall make a final decision establishing a rate or rates based on the record which shall include the hearing transcript, together with exhibits, and such other materials and information as may have been submitted to, or developed by, the Administrator. The decision shall include a full and complete justification of the final rates pursuant to this section.

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Interim rates.

(6) The final decision of the Administrator shall become effective on confirmation and approval of such rates by the Federal Energy Regulatory Commission pursuant to subsection (a)(2) of this section. The Commission shall have the authority, in accordance with such procedures, if any, as the Commission shall promptly establish and make effective within one year after the enactment of this Act, to approve the final rate submitted by the Administrator on an interim basis, pending the Commission's final decision in accordance with such subsection. Pending the establishment of such procedures by the Commission, if such procedures are required, the Secretary is authorized to approve such interim rates during such one-year period in accordance with the applicable procedures followed by the Secretary prior to the effective date of this Act. Such interim rates, at the discretion of the Secretary, shall continue in effect until July 1, 1982.

(j) All rate schedules adopted, and all power billings rendered, by the Administrator pursuant to this section shall indicate—

(1) the approximate cost contribution of different resource categories to the Administrator's rates for the sale of energy and capacity, and

(2) the cost of resources acquired to meet load growth within the region and the relation of such cost to the average cost of resources available to the Administrator.

Rate or rate schedules, establishment.

16 USC 832-832*l*.
33 USC 642a-709; 16 USC 460d, 825s;
43 USC 390.
16 USC 838 note.
16 USC 824.

(k) Notwithstanding any other provision of this Act, all rates or rate schedules for the sale of nonfirm electric power within the United States, but outside the region, shall be established after the date of this Act by the Administrator in accordance with the procedures of subsection (i) of this section (other than the first sentence of paragraph (6) thereof) and in accordance with the Bonneville Project Act, the Flood Control Act of 1944, and the Federal Columbia River Transmission System Act. Notwithstanding section 201(f) of the Federal Power Act, such rates or rate schedules shall become effective after review by the Federal Energy Regulatory Commission for conformance with the requirements of such Acts and after approval thereof by the Commission. Such review shall be based on the record of proceedings established under subsection (i) of this section. The parties to such proceedings under subsection (i) shall be afforded an opportunity by the Commission for an additional hearing in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act.

(l) In order to further the purposes of this Act and to protect the consumers of the region, the Administrator may negotiate, or establish, rates for electric power sold by the Administrator to any entity not located in the United States which shall be equitable in relation to rates for all electric power which is, or may be, purchased by the Administrator or the Administrator's customers from entities outside the United States. In establishing rates other than by negotiation, the

Negotiated rates outside U.S. Notice.

provisions of subsection (i) shall apply. In the case of any negotiation with an entity not located in the United States, the Administrator shall provide public notice of any proposal to negotiate such rates. Such negotiated rates shall be not less than the rates established under this Act for nonfirm power sold within the United States but outside the region. The Administrator shall also afford notice of any rates negotiated pursuant to this subsection.

Payments.

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16 USC 838a.

(m)(1) Beginning the first fiscal year after the plan and program required by section 4 (d) and (h) of this Act are finally adopted, the Administrator may, subject to the provisions of this section, make annual impact aid payments to the appropriate local governments within the region with respect to major transmission facilities of the Administrator, as defined in section 3(c) of the Federal Columbia River Transmission Act—

(A) which are located within the jurisdictional boundaries of such governments,

(B) which are determined by the Administrator to have a substantial impact on such governments, and

(C) where the construction of such facilities, or any modification thereof, is completed after the effective date of this Act, and, in the case of a modification of an existing facility, such modification substantially increases the capacity of such existing transmission facility.

Payment formula.

(2) Payments made under this subsection for any fiscal year shall be determined by the Administrator pursuant to a regionwide, uniform formula to be established by rule in accordance with the procedures set forth in subsection (i) of this section. Such rule shall become effective on its approval, after considering its effect on rates established pursuant to this section, by the Federal Energy Regulatory Commission. In developing such formula, the Administrator shall identify, and take into account, the local governmental services provided to the Administrator concerning such facilities and the associated costs to such governments as the result of such facilities.

16 USC 838i, 838k.

(3) Payments made pursuant to this subsection shall be made solely from the fund established by section 11 of the Federal Columbia River Transmission System Act. The provisions of section 13 of such Act, and any appropriations provided to the Administrator under any law, shall not be available for such payments. The authorization of payments under this subsection shall not be construed as an obligation of the United States.

(4) No payment may be made under this subsection with respect to any land or interests in land owned by the United States within the region and administered by any Federal agency (other than the Administrator), without regard to how the United States obtained ownership thereof, including lands or interests therein acquired or withdrawn by a Federal agency for purposes of such agency and subsequently made available to the Administrator for such facilities.

AMENDMENTS TO EXISTING LAW

16 USC 838i.

Ante, p. 2700.

SEC. 8. (a) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "or" before "(iii)" in paragraph (6), by striking out the semicolon at the end of such paragraph (6) and inserting in lieu thereof ", or (iv) on a short term basis to meet the Administrator's obligations under section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act;".

(b) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) making such payments, as shall be required to carry out the purposes and provisions of the Pacific Northwest Electric Power Planning and Conservation Act.".

16 USC 838k.

(c) Subsection (b) of section 13 of such Act is amended by striking out "and 11(b)(11)" and inserting in lieu thereof ", 11(b)(11), and 11(b)(12)".

(d)(1) The first sentence of subsection (a) of section 13 of such Act is amended by inserting after the word "system," the following: "to implement the Administrator's authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (including his authority to provide financial assistance for conservation measures, renewable resources, and fish and wildlife, but not including the authority to acquire under section 6 of that Act electric power from a generating facility having a planned capability greater than 50 average megawatts),". 16 USC 838k. 94 STAT. 2729 *Ante*, p. 2697. *Ante*, p. 2717.

(2) The fourth sentence of such subsection (a) is amended by inserting the following before the period at the end thereof: "issued by Government corporations".

(3) Such subsection (a) is further amended by inserting the following before the period at the end thereof: "prior to October 1, 1981. Such aggregate principal limitation shall be increased by an additional $1,250,000,000 after October 1, 1981, as provided in advance in annual appropriation Acts, and such increased amount shall be reserved for the purpose of providing funds for conservation and renewable resource loans and grants in a special revolving account created therefor in the Fund. The funds from such revolving account shall not be deemed State or local funds".

(4) Such subsection (a) is further amended by inserting the following after the fourth sentence thereof: "Beginning in fiscal year 1982, if the Administrator fails to repay by the end of any fiscal year all of the amounts projected immediately prior to such year to be repaid to the Treasury by the end of such year under the repayment criteria of the Secretary of Energy and if such failure is due to reasons other than (A) a decrease in power sale revenues due to fluctuating streamflows or (B) other reasons beyond the control of the Administrator, the Secretary of the Treasury may increase the interest rate applicable to the outstanding bonds issued by the Administrator during such fiscal year. Such increase shall be effective commencing with the fiscal year immediately following the fiscal year during which such failure occurred and shall not exceed 1 per centum for each such fiscal year during which such repayments are not in accord with such criteria. The Secretary of the Treasury shall take into account amounts that the Administrator has repaid in advance of any repayment criteria in determining whether to increase such rate. Before such rate is increased, the Secretary of the Treasury, in consultation with the Administrator and the Federal Energy Regulatory Commission, must be satisfied that the Administrator will have the ability to pay such increased rate, taking into account the Administrator's obligations. Such increase shall terminate with the fiscal year in which repayments (including repayments of the increased rate) are in accordance with the repayment criteria of the Secretary of Energy.". Rate increase. Termination.

(e) Clause (2) of section 1(b) of the Act of August 31, 1964 (78 Stat. 756) is amended to read as follows: "(2) any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a rural electric cooperative served by the Administrator on the effective date of the Pacific Northwest Electric Power Planning and Conservation Act which has a distribution system from which it serves both within and without said region.". 16 USC 837. *Ante*, p. 2697.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) Subject to the provisions of this Act, the Administrator is authorized to contract in accordance with section 2(f) of the Bonneville Project Act of 1937 (16 U.S.C. 832a(f)). Other provisions of law applicable to such contracts on the effective date of this Act shall continue to be applicable. 16 USC 839f. 94 STAT. 2730

(b) The Administrator shall discharge the executive and administrative functions of his office in accordance with the policy established by the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), section 302(a) (2) and (3) of the Department of Energy Organization Act, and this Act. The Secretary of Energy, the Council, and the Administrator shall take such steps as are necessary to 42 USC 7152.

assure the timely implementation of this Act in a sound and businesslike manner. Nothing in this Act shall be construed by the Secretary, the Administrator, or any other official of the Department of Energy to modify, alter, or otherwise affect the requirements and directives expressed by the Congress in section 302(a) (2) and (3) of the Department of Energy Organization Act or the operations of such officials as they existed prior to enactment of this Act.

Contracts outside Pacific Northwest, limitations and conditions.

(c) Any contract of the Administrator for the sale or exchange of electric power for use outside the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 2 and 3 of the Act of August 31, 1964 (16 U.S.C. 837a and 837b) for any contract for the sale, delivery, or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest. In applying such sections for the purposes of this subsection, the term "surplus energy" shall mean electric energy for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy, and the term "surplus peaking capacity" shall mean electric peaking capacity for which there is no demand in the Pacific Northwest at the rate established for the disposition of such capacity. The authority granted, and duties imposed upon, the Secretary by sections 5 and 7 of such Act (16 U.S.C. 837e and 837f) shall also apply to the Administrator in connection with resources acquired by the Administrator pursuant to this Act. The Administrator shall, in making any determination, under any contract executed pursuant to section 5, of the electric power requirements of any Pacific Northwest customer, which is a non-Federal entity having its own generation, exclude, in addition to hydroelectric generated energy excluded from such requirements pursuant to section 3(d) of such Act (16 U.S.C. 837b(d)), any amount of energy included in the resources of such customer for service to firm loads in the region if (1) such amount was disposed of by such customer outside the region, and (2) as a result of such disposition, the firm energy requirements of such customer or other customers of the Administrator are increased. Such amount of energy shall not be excluded, if the Administrator determines that through reasonable measures such amount of energy could not be conserved or otherwise retained for service to regional loads. The Administrator may sell as replacement for any amount of energy so excluded only energy that would otherwise be surplus.

Definitions.

16 USC 837d.

(d) No restrictions contained in subsection (c) shall limit or interfere with the sale, exchange or other disposition of any power by any utility or group thereof from any existing or new non-Federal resource if such sale, exchange or disposition does not increase the amount of firm power the Administrator would be obligated to provide to any customer. In addition to the directives contained in subsections (i)(1)(B) and (i)(3) and subject to:

(1) any contractual obligations of the Administrator,

(2) any other obligations under existing law, and

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(3) the availability of capacity in the Federal transmission system,

the Administrator shall provide transmission access, load factoring, storage and other services normally attendant thereto to such utilities and shall not discriminate against any utility or group thereof on the basis of independent development of such resource in providing such services.

Judicial review.

(e)(1) For purposes of sections 701 through 706 of title 5, United States Code, the following actions shall be final actions subject to judicial review—

(A) adoption of the plan or amendments thereto by the Council under section 4, adoption of the program by the Council, and any determination by the Council under section 4(h);

(B) sales, exchanges, and purchases of electric power under section 5;

(C) the Administrator's acquisition of resources under section 6;

(D) implementation of conservation measures under section 6;

(E) execution of contracts for assistance to sponsors under section 6(f);

(F) granting of credits under section 6(h);

(G) final rate determinations under section 7; and

(H) any rule prescribed by the Administrator under section (7)(m)(2) of this Act.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with this Act. The scope of review of such actions without a hearing or after a hearing shall be governed by section 706 of title 5, United States Code, except that final determinations regarding rates under section 7 shall be supported by substantial evidence in the rulemaking record required by section 7(i) considered as a whole. The scope of review of an action under section 6(c) shall be governed by section 706 of title 5, United States Code. Nothing in this section shall be construed to require a hearing pursuant to section 554, 556, or 557 of title 5 of the United States Code.

(3) Nothing in this section shall be construed to preclude judicial review of other final actions and decisions by the Council or Administrator.

(4) For purposes of this subsection—

(A) major resources shall be deemed to be acquired upon publication in the Federal Register pursuant to section 6(c)(4)(B);

(B) resources, other than major resources, shall be deemed to be acquired upon execution of the contract therefor;

(C) conservation measures shall be deemed to be implemented upon execution of the contract or grant therefor; and

(D) rate determinations pursuant to section 7 shall be deemed final upon confirmation and approval by the Federal Energy Regulatory Commission.

Suits.

(5) Suits to challenge the constitutionality of this Act, or any action thereunder, final actions and decisions taken pursuant to this Act by the Administrator or the Council, or the implementation of such final actions, whether brought pursuant to this Act, the Bonneville Project Act, the Act of August 31, 1964 (16 U.S.C. 837-837h), or the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), shall be filed in the United States court of appeals for the region. Such suits shall be filed within ninety days of the time such action or decision is deemed final, or, if notice of the action is required by this Act to be published in the Federal Register, within ninety days from such notice, or be barred. In the case of a challenge of the plan or programs or amendments thereto, such suit shall be filed within sixty days after publication of a notice of such final action in the Federal Register. Such court shall have jurisdiction to hear and determine any suit brought as provided in this section. The plan and program, as finally adopted or portions thereof, or amendments thereto, shall not thereafter be reviewable as a part of any other action under this Act or any other law. Suits challenging any other actions under this Act shall be filed in the appropriate court.

16 USC 832-832*l*.

Notice, publication in Federal Register.

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(f) For purposes of enabling the Administrator to acquire resources necessary to meet the firm load of public bodies, cooperatives, and Federal agencies from a governmental unit at a cost no greater than the cost which would be applicable in the absence of such acquisition, the exemption from gross income of interest on certain governmental obligations provided in section 103(a)(1) of the Internal Revenue Code of 1954 shall not be affected by the Administrator's acquisition of such resources if—

26 USC 103.

(1) the Administrator, prior to contracting for such acquisition, certifies to his reasonable belief, that the persons for whom the Administrator is acquiring such resources for sale pursuant to section 5 of this Act are public bodies, cooperatives, and Federal agencies, unless the Administrator also certifies that he is unable to acquire such resources without selling a portion thereof to persons who are not exempt persons (as defined in section 103(b) of such Code), and

(2) based upon such certification, the Secretary of the Treasury

determines in accordance with applicable regulations that less than a major portion of the resource is to be furnished to persons who are not exempt persons (as defined in section 103(b) of such Code).

"Major portion."

The certification under paragraph (1) shall be made in accordance with this subsection and a procedure and methodology approved by the Secretary of the Treasury. For purposes of this subsection, the term "major portion" shall have the meaning provided by regulations issued by the Secretary of the Treasury.

(g) When reviewing rates for the sale of power to the Administrator by an investor-owned utility customer under section 5(c) or 6, the Federal Energy Regulatory Commission shall, in accordance with section 209 of the Federal Power Act (16 U.S.C. 824h)—

(1) convene a joint State board, and

(2) invest such board with such duties and authority as will assist the Commission in its review of such rates.

15 USC 79 *et seq.*

(h)(1) No "company" (as defined in section 2(a)(2) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(2)), which owns or operates facilities for the generation of electricity (together with associated transmission and other facilities) primarily for sale to the Administrator under section 6 shall be deemed an "electric utility company" (as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(3)), within the meaning of any provision or provisions of chapter 2C of title 15 of the United States Code, if at least 90 per centum of the electricity generated by such company is sold to the Administrator under section 6, and if—

15 USC 79a.

(A) the organization of such company is consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935, as determined by the Securities and Exchange Commission, with the concurrence of the Administrator, at the time of such organization; and

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(B) participation in any facilities of such "company" has been offered to public bodies and cooperatives in the region pursuant to section 6(m).

(2) The Administrator shall include in any contract for the acquisition of a major resource from such "company" provisions limiting the amount of equity investment, if any, in such "company" to that which the Administrator determines will be consistent with achieving the lowest attainable power costs attributable to such major resource.

Contracts, approval.

15 USC 79a.

(3) In the case of any "company" which meets the requirements of paragraph (1), the Administrator, with the concurrence of such Commission, shall approve all significant contracts entered into by, and between, such "company" and any sponsor company or any subsidiary of such sponsor company which are determined to be consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935 at the time such contracts are entered into. The Administrator and the Securities and Exchange Commission shall exercise such approval authority within sixty days after receipt of such contracts. Such contracts shall not be effective without such approval.

Notice; hearing.

(4) Paragraph (1) of this subsection shall continue to apply to any such "company" unless the Administrator or the Securities and Exchange Commission, or both, through periodic review, (A) determine at any time that the "company" no longer operates in a manner consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935 and in accordance with this subsection, and (B) notify the "company" in writing of such preliminary determination. This subsection shall cease to apply to such "company" thirty days after receipt of notification of a final determination thereof. A final determination shall be made only after public notice of the preliminary determination and after a hearing completed not later than sixty days from the date of publication of such notice. Such final determination shall be made within thirty days after the date of completion of such hearing.

(i)(1) At the request and expense of any customer or group of customers of the Administrator within the Pacific Northwest, the Administrator shall, to the extent practicable—

(A) acquire any electric power required by (i) any customer or group of customers to enable them to replace resources determined to serve firm load under section 5(b), or (ii) direct service industrial customers to replace electric power that is or may be curtailed or interrupted by the Administrator (other than power the Administrator is obligated to replace), with the cost of such replacement power to be distributed among the direct service industrial customers requesting such power; and

(B) dispose of, or assist in the disposal of, any electric power that a customer or group of customers proposes to sell within or without the region at rates and upon terms specified by such customer or group of customers, if such disposition is not in conflict with the Administrator's other marketing obligations and the policies of this Act and other applicable laws.

Electric power acquisition, policies and conditions.

(2) In implementing the provisions of subparagraphs (A) and (B) of paragraph (1), the Administrator may prescribe policies and conditions for the independent acquisition or disposition of electric power by any direct service industrial customer or group of such customers for the purpose of assuring each direct service industrial customer an opportunity to participate in such acquisition or disposition.

(3) The Administrator shall furnish services including transmission, storage, and load factoring unless he determines such services cannot be furnished without substantial interference with his power marketing program, applicable operating limitations or existing contractual obligations. The Administrator shall, to the extent practicable, give priority in making such services available for the marketing, within and without the Pacific Northwest, of capability from projects under construction on the effective date of this Act, if such capability has been offered for sale at cost, including a reasonable rate of return, to the Administrator pursuant to this Act and such offer is not accepted within one year.

Report.

(j)(1) The Council, as soon as practicable after the enactment of this Act, shall prepare, in consultation with the Administrator, the customers, appropriate State regulatory bodies, and the public, a report and shall make recommendations with respect to the various retail rate designs which will encourage conservation and efficient use of electric energy and the installation of consumer-owned renewable resources on a cost-effective basis, as well as areas for research and development for possible application to retail utility rates within the region. Studies undertaken pursuant to this subsection shall not affect the responsibilities of any customer or the Administrator which may exist under the Public Utility Regulatory Policies Act of 1978.

16 USC 2601 note.

Functions.

(2) Upon request, and solely on behalf of customers so requesting, the Administrator is authorized to (A) provide assistance in analyzing and developing retail rate structures that will encourage cost-effective conservation and the installation of cost-effective consumer-owned renewable resources; (B) provide estimates of the probable power savings and the probable amount of billing credits under section 6(h) that might be realized by such customers as a result of adopting and implementing such retail rate structures; and (C) solicit additional information and analytical assistance from appropriate State regulatory bodies and the Administrator's other customers.

Conservation and renewable resources, position establishment.

(k) There is hereby established within the administration an executive position for conservation and renewable resources. Such executive shall be appointed by the Administrator and shall be assigned responsibility for conservation and direct-application renewable resource programs (including the administration of financial assistance for such programs). Such position is hereby established in the senior executive service in addition to the number of such positions heretofore established in accordance with other provisions of law applicable to such positions.

SAVINGS PROVISIONS

16 USC 839g. SEC. 10. (a) Nothing in this Act shall be construed to affect or modify any right of any State or political subdivision thereof or electric utility to—

(1) determine retail electric rates, except as provided by section 5(c)(3);

(2) develop and implement plans and programs for the conservation, development, and use of resources; or

(3) make energy facility siting decisions, including, but not limited to, determining the need for a particular facility, evaluating alternative sites, and considering alternative methods of meeting the determined need.

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(b) Nothing in this Act shall alter, diminish, or abridge the rights and obligations of the Administrator or any customer under any contract existing as of the effective date of this Act.

(c) Nothing in this Act shall alter, diminish, abridge, or otherwise affect the provisions of other Federal laws by which public bodies and cooperatives are entitled to preference and priority in the sale of federally generated electric power.

(d) If any provision of this Act is found to be unconstitutional, then any contract entered into by the Administrator, prior to such finding and in accordance with such provisions, to sell power, acquire or credit resources, or to reimburse investigation and preconstruction expenses pursuant to section 5, and section 6 (a), (f) or (h) of this Act shall not be affected by such finding.

(e) Nothing in this Act shall be construed to affect or modify any treaty or other right of an Indian tribe.

(f) The reservation under law of electric power primarily for use in the State of Montana by reason of the construction of Hungry Horse and Libby Dams and Reservoirs within that State is hereby affirmed. Such reservation shall also apply to 50 per centum of any electric power produced at Libby Reregulating Dam if built. Electric power so reserved shall be sold at the rate or rates set pursuant to section 7.

(g) Nothing in this Act shall be construed to affect or modify the right of any State to prohibit utilities regulated by the appropriate State regulatory body from recovering, through their retail rates, costs during any period of resource construction.

Water appropriation.

(h) Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act of any plan or program adopted pursuant to the Act (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or (3) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

(i) Nothing in this Act shall be construed to affect the validity of any existing license, permit, or certificate issued by any Federal agency pursuant to any other Federal law.

EFFECTIVE DATE

16 USC 839 note. SEC. 11. This Act shall be effective on the date of enactment, or October 1, 1980, whichever is later. For purposes of this Act, the term "date of the enactment of this Act" means such date of enactment or October 1, 1980, whichever is later.

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SEVERABILITY

16 USC 839h. SEC. 12. If any provision of section 4(a) through (c) of this Act or any other provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the

remainder of section 4 or any other provisions of this Act, nor the application of such provisions to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-976, Pt. I (Comm. on Interstate and Foreign Commerce), and No. 96-976, Pt. II (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-272 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Aug. 3, considered and passed Senate.
Vol. 126 (1980): Sept. 24, 29, Nov. 12-14, 17, considered and passed House, amended, in lieu of H.R. 8157.
Nov. 19, Senate concurred in House amendment.

Public Law 96-512
96th Congress

94 STAT. 2827

An Act

Entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980".

Dec. 12, 1980
[H.R. 6889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Methane Transportation Research, Development, and Demonstration Act of 1980".

Methane Transportation Research, Development, and Demonstration Act of 1980.
15 USC 3801 note.

FINDINGS AND POLICY

15 USC 3801.

SEC. 2. (a) The Congress finds and declares that—

(1) gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption;

(2) methane use in fleet-operated vehicles would result in substantial reduction in oil imports;

(3) methane is in more abundant domestic supply than petroleum products, is the primary component of natural gas and can be derived in increased quantities from coal, biomass, waste products, and other renewable resources;

(4) recoverable methane presently available in the United States is not fully utilized;

(5) test results to date indicate that methane use as a substitute for gasoline as a motor fuel can result in emission reductions;

(6) experience to date has shown methane to be a safe motor fuel in properly modified vehicles and is therefore particularly suitable as fuel for fleet vehicles; and

(7) the introduction into commerce of methane-fueled vehicles would be expedited and facilitated by the establishment of a Federal program of research, development, and demonstration to explore and refine technologies related to methane use as a vehicular fuel.

(b) It is therefore declared to be the policy of the Congress in this Act to—

(1) provide for and support advanced and accelerated research into, and development of, methane vehicle design, and related technologies;

(2) demonstrate the economic and technological practicalities of methane-fueled vehicles for fleet use and of methane-fueled farm equipment;

(3) facilitate, and remove barriers to, the use of methane-fueled vehicles in lieu of gasoline- or diesel-powered motor vehicles where practicable;

(4) promote the substitution of methane-fueled vehicles for gasoline- and diesel-powered vehicles currently used on farms and in fleet operations, particularly in areas where such substitution would facilitate plans to meet air quality standards set under the Clean Air Act, as amended; and

42 USC 7401 note.

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

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DEFINITIONS

15 USC 3802.

SEC. 3. For purposes of this Act—

15 USC 3301.

(a) the term "methane" means either natural gas (as defined in section 2(1) of the Natural Gas Policy Act of 1978), gas derived from coal, liquefied natural gas, or any gaseous transportation fuel produced from biomass, waste products, and other renewable resources;

(b) the term "Secretary" means the Secretary of Energy;

(c) the term "public entities" means any unit or units of State and/or local governments;

(d) the term "private entities" means any person, such as any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations, but does not include public entities;

(e) the term "vehicle" means any truck, van, station wagon, bus, or car used on public roads or highways as well as off-road agricultural equipment, such as tractors, harvesters, and so forth, which presently burn gasoline or diesel fuel; and

(f) the terms "facilities for the transmission and storage of methane", "methane transmission, storage and dispensing facilities", and any variant thereof means such facilities which are (1) directly necessary for the conduct of a demonstration, (2) for the exclusive use of a demonstration and (3) reasonably incidental to a demonstration.

DUTIES OF THE SECRETARY

15 USC 3803.

SEC. 4. (a) The Secretary shall designate prior to February 1, 1981, an appropriate organizational entity within the Department of Energy to manage the methane vehicle research, development, and demonstration program.

Agreements with various departments or agencies.

(b) The Secretary shall have the responsibility for monitoring and assuring proper management of the program. The Secretary may enter into agreements or arrangements with the National Aeronautics and Space Administration, the Department of Transportation, the Environmental Protection Agency, or any other Federal department or agency, pursuant to which such department or agency shall conduct specified parts or aspects of the program as the Secretary deems necessary or appropriate and within the particular competence of such agency, to the extent that such agency has capabilities which would enable it to contribute to the success of the program and attainment of the purposes of this Act.

(c) In assuring the effective management of this program, the Secretary shall have specific responsibility to ascertain that the program includes activities to—

(1) promote basic and applied research on methane-fueled vehicle construction, modification, and safety;

(2) conduct research and development on optimum overall specifications for methane-fueled vehicles;

(3) determine appropriate means and facilities for safely and economically storing, transporting, and dispensing methane for use as a vehicular fuel;

(4) conduct demonstration projects with respect to the feasibility of methane-fueled vehicles and methane transmission, storage and dispensing facilities (A) by providing necessary financial or technical assistance for the construction, modification, or operation of motor vehicles to be methane-fueled for practical

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use or of methane transmission, storage and dispensing facilities, and (B) by entering into agreements or arrangements with other entities, governmental and nongovernmental, for the demonstration of such vehicles and facilities;

(5) gather performance data, including but not limited to emissions data, on methane-fueled vehicles and related transmission and storage facilities;

(6) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to obtain an adequate supply of methane for vehicular use in the project;

(7) ascertain the need for modifications in available methane-fueled vehicles to improve their efficiency and performance and to facilitate their widespread use by fleet owners; and

Report to Congress.

(8) ascertain and report to the Congress on any changes in fuel supply patterns, tax policies, and standards governing the manufacture of vehicles which are needed to facilitate the manufacture and use of methane-fueled vehicles.

(d)(1) The Secretary of Energy shall insure that the conduct of the research and development program of this Act—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

Regulations.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or comparable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion shall also address related issues, such as cost sharing and patent rights.

Certifications; availability to congressional committees.
5 USC 500 *et seq.*

(3) Such certifications shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

42 USC 5916.

(4) The Secretary of Energy also shall include in the report required by section 9 of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactment of this Act, or with respect to any renewal or extension thereof.

COORDINATION WITH OTHER AGENCIES

15 USC 3804.

Sec. 5. (a) In carrying out the programs established under sections 4 and 7, the Secretary shall assure, to the maximum extent practicable, that the functions of this program are coordinated with related regulatory activities and other responsibilities of the Department of Energy and any other Federal departments or agencies.

(b) Each department, agency, and instrumentality of the executive branch of the Federal Government shall carefully consider any written request from the Secretary, the head of any organizational entity designated by the Secretary pursuant to section 4(a), or the head of any agency which is party to an agreement or arrangement pursuant to section 4(b), to furnish such assistance, on a reimbursable basis, as the Secretary or such head deems necessary to carry out the program and to achieve the purposes of this Act. Such assistance may include transfer of personnel with their consent and without prejudice to their position and rating.

RESEARCH AND DEVELOPMENT

15 USC 3805.

SEC. 6. The Secretary, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in areas relating to methane-fueled vehicles, including but not limited to—

(1) flammability and combustibility of methane under conditions likely to develop in storage or during vehicular use;

(2) handling, storage, and distribution of methane for vehicular propulsion purposes;

(3) comprehensive assessment of the relative hazards under identical circumstances of methane, propane, gasoline, and diesel fuel;

(4) feasibility, economy, and efficiency of technologies for the production and recovery of methane from unconventional and supplemental sources, as provided for in other authorization Acts;

(5) engine and fuel tank design including, but not limited to, optimum design for dual fuel capacity vehicles;

(6) total vehicle construction and design;

(7) the nature and quantities of emissions, and alterations in or alternatives to emission control systems presently in use; and

(8) overcoming institutional barriers to widespread use, including but not limited to restrictions on the transportation of methane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular purposes.

DEMONSTRATIONS

15 USC 3806.

SEC. 7. (a) Not later than January 1, 1982, the Secretary shall develop data assessing the current state-of-the-art with respect to

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vehicles fueled by methane to serve as baseline data to be utilized in evaluating improvements in methane-fueled vehicle technologies.

Guidelines.

(b) Not later than April 1, 1982, the Secretary shall have promulgated necessary and appropriate guidelines for demonstrations and issued an initial request for proposals for technical and financial assistance to support public and private entities in developing and implementing demonstration projects to gather data on the operation of methane-fueled vehicles and methane transmission, storage and dispensing facilities, under differing climatic, atmospheric, and operating conditions and on design and technical modifications of those vehicles and facilities:

(1) In the case of public entities, the Secretary is authorized to provide—

(A) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing facilities, and compliance with data acquisition and reporting requirements under this Act; and

(B) grants to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided*, That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section, under a cost-sharing agreement where appropriate and economical.

(2)(A) In the case of private entities, the Secretary is authorized to provide—

(i) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing facilities, and compliance with data acquisition and reporting requirements under this Act; and

(ii) loans to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided*, That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section under a cost-sharing agreement where appropriate and economical.

Loans, interest rates.

(B) Loans issued under this section shall bear interest at such rate as the Secretary may determine, giving consideration to the needs and capacities of the recipient and the prevailing rates of interest (public and private), except that such rate shall not be less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans. No loan shall be made unless the Secretary shall have determined that there is reasonable prospect of repayment.

Terms and conditions.

(C) The terms and conditions of loans issued under this section shall take into account the scope of the particular demonstration and any particular conditions which might reasonably be expected to result in additional costs to the recipient, and shall reflect the relative costs of gasoline and diesel fuel and methane and the projected savings in fuel costs to the recipient as a result of participating in the demonstration. In no instance shall a loan issued under this section be for a period in excess of five years.

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(3) The Secretary shall provide for appropriate assistance to defray costs associated with complying with data acquisition and reporting requirements under this Act.

(4) In the case of an organization comprised of both public and private entities, a package of technical and financial assistance shall be designed to the maximum extent feasible, in such a manner as to assist its public components as provided for in paragraph (1) and to assist its private components as provided for in paragraph (2) of this section.

(c) Not fewer than fifty demonstrations shall be assisted under this section with not fewer than ten being initiated in the fiscal year ending September 30, 1982, and not fewer than twenty being initiated in each of the fiscal years ending September 30, 1983, and September 30, 1984. In the case of demonstrations initiated under this Act after the first fiscal year in which demonstrations are funded, the Secretary shall ascertain that plans for such demonstrations take into consideration information and findings included in reports filed on other demonstrations assisted under this Act.

(d) Each demonstration shall have a duration of at least three years during which time records including, but not limited to, fuel efficiency indicators, emissions data, repair statistics, and detailed reports of any accidents, shall be maintained and reports made to the Secretary in accordance with guidelines promulgated by the Secretary prior to issuance of the first loan or grant under this section and amended no more often than twice annually.

(e) In selecting proposed demonstrations to be supported under this section, the Secretary shall, to the maximum extent practicable, assure representation of diverse operating conditions and vehicle types including, but not limited to—

(1) altitude and topography,
(2) climatic conditions,
(3) air quality conditions,
(4) industrial, commercial, and agricultural uses,
(5) varying vehicular structures, and
(6) average trip lengths:

Provided, however, That not fewer than two demonstrations initiated in each year shall be located in a county or standard metropolitan statistical area designated by the Secretary upon recommendation of the Administrator of the Environmental Protection Agency based on severity or uniqueness of air quality conditions: *And provided further,* That the fleet or portions of fleets participating in each demonstration with funding under this Act shall consist of not fewer than fifty vehicles, except in the case of one demonstration each year involving methane-fueled off-road agricultural equipment.

USE OF METHANE-FUELED VEHICLES BY FEDERAL AGENCIES

Consultation.
15 USC 3807.

SEC. 8. The Secretary shall consult with the Postmaster General of the United States Postal Service, the Administrator of the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies where appropriate to—

(a) determine the practicability of using methane vehicles in the performance of certain or all of the functions of their agencies based in counties and standard metropolitan statistical areas in which demonstrations under section 7 of this Act are being conducted; and

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(b) arrange for appropriate use of methane-fueled vehicles at the earliest practicable date.

REPORTS TO THE CONGRESS

15 USC 3808.

SEC. 9. The Secretary shall submit to the Senate and the House of Representatives, for referral to the appropriate committees, such reports as the Secretary deems appropriate including an annual report on all activities being undertaken or carried out pursuant to the provisions of the Act, including—

(1) such projections and estimates as may be necessary to evaluate the progress of the program and to indicate the extent to which, and the pace at which, the objectives of this Act are being achieved;

(2) an assessment of what problems exist and of the need for further research and development oriented toward the resolution of those problems;

(3) an assessment of the potential for commercialization of methane-fueled vehicles in various markets; and

(4) any recommendations which the Secretary may deem appropriate for legislation or administrative action which would further the purposes of this Act or facilitate expanded commercial use of methane-fueled vehicles.

AUTHORIZATIONS FOR APPROPRIATIONS

15 USC 3809.

SEC. 10. There are authorized to be appropriated to the Secretary for purposes of carrying out this Act, not to exceed $3,000,000 for the fiscal year ending September 30, 1982, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1983, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1984, not less than one-half of which shall be for the purpose of making loans under section 7(b); and such sums as may be necessary for the fiscal years ending September 30, 1985, and September 30, 1986. Any amount appropriated pursuant to this section shall remain available until expended.

RELATIONSHIP TO OTHER LAWS

SEC. 11. (a) Nothing in this Act shall be construed as authorizing the Secretary or any other official with respect to any activity pursuant to this Act to modify or waive the application of any Federal, State or local laws dealing with the production, transportation, storage, safety, use or pricing of methane. 15 USC 3810.

(b) Nothing in this Act shall be construed as granting the Secretary 94 STAT. 2834 or any other Federal official any authority to promulgate rules of general application to regulate the production, transportation, storage, safety, use or pricing of methane as a transportation fuel or vehicles which use methane as a transportation fuel.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1237 (Comm. on Science and Technology).
SENATE REPORT No. 96-1006 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 25, considered and passed House.
  Nov. 20, considered and passed Senate, amended.
  Nov. 21, passage vitiated; reconsidered and passed Senate, amended; House concurred in Senate amendments.

Public Law 96-567 94 STAT. 3329
96th Congress

An Act

To provide for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy.

Dec. 22, 1980
[H.R. 7865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Safety Research, Development, and Demonstration Act of 1980".

Nuclear Safety Research, Development, and Demonstration Act of 1980.
42 USC 9701 note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that— 42 USC 9701.

(1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;

(2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;

(3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and

(4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct of a research, development, and demonstration program to provide important scientific and technical information which can contribute to sound design and safe operation of these plants.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish a research, development, and demonstration program for developing practical improvements in the generic safety of nuclear powerplants during the next five years, beginning in the fiscal year 1981. The objectives of such program shall be—

(1) to reduce the likelihood and severity of potentially serious nuclear powerplant accidents; and

(2) to reduce the likelihood of disrupting the population in the vicinity of nuclear powerplants as the result of nuclear powerplant accidents.

Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities, in addition to those specified in this Act, which appropriately further the purpose and objectives set forth in this subsection. Nothing in this Act shall authorize the Secretary to assume responsibility for the management, cleanup or repair of any commercial nuclear powerplant. Nothing in this Act shall be construed as limiting the authority of the Secretary under any other law.

DEFINITIONS

42 USC 9702.

SEC. 3. For purposes of this Act—

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(1) the term "Secretary" means the Secretary of Energy;

(2) the term "Government agency" means any department, agency, commission, or independent establishment in the executive branch of the Federal Government, or any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Federal Government;

(3) the term "Commission" means the Nuclear Regulatory Commission; and

(4) the term "Advisory Committee" means the Advisory Committee on Reactor Safeguards established by section 29 of the Atomic Energy Act of 1954, as amended. 42 USC 2039.

ESTABLISHMENT OF RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM FOR IMPROVING THE SAFETY OF NUCLEAR POWERPLANTS

42 USC 9703.

SEC. 4. (a) The Secretary shall establish a research, development, and demonstration program to carry out the purpose of this Act. As part of such program, the Secretary shall at a minimum—

(1) refine further the assessment of risk factors associated with the generic design and operation of nuclear powerplants to determine the degree and consequences of propagation of failures of systems, subsystems, and components, including consideration of the interaction between the primary and secondary systems;

(2) develop potentially cost-beneficial changes in the generic design and operation of nuclear powerplants that can (A) significantly reduce the risks from unintentional release of radioactive material from the various engineered barriers of nuclear powerplants and (B) reduce the radiation exposure to workers during plant operation and maintenance;

(3) develop potentially cost-beneficial generic methods and designs that will significantly improve the performance of operators of nuclear powerplants under routine, abnormal, and accident conditions;

(4) identify the effect of total or partial automation of generic plant systems on reactor safety, operation, reliability, economics, and operator performance;

Experimental investigations.

(5) conduct further experimental investigations under abnormal operational and postulated accident conditions primarily for light water reactors to determine the consequences of such conditions. These investigations shall include, but not be limited to, the following:

(A) fuel failure at higher than standard burn-up levels;

(B) fuel-cladding interactions;

(C) fuel and cladding interactions with coolant under various temperatures and pressures;

(D) thermohydraulic behavior in the reactor core;

(E) mechanisms to suppress and control the generation of hydrogen gas;

(F) improved instrumentation for monitoring reactor cores;

(G) engineered-barrier failure modes; and

(H) fission product release and transport from failed fuel;

(6) provide for the examination and analysis of any nuclear powerplant fuel, component, or system which the Secretary deems to offer significant benefit in safety analysis and which is made available to the Secretary for a nominal cost, such as $1: *Provided, however,* That the Secretary shall accept only the number of samples of such fuel, component, or system necessary to carry out such examination and analysis; and

94 STAT. 3331

(7) identify the aptitudes, training, and manning levels which are necessary to assure reliable operator performance under normal, abnormal, and emergency conditions.

(b) In carrying out the generic safety research, development, and demonstration program established under this Act, the Secretary—

(1) shall coordinate with the Commission and, to the extent necessary, enter into a new memorandum of understanding or revise existing memoranda for the purpose of eliminating unnecessary duplication and avoiding programmatic conflict with any reactor safety research program of the Commission, including the Improved Safety Systems Research program;

(2) shall, to the extent practical, coordinate his activities with such other Government agencies, foreign governments, and industry as he deems appropriate to utilize their expertise, to minimize duplication of effort, and to ensure that information useful for improved concepts applicable to nuclear powerplant safety can be applied in a timely manner. The Secretary may enter into agreements and memoranda of understanding to accomplish these ends, but no such agreement shall have the effect of delaying the development and implementation of programs authorized under this Act;

(3) shall utilize, to the extent feasible, underutilized federally owned research reactors and facilities, along with the associated personnel, to maintain existing capabilities and to ensure that the research is generic in nature; and

(4) shall make such recommendations as are practical to minimize the complexity of nuclear powerplant systems, including secondary systems, and operations.

NATIONAL REACTOR ENGINEERING SIMULATOR

42 USC 9704.

SEC. 5. (a) The Secretary, in consultation with the Commission and the Advisory Committee, shall initiate a study of the need for and feasibility of establishing a reactor engineering simulator facility at a national laboratory, for the primary purpose of fostering research in generic design improvements and simplifications through the simulation of the performance of various types of light water reactors under a wide variety of abnormal conditions and postulated accident conditions.

(b) In performing the study, the Secretary shall consider relevant factors including, but not limited to—

(1) the potential advantages that would accrue from the establishment of such a facility;

(2) the extent to which such a facility would further the generic safety research and development program established by this Act;

(3) the extent to which such a facility can be established by nongovernmental entities;

(4) the opportunities for cost sharing by nongovernmental entities in the construction and operation of such a facility;

(5) the importance of such a facility in emergencies to limit the extent of any future nuclear powerplant excursions;

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(6) the potential for international cooperation in the establishment and operation of such a facility; and

(7) the appropriate national laboratory for siting such a facility.

Report to congressional committees.

(c) The Secretary shall, by January 1, 1982, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report characterizing the study and the resulting conclusions and recommendations.

FEDERAL NUCLEAR OPERATIONS CORPS

Study.
42 USC 9705.

SEC. 6. (a) The Secretary, in cooperation with the Nuclear Regulatory Commission, shall initiate a study as to the sufficiency of efforts in the United States to provide specially trained professionals to operate the controls of nuclear powerplants and other facilities in the back-end of the nuclear fuel cycle. In carrying out the study, the Secretary shall coordinate his activities with the ongoing programs of the utility industry and other Federal governmental agencies for obtaining high standards of operator performance.

(b)(1) In conducting the study the Secretary shall assess the desirability and feasibility of creating a Federal Corps of such professionals to inspect and supervise such operations.

(2) The assessment shall consider the establishment of an academy to train Corps professionals in all aspects of nuclear technology, nuclear operations, nuclear regulatory and related law, and health science.

(3) The assessment shall include the appropriate organizational approach for the establishment of a Federal Corps within the executive branch.

Report to Congress.

(c) The Secretary shall complete the study within one year after the date of enactment of this Act and shall submit a report along with his recommendations to the Congress.

REPORTS AND DISSEMINATION OF INFORMATION

42 USC 9706.

SEC. 7. The Secretary shall assure that full and complete safety-related information resulting from any project or other activity conducted under this Act is made available in a timely manner to appropriate committees of Congress, Federal, State, and local authorities, relevant segments of private industry, the scientific community, and the public.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

42 USC 9707.

SEC. 8. (a) The Secretary is authorized and directed to prepare a comprehensive program management plan for the conduct of research, development, and demonstration activities under this Act consistent with the provisions of section 4. In the preparation of such plan, the Secretary shall consult with the Commission and the Advisory Committee and with the heads of such other Government agencies and such public and private organizations as he deems appropriate.

(b) The Secretary shall transmit the comprehensive program management plan along with any comments by the Commission on the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate within twelve months after the date of the enactment of this Act. Revisions to the plan shall be transmitted to such committees whenever deemed appropriate by the Secretary.

94 STAT. 3333

Revisions, transmittal to congressional committees.

Plan description.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the comprehensive plan as then in effect. The detailed description of the comprehensive plan under this subsection shall include, but need not be limited to, a statement setting forth any change in—

(1) the program strategies and plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(2) the economic, environmental, and societal significance which the program may have;

(3) the total estimated cost of individual program items; and

(4) the estimated relative financial contributions of the Federal Government and non-Federal participants in the program.

Such description shall also include a detailed justification of any such changes, a description of the progress made toward achieving the goals of this Act, a statement on the status of interagency cooperation in meeting such goals, and any legislative or other recommendations which the Secretary may have to help attain such goals.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated to the Secretary to carry out this Act such sums as may be authorized by legislation hereafter enacted. 42 USC 9708.

SEC. 10. Project 78-3-b, authorized by section 102 of Public Law 95-238, the fusion materials irradiation test facility, is hereby designated as the "Mike McCormack Fusion Materials Test Facility". Any reference in any law, regulation, map, record, or other document of the United States to the fusion materials irradiation test facility shall be considered a reference to the "Mike McCormack Fusion Materials Test Facility". 92 Stat. 49.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1242 (Comm. on Science and Technology).
SENATE REPORT No. 96-941 accompanying S. 2884 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 25, considered and passed House.
  Sept. 26, considered and passed Senate, amended, in lieu of S. 2884.
  Dec. 4, House concurred in Senate amendment with an amendment.
  Dec. 12, Senate agreed to House amendment with amendments.
  Dec. 13, House agreed to Senate amendments.

Public Law 96-571
96th Congress

94 STAT. 3341

An Act

To provide certain authority for the purchase and sale of electric energy by Federal departments in Alaska, and for other purposes.

Dec. 22, 1980
[S. 1784]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alaska Federal-Civilian Energy Efficiency Swap Act of 1980.

SHORT TITLE

SECTION 1. This Act shall be referred to as the "Alaska Federal-Civilian Energy Efficiency Swap Act of 1980". 40 USC 795 note.

DEFINITIONS

40 USC 795.

SEC. 2. As used in this Act—

(1) The term "non-Federal electric energy" means electric energy generated by any facility other than a federally owned electric generating facility.

(2) The term "agency" means the head of any department, agency, or instrumentality of the United States.

(3) The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term "non-Federal person" means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

AUTHORITY TO SELL CERTAIN ELECTRIC ENERGY

40 USC 795a.

SEC. 3. (a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where such energy is available from other local sources, if the agency determines that—

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any department, agency, or instrumentality of the United States;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

94 STAT. 3342

(b) Federally generated electric energy sold by an agency as provided in subsection (a) shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

PURCHASE AUTHORITY

40 USC 795b.

SEC. 4. For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy, taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

SAVINGS PROVISIONS

SEC. 5. (a) Nothing in this Act shall be construed as requiring or authorizing any department, agency, or instrumentality of the United States to construct any new electric generating facility or related facility, to modify any existing facility, or to employ reserve or standby equipment in order to accommodate the needs of any non-Federal person for electric energy. 40 USC 795c.

(b) Revenues received by any agency pursuant to section 3 of this Act from the sale of electric energy generated from any facility of such agency shall be available to the agency without fiscal year limitation for the purchase of fuel and for operation, maintenance, and other costs associated with such facility.

(c) The authorities of this Act shall be exercised for such periods and pursuant to such terms and conditions as the agency concerned deems necessary consistent with the provisions of this Act and consistent with its responsibilities under other provisions of law.

(d) All contracts or other agreements executed under this Act, notwithstanding any other provision of law, shall be negotiated and executed by the agency selling or purchasing electric energy under this Act.

REPORTS

Submittal to congressional committees. 40 USC 795d.

SEC. 6. (a) The Secretary of Energy shall biennially report to the Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives on the actions taken pursuant to this Act by any agency. The report shall include an analysis of the costs of electric energy purchased or sold as provided in this Act, the revenues and profits generated from such sales, and the oil and natural gas conserved as a result of any such purchases and sales. Such agencies shall cooperate with the Secretary of Energy in providing information for the purpose of such report.

Study.

(b) The Secretary of Energy shall conduct a study to determine whether and to what extent the provisions of section 3 of this Act should be extended to apply to electric power generated by coal-fired Federal electric generating facilities located in the United States outside of Alaska. The study shall identify such facilities, their capacity and purpose and other pertinent information. The Secretary shall provide by October 1, 1981, a report of such study, together with appropriate recommendations for legislation, to the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Submittal to congressional committees.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-966 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 25, considered and passed Senate.
  Dec. 5, considered and passed House, amended.
  Dec. 1[illegible], Senate agreed to House amendments.

Public Law 96-229
96th Congress

94 STAT. 325

An Act

To authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1980, and for other purposes.

Apr. 7, 1980
[H.R. 2676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Environmental Research, Development, and Demonstration Authorization Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1980".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1980 for the following activities:

(1) $66,659,000 for water quality activities authorized under the Federal Water Pollution Control Act of which—

33 USC 1251 note.

(A) $25,224,000 is for the Health and Ecological Effects program: *Provided,* That the Agency is encouraged to obligate and to expend $900,000 of these funds on the Cold Climate Research program through the Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon: *Provided further,* That of the funds appropriated pursuant to this paragraph, $3,600,000 shall be obligated and expended on the Great Lakes Research Station, Grosse Ile, Michigan: *And provided further,* That of the funds appropriated pursuant to this paragraph, $1,000,000 shall be obligated and expended on research to develop environmentally sound methods to control aquatic weeds;

(B) $14,827,000 is for the Industrial Processes program;

(C) $12,250,000 is for the Monitoring and Technical Support program; and

(D) $14,358,000 is for the Public Sector Activities program.

(2) $9,638,000 for activities under the Federal Insecticide, Fungicide, and Rodenticide Act of which—

7 USC 136 note.

(A) $8,298,000 is for the Health and Ecological Effects program;

(B) $900,000 is for the Industrial Processes program; and

(C) $440,000 is for the Monitoring and Technical Support program.

(3) $26,919,000 for water supply activities authorized under the Safe Drinking Water Act of which—

42 USC 201 note.

(A) $21,944,000 is for the Public Sector Activities program;

(B) $4,000,000 is for a groundwater program to include soil pollution research activities; and

(C) $975,000 is for the Monitoring and Technical Support program.

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(4) $30,977,000 for toxic substances control activities authorized under the Toxic Substances Control Act of which—

15 USC 2601 note.

(A) $26,397,000 is for the Health and Ecological Effects program;

(B) $1,742,000 is for the Industrial Processes program; and

(C) $2,838,000 is for the Monitoring and Technical Support program.

42 USC 201 note.

(5) $2,930,000 for radiation activities authorized under the Public Health Service Act, in the Health and Ecological Effects program.

42 USC 7401 note.

(6) $71,963,000 for air quality activities authorized under the Clean Air Act of which—

(A) $46,624,000 is for the Health and Ecological effects program;

(B) $4,050,000 is for the Industrial Processes program; and

(C) $21,289,000 is for the Monitoring and Technical Support program.

42 USC 6901 note.

(7) $10,243,000 for solid waste activities authorized under the Resource Conservation and Recovery Act, of which—

(A) $8,143,000 is for the Public Sector Activities program, and

(B) $2,100,000 is for a Hazardous Waste program, of which—

Non-nuclear hazardous waste disposal, study.

(i) $300,000 shall be used for a study of non-nuclear hazardous waste disposal including consideration of the effects of such disposal on the environment, and a general review of disposal technology, alternatives to disposal, and options for containing or removing hazardous wastes already in the environment. The Administrator of the Environmental Protection Agency shall enter into appropriate arrangements with the National Academy of Sciences to conduct this study. The Academy should complete the study within eighteen months after funding arrangements have been made and make interim reports at least every six months to the Congress and the Environmental Protection Agency. The Administrator shall regularly report to the Congress on the Agency's response to the interim reports and shall deliver his recommendations for acting on the findings of the final study no later than July 1, 1981;

Reports to Congress and EPA.

(ii) $300,000 shall be used to begin development of protocols and working manuals specifying the types of health problems associated with various hazardous wastes, effects of various kinds of exposure, strategies to contain releases from hazardous disposal sites, actions to be taken by on-scene response teams, and other activities deemed by the Administrator to be of urgent need in responding to hazardous waste releases; and

(iii) $1,500,000 shall be used to demonstrate cost-effective strategies for isolating, containing, or neutralizing hazardous wastes.

42 USC 4901 note.

(8) $500,000 for noise control activities authorized under the Noise Control Act, in the Health and Ecological Effects program.

(9) $25,449,000 for Interdisciplinary activities of which—

(A) $5,099,000 is for the Health and Ecological Effects program;

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(B) $16,883,000 is for the Anticipatory Research program; and

(C) $3,467,000 is for the Monitoring and Technical Support program.

(10) $103,461,000 for Energy-related activities of which—

(A) $49,186,000 is for the Health and Ecological Effects program; and

(B) $54,275,000 is for the Energy Control program.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1980, for program management and support, $26,753,000.

Transfer of funds.

(c) No funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in either such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in either such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor or

Report to Speaker of House and President of Senate.

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notice to EPA Administrator.

(d)(1) The Administrator shall continue to be responsible for conducting and shall continue to conduct full-scale demonstrations of energy-related pollution control technologies as necessary in his judgment to fulfill the provisions of the Clean Air Act as amended, the Federal Water Pollution Control Act as amended, and other pertinent pollution control statutes.

42 USC 4363a.

42 USC 7401 note.
33 USC 1251 note.

(2) Energy-related environmental protection projects authorized to be administered by the Environmental Protection Agency under this Act shall not be transferred administratively to the Department of Energy or reduced through budget amendment. No action shall be taken through administrative or budgetary means to diminish the ability of the Environmental Protection Agency to initiate such projects.

Energy-related environmental protection projects.

(e) The Administrator shall establish a separately identified program to conduct continuing and long-term environmental research and development. Unless otherwise specified by law, at least 15 per centum of the funds appropriated to the Agency for environmental research and development in each category listed in subsection (a) of this section shall be allocated for such long-term environmental research and development under this subsection.

Long-term environmental research and development.
42 USC 4363.

OTHER AUTHORIZATIONS

SEC. 3. There is authorized to be appropriated to the Secretary of Commerce for the fiscal year 1980 for use by the National Bureau of Standards—

(1) $500,000 for research in the area of environmental measurement sciences; and

(2) $3,500,000 to carry out activities authorized in section 5002 of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580).

42 USC 6952.

REPORTING

SEC. 4. (a) The Administrator shall keep the appropriate committees of the House and the Senate fully and currently informed about all aspects of the environmental research and development activities of the Environmental Protection Agency.

42 USC 4369a.

(b) Each year, at the time of the submission of the President's annual budget request, the Administrator shall make available to the appropriate committees of Congress sufficient copies of a report fully describing funds requested and the environmental research and development activities to be carried out with these funds.

Report to congressional committees.

REIMBURSEMENT FOR USE OF FACILITIES

SEC. 5. (a) The Administrator is authorized to allow appropriate use of special Environmental Protection Agency research and test facilities by outside groups or individuals and to receive reimbursement or fees for costs incurred thereby when he finds this to be in the public interest. Such reimbursement or fees are to be used by the Agency to defray the costs of use by outside groups or individuals.

42 USC 4370.

(b) The Administrator may promulgate regulations to cover such use of Agency facilities in accordance with generally accepted accounting, safety, and laboratory practices.

Waiver.

(c) When he finds it is in the public interest the Administrator may waive reimbursement or fees for outside use of Agency facilities by nonprofit private or public entities.

Approved April 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-58 (Comm. on Science and Technology) and No. 96-611 (Comm. of Conference).

SENATE REPORT No. 96-158 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Mar. 26, 27, considered and passed House.
May 23, considered and passed Senate, amended.
Nov. 14, Senate agreed to conference report.
Nov. 29, point of order made and sustained against conference report; House receded from its disagreement and agreed to Senate amendment No. 1 with an amendment; agreed to amendments numbered 2 through 7.

Vol. 126 (1980): Mar. 25, Senate agreed to House amendment.

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Public Law 96-255
96th Congress

An Act

May 30, 1980
[H.R. 6615]

To amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal years 1981 and 1982, and for other purposes.

National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, as amended (33 U.S.C. 1709), is amended—**

(1) by striking out "and" after "1979,", and

(2) by striking out "1980." and inserting in lieu thereof "1980, not to exceed $3,000,000 for the fiscal year ending September 30, 1981, and not to exceed $4,000,000 for the fiscal year ending September 30, 1982.".

Lead Federal agency for plan.

SEC. 2. Section 4(a) of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (33 U.S.C. 1703(a)) is amended by striking out "February" immediately after "submitted by" and inserting in lieu thereof "September".

Name change. 33 USC 1701 note.

SEC. 3. Section 1 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 is amended by striking out "Research and Development and Monitoring".

Approved May 30, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-893, Pt. 1 (Comm. on Merchant Marine and Fisheries) and No. 96-893, Pt. 2 (Comm. on Science and Technology).

SENATE REPORT No. 96-691 accompanying S. 2687 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 126 (1980):
May 5, considered and passed House.
May 15, considered and passed Senate in lieu of S. 2687.

Public Law 96-270
96th Congress

94 STAT. 487

An Act

To establish a program for the inspection of schools to detect the presence of hazardous asbestos materials, to provide loans to States or local educational agencies to contain or remove hazardous asbestos materials from schools and to replace such materials with other suitable building materials, and for other purposes.

June 14, 1980
[S. 1658]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Asbestos School Hazard Detection and Control Act of 1980.
20 USC 3601 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Asbestos School Hazard Detection and Control Act of 1980".

FINDINGS AND PURPOSES

20 USC 3601.

SEC. 2. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentrations far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for identifying hazardous conditions in schools or for remedying those conditions;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

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(9) without an improved program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this Act to identify and mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this Act to—

(1) direct the Secretary of Education to establish a task force to assist States and local educational agencies to ascertain the

extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) require States receiving administrative funds for any applicable program (as defined under section 400(c)(1)(A) of the General Education Provisions Act) to prepare a plan describing the manner in which information relating to programs established under this Act shall be distributed to local educational agencies; 20 USC 1221.

(3) provide scientific, technical, and financial assistance to State educational agencies and local educational agencies to enable them to conduct an asbestos detection program to identify asbestos hazards in schools;

(4) provide loans to local educational agencies for the mitigation of asbestos hazards which constitute an imminent hazard to the health and safety of school children and employees; and

(5) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

TASK FORCE

20 USC 3602.

Members.

SEC. 3. (a)(1) There is established a task force to be known as the Asbestos Hazards School Safety Task Force (hereinafter in this Act referred to as "Task Force"). The Task Force shall be composed of ten members, who shall be appointed by the Secretary within 30 days after the effective date of this Act, as follows:

(A) One representative of the Department of Education, recommended by the Secretary of Education.

(B) One representative of the Department of Health and Human Services.

(C) One representative of the National Cancer Institute.

(D) One representative of the Environmental Protection Agency, recommended by the Administrator of such agency.

(E) One representative of the National Institute of Environmental Health Sciences.

(F) One representative of the Occupational Safety and Health Administration, recommended by the Secretary of Labor.

(G) Four representatives from among organizations concerned with education and health.

Members of the Task Force shall be individuals who have knowledge of the medical problems associated with exposure to asbestos, or individuals who are familiar with procedures for the following activities: the containment or removal of asbestos from buildings; the replacement of asbestos materials removed from school buildings with other appropriate building materials; and the restoration of such buildings to conditions comparable to those existing before such containment or removal was carried out.

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Chairman.

(2) The Secretary shall designate a chairman of the Task Force from among its members.

(3) Members shall be appointed for the life of the Task Force. Any vacancy in the Task Force shall be filled in the same manner in which the original appointment was made.

(b)(1) The Task Force shall meet, no later than 30 days after the appointment of its members, at the call of the chairman of the Task Force.

Quorum.

(2) Five members of the Task Force shall constitute a quorum for purposes of conducting the business of the Task Force, but a lesser number may hold hearings.

Compensation.

(c)(1) Members of the Task Force who are not full-time officers or employees of the Federal Government shall receive compensation at a rate determined by the Secretary, but not to exceed the daily equivalent of the maximum annual rate of pay in effect for grade GS-16 of the General Schedule, for each day (including traveltime) during which they are engaged in the performance of the duties of the Task Force. 44 FR 58671.

Travel expenses.

(2) While away from their homes or regular places of business in the performance of the duties of the Task Force, all members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d)(1) Upon request of the Task Force, the Secretary shall make available to the Task Force personnel of the Department of Education to assist the Task Force in carrying out its duties.

(2) The Task Force may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Duties.

(e) The duties of the Task Force shall include—

(1) the compilation of medical, scientific, and technical information explaining—

(A) the health and safety hazards associated with asbestos materials; and

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State educational agencies and to local educational agencies for the purpose of assisting such agencies in carrying out activities described in this Act;

(3) the review of applications for grants and loans under sections 5 and 6 of this Act, and the submission to the Secretary of recommendations respecting the approval or disapproval of such applications;

(4) the review of any guidelines established by the Environmental Protection Agency for identifying those schools in which exposure to asbestos fibers constitutes a health problem and for taking appropriate corrective actions at such schools, in order to determine whether any modifications of such guidelines should be recommended to the Secretary under paragraph (5); and

(5) providing the Secretary with assistance in formulating standards and procedures under section 7 of this Act by—

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(A) submitting to the Secretary relevant information concerning the results of the review made under paragraph (4) of this subsection; and

(B) recommending such modifications to the guidelines referred to in such paragraph as the Task Force considers appropriate.

In carrying out its duties under this subsection, the Task Force shall avoid, to the maximum extent practicable, duplicating similar activities undertaken by the Environmental Protection Agency.

Termination.

(f) The Task Force shall cease to exist at the end of the 180-day period beginning on the date that the authority of the Secretary to make loans under section 6 has expired.

STATE PLAN

20 USC 3603.

Sec. 4. (a) Not later than six months after the effective date of this Act, the State educational agency of any State which receives administrative funds for any applicable program (as defined under section 400(c)(1)(A) of the General Education Provisions Act) shall submit to the Secretary a plan which—

20 USC 1221.

(1) describes the manner in which the State, not later than nine months after the effective date of this Act, shall distribute to local educational agencies within that State's jurisdiction information describing—

(A) the programs established under this Act;

(B) the health hazards associated with exposure to asbestos fibers; and

(C) the procedures established by the Secretary under section 7 for carrying out activities under programs under this Act, and such other relevant information regarding such activities as the State considers desirable;

(2) contains a general description of the content of the information to be distributed in accordance with paragraph (1) and provides assurances that the State shall continually revise such information and distribute such revised material to local educational agencies to ensure that such agencies have available to them the most recent material available with regard to the matters referred to in paragraph (1);

(3) describes the procedures to be used by the State for maintaining records on—

(A) the presence of asbestos materials in school buildings of local educational agencies;

(B) the asbestos detection, containment, or removal activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials); and

(C) repairs made to restore school buildings to conditions comparable to those existing before the containment or removal activities referred to in subparagraph (B) were undertaken; and

(4) designates a State agency or other administrative unit with the responsibility for submitting to the Secretary the reports described in subsection (b) of this section and provides assurances that such agency or unit shall carry out the duties specified under subsection (b).

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Report to Secretary.

(b) Not later than six months after the submission of the plan described in subsection (a), and each six months thereafter during the two-year period beginning on the effective date of this Act, the State agency or unit designated under paragraph (4) of subsection (a) shall submit to the Secretary a report which describes the actions taken by the State in accordance with its plan under such subsection.

ASBESTOS HAZARDS DETECTION PROGRAM

Grants.
20 USC 3604.

Sec. 5. (a)(1)(A) The Secretary may make grants to local educational agencies for the Federal share of the costs of carrying out an asbestos detection program meeting the standards established by the Secretary under section 7(a)(1) of this Act. Grants may be made under this section only during the two-year period beginning on the effective date of this Act.

(B) The Secretary may make grants to State educational agencies for the Federal share of the costs of carrying out any asbestos detection program if—

(i) the State, through the State educational agency or some other appropriate State agency, is making grants to local educational agencies for asbestos hazard detection programs, and

(ii) such programs meet the standards established by the Secretary under section 7(a)(1) of this Act.

Time limitation.

(C) Grants may be made under this section only during the two-year period beginning after the date of enactment of this Act.

Federal share.

(2) Subject to the second sentence of this paragraph, the Federal share of the costs referred to in paragraph (1) shall be 50 percent. Upon a determination by the Secretary that an applicant has limited fiscal resources and would be unable to participate in the program under this section without receiving from the Federal Government, as its Federal share of such costs, an amount greater than the amount permitted under the first sentence of this paragraph, the Secretary may increase the Federal share which may be paid to such applicant by such amount as the Secretary considers appropriate to permit the applicant to participate in the program.

Application for grant.

(b)(1) No grant may be made under this section unless an application has been submitted to and approved by the Secretary, after consultation with the Task Force. The Secretary may not approve an application unless the application—

(A) contains a description of the methods to be used by the local educational agency, or in the case of an application by the State educational agency the methods to be used by the local educational agencies receiving grants from the State, to determine whether hazardous concentrations of asbestos fibers or materials emitting such fibers exist in school buildings under the jurisdiction of such agency;

(B) contains an estimate of the total cost of the detection program, including such detailed descriptions of the costs of each component of the program as the Secretary may require;

(C) designates the party which shall conduct the testing for the detection program and describes such party's qualifications for conducting such testing;

(D) contains assurances that the program shall be carried out in accordance with standards established by the Secretary under section 7(a)(1) and that any party employed to conduct such testing shall satisfy the competency standards established under such section; and

(E) contains such other information or assurances as the Secretary may require.

(2) The Secretary shall provide the Task Force with a copy of any application submitted to the Secretary under paragraph (1).

(3) No grant may be awarded by the Secretary under this section for asbestos hazards detection programs conducted before the effective date of this Act unless the applicant has submitted an application to the Secretary—

(A) containing the information required under paragraph (1); and

(B) providing assurances that any program for which a grant is sought was carried out in a manner which substantially conforms to the requirements established by the Secretary under section 7(a)(1).

No grant may be awarded under this section for any asbestos hazards detection program completed before January 1, 1976.

(4) After reviewing the application submitted under this section, together with any recommendations made by the Task Force, the Secretary shall determine the amount of any grant to be awarded under this section. Funds may be awarded by the Secretary for the administrative costs incurred in the preparation and supervision of the asbestos detection program and for the following activities:

(A) Visual inspections of school buildings.

(B) The sampling of building and insulation materials.

(C) Appropriate tests to determine the level of asbestos content in suspected materials, and tests determined to be essential to detect the likelihood of imminent danger to persons within school buildings.

Report to Secretary.

(c) Local and State educational agencies receiving grants under this section shall file a report with the Secretary, not later than 120 days after the award of such grant, describing the detection activities which were undertaken, the results of the asbestos detection program, and plans for mitigating any imminent hazards which were detected by the testing. The report shall include a detailed accounting of the funds used to carry out the detection program.

Limitation of funds.

(d) During the period in which grants may be made under this section, not more than 20 percent of the funds appropriated to carry out this section may be made available by the Secretary to the Task Force to conduct education and technical assistance programs related to the detection of asbestos hazards in school buildings and the implementation of appropriate actions to mitigate such hazards.

ASBESTOS HAZARDS CONTROL LOAN PROGRAM

20 USC 3605.

SEC. 6. (a)(1) There is established within the Department of Education an Asbestos Hazards Control Loan Program (hereinafter in this Act referred to as the "Loan Program"), which shall be administered by the Secretary in accordance with this section.

Limitation on loan amount.

(2) The Secretary may make loans under this section to local educational agencies in an amount equal to 50 percent of the costs of carrying out projects for—

(A) the containment or removal of any materials containing asbestos in school buildings in which such materials pose an imminent hazard to the health and safety of children or employees;

(B) the replacement of the asbestos materials removed from school buildings with other appropriate building materials; and

(C) making repairs which the Secretary determines to be necessary to restore school buildings to conditions comparable to those existing before containment or removal activities were undertaken under subparagraph (A).

Square feet and minimum asbestos level.

Loans may be made under this section only for projects affecting more than 2,500 square feet of surface and in which the asbestos material to be contained or removed consists of a minimum asbestos level, as determined by the Secretary under section 7(a)(2).

Increase of loan amount.

(3) If the Secretary determines that an applicant has limited fiscal resources and would be unable to carry out the projects described in paragraph (2) without receiving a loan under this section for an amount greater than the amount permitted under such paragraph, the Secretary may increase the amount of the loan payable to such applicant to an amount the Secretary considers appropriate to enable the applicant to carry out such projects.

Terms and condition.

(b) Loans under this section shall be made pursuant to loan agreements which shall provide for the following terms:

(1) The loan shall not bear any interest except as otherwise provided under paragraph (5).

(2) The loan shall have a maturity period of not more than 20 years (as determined by the Secretary) and shall be repayable during such period at such times and in such amounts as the Secretary may specify in the loan agreement.

(3) Repayment of the loan shall be made to the Secretary of the Treasury for deposit in the general fund of the Treasury.

Such loans shall be subject to such other terms and conditions as the Secretary may establish for the protection of the financial interest of the United States and in furtherance of the purposes of this Act.

Loan application.

(c)(1) No loan may be made under this section unless an application has been submitted to and approved by the Secretary, after consultation with the Task Force, within the two-year period beginning on the effective date of this Act. The Secretary may not approve an application unless—

(A) the application contains such information as the Secretary may require, including information describing—

(i) the nature of the asbestos problem for which the loan is sought;

(ii) the asbestos content of the material to be contained or removed by the local educational agency, as determined under preliminary testing which was conducted in accordance with the standards established by the Secretary under section 7(a)(1), or, in the case of testing conducted before the effective date of this Act, was conducted in a manner which substantially conforms to such standards; and

(iii) the methods which will be used to contain or remove the asbestos materials, in accordance with section 7(b) of this Act, and any other pertinent details relating to the project or projects to be conducted by the applicant (as described in subsection (a)(2)); and

(B) the application contains assurances that—

(i) any employee engaged in any activity to carry out programs under this section shall be notified in writing by the local educational agency conducting the program of the hazards of working with asbestos, and shall be required to utilize all appropriate safety procedures to minimize health risks;

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(ii) no child or school employee shall be permitted in the vicinity of any asbestos containment or removal activity; and

(iii) the local educational agency shall pay employees engaged in containment, removal, or replacement activities to carry out programs under this section at reasonable rates of pay, as established by the Secretary on the basis of prevailing wage rates in the location of such work.

(2) The Secretary shall provide the Task Force with a copy of any application submitted to the Secretary under paragraph (1).

Time limitation.

(3) No loans may be made by the Secretary under this section for projects described in subsection (a)(2) which commenced before the availability of loans under the Loan Program unless the local educational agency submits to the Secretary an application which—

(A) meets the requirements of paragraph (1); and

(B) contains assurances that any work already completed by the applicant has been carried out in substantial conformity with section 7(b).

No loan may be awarded under this section for any project described in subsection (a)(2) which was completed before January 1, 1976.

Reports to congressional committees.

(d) During each of the three calendar years after the year in which this Act is enacted, the Secretary shall submit before February 1 of such year a report to the appropriate committees of the House of Representatives and the Senate, which shall—

(1) describe the number of loans made in the preceding calendar year and specify each applicant for and recipient of a loan;

(2) describe the nature of the asbestos problem of each applicant;

(3) describe the types of programs for which loans were made;

(4) specify the estimated total costs of such programs to the recipients of loans and specify the amount of loans made under the Loan Program; and

(5) specify the number of loan applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals.

STANDARDS AND SAFETY PROCEDURES

20 USC 3606.

SEC. 7. (a)(1) Within 120 days after the first meeting of the Task Force, and after consultation with the Task Force, the Secretary shall establish and distribute to the State agency or unit designated under section 4(a)(4)—

(A) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(B) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(C) standards for determining which contractors are qualified to carry out the testing and evaluation described in this paragraph.

Eligibility criteria.

(2) After consulting with the Task Force, the Secretary shall establish criteria to be used for determining eligibility for loans under section 6 of this Act. The criteria shall be based on the assessment of the extent of the health hazards posed by the presence of asbestos fibers in schools, as determined in accordance with standards under paragraph (1)(B) of this subsection.

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Regulations.

(b) After reviewing recommendations submitted to the Secretary by the Task Force under section 3(e)(5), the Secretary, with the concurrence of the Task Force, shall by regulation establish—

(1) procedures to be used by local educational agencies, in programs for which loans are made under section 6, for—

(A) containing and removing asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) standards for determining which contractors are qualified to carry out the activities referred to in paragraph (1).

(c) In carrying out his duties under this section, the Secretary shall avoid, to the maximum extent practicable, duplicating similar activities undertaken by the Environmental Protection Agency.

RECOVERY OF COSTS BY THE UNITED STATES

20 USC 3607.

SEC. 8. (a)(1) As a condition of the award of any grant under section 5 or loan under section 6, the recipient of any such grant or loan shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from any judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount of any grant made to the recipient under section 5;

(B) the amount outstanding on any loan made to the recipient under section 6; and

(C) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Secretary).

Investigation by Attorney General.

(b) The Attorney General shall conduct an investigation to determine whether, by using all available means, the United States should or could recover, from any person determined by the Attorney General to be liable for such costs, the amounts expended by the United States to carry out this Act. Within one year after the effective date of this Act, the Attorney General shall submit to the Congress a report containing the results of the study, together with any appropriate recommendations.

Report to Congress.

(c) If the Attorney General determines in the report under subsection (b) that the United States should seek to recover the amounts expended by the United States to carry out this Act, the Attorney General shall proceed in an expeditious manner to recover such amounts from the persons referred to in subsection (b).

EMPLOYEE PROTECTION

20 USC 3608.

SEC. 9. No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisidiction of such agency.

RETAINED RIGHTS

SEC. 10. Except as otherwise provided in section 8, nothing in this Act shall— 20 USC 3609.

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

DEFINITIONS

SEC. 11. For purposes of this Act— 20 USC 3610.

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "imminent hazard to the health and safety" means, for purposes of section 6, that an asbestos material is, according to standards established by the Secretary, friable or easily damaged, or within easy reach of students or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and 20 USC 2854.

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or secondary school" means—

(A) any elementary or secondary school (as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education; 94 STAT. 497

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Secretary" means the Secretary of Education, or his designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Bureau of Indian Affairs, and the Office of Overseas Schools of the Department of Defense; and

(9) the term "State educational agency" has the same meaning given such term by section 198(a)(17) of the Elementary and Secondary Education Act of 1965. 20 USC 2854.

AUTHORIZATION OF APPROPRIATIONS

20 USC 3611.

SEC. 12. (a)(1) There are authorized to be appropriated—

(A) for the asbestos detection program under section 5, for the fiscal year ending September 30, 1981, and for the succeeding fiscal year, a total of not more than $22,500,000; and

(B) for the asbestos hazards control loan program under section 6, not more than $75,000,000 for the fiscal year ending September 30, 1981, and $75,000,000 for the fiscal year ending September 30, 1982.

(2) Sums appropriated under paragraph (1) of this subsection shall remain available for obligation until September 30, 1983.

(b) Programs under this Act shall be considered automatically eligible for the one-year contingent extension under section 414 of the General Education Provisions Act.

20 USC 1226a.
Financial need criteria.

(c) If funds appropriated to carry out this Act are insufficient to pay the total amount required to make all the grants and loans authorized under this Act, the Secretary shall establish criteria to be used in determining which applicants for grants or loans under this Act have the greatest financial need for receiving funds under this Act and shall make determinations regarding the approval of applications for such grants or loans in accordance with such criteria.

(d) Notwithstanding any other provision of this Act, the authority of the Secretary to enter into agreements, or to make payments, under this Act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts.

94 STAT. 498

AMENDMENT TO THE EDUCATION OF THE HANDICAPPED ACT

20 USC 1411.

SEC. 13. Section 611(c)(2)(A)(i)(II) of the Education of the Handicapped Act is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

Approved June 14, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-197 accompanying H.R. 3282 (Comm. on Education and Labor).

SENATE REPORT No. 96-710 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 3, 13, H.R. 3282 considered and passed House.
Vol. 126 (1980): May 22, S. 1658 considered and passed Senate in lieu of H.R. 3282.
May 30, considered and passed House.

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94 STAT. 1523

Public Law 96-381
96th Congress

An Act

Oct. 6, 1980
[S. 1123]

To amend section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for title II of such Act for fiscal year 1980.

Marine Protection, Research, and Sanctuaries Act of 1972, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443) is amended to read as follows:

"SEC. 203. (a) The Administrator of the Environmental Protection Agency shall—

"(1) conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—

"(A) determining means of minimizing or ending, as soon as possible after the date of the enactment of this section, the dumping into ocean waters, or waters described in section 101(b), of material which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities, and

33 USC 1411.

"(B) developing disposal methods as alternatives to the dumping described in subparagraph (A); and

"(2) encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate, or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).

"(b) Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 4 of the Act of November 4, 1977 (Public Law 95-153; 33 U.S.C. 1412a), for the ocean dumping of sewage sludge.".

Appropriation authorization.

SEC. 2. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended—

(1) by striking out "and" immediately after "fiscal year 1977,", and

(2) by striking out "fiscal year 1978." and inserting in lieu thereof the following: "fiscal year 1978, not to exceed $11,396,000 for fiscal year 1981, and not to exceed $12,000,000 for fiscal year 1982.".

94 STAT. 1524

SEC. 3. Section 202(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442(a)) is amended by inserting the following immediately after the first sentence thereof: "These responsibilities shall include the scientific assessment of damages to the natural resources from spills of petroleum or petroleum products.".

Approved October 6, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-894 Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on Science and Technology), both accompanying H.R. 6616.

SENATE REPORT No. 96-133 (Comm. on Commerce, Science and Transportation).

CONGRESSIONAL RECORD:

Vol. 125 (1979): June 6, considered and passed Senate.

Vol. 126 (1980): May 12, 13, H.R. 6616 considered and passed House; passage, vacated and S. 1123, amended, passed in lieu.

Sept. 9, Senate concurred in House amendment with an amendment.

Sept. 24, House concurred in Senate amendment.

Public Law 96-463
96th Congress

94 STAT. 2055

An Act

To amend the Solid Waste Disposal Act to further encourage the use of recycled oil.

Oct. 15, 1980
[S. 2412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Used Oil Recycling Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Used Oil Recycling Act of 1980".

42 USC 6901 note.

FINDINGS

42 USC 6901a.

SEC. 2. The Congress finds and declares that—

(1) used oil is a valuable source of increasingly scarce energy and materials;

(2) technology exists to re-refine, reprocess, reclaim, and otherwise recycle used oil;

(3) used oil constitutes a threat to public health and the environment when reused or disposed of improperly; and

that, therefore, it is in the national interest to recycle used oil in a manner which does not constitute a threat to public health and the environment and which conserves energy and materials.

DEFINITIONS

42 USC 6903.

SEC. 3. Section 1004 of the Solid Waste Disposal Act is amended by adding the following new paragraphs at the end thereof:

"(36) The term 'used oil' means any oil which has been—

"(A) refined from crude oil,

"(B) used, and

"(C) as a result of such use, contaminated by physical or chemical impurities.

"(37) The term 'recycled oil' means any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes oil which is re-refined, reclaimed, burned, or reprocessed.

"(38) The term 'lubricating oil' means the fraction of crude oil which is sold for purposes of reducing friction in any industrial or mechanical device. Such term includes re-refined oil.

"(39) The term 're-refined oil' means used oil from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.".

LABELING REQUIREMENTS

SEC. 4. (a) Subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new section immediately after section 2004 and by redesignating sections 2005 and 2006 as 2006 and 2007, respectively:

42 USC 6915, 6916.

94 STAT. 2056

"LABELING OF CERTAIN OIL

42 USC 6914a.

"SEC. 2005. For purposes of any provision of law which requires the labeling of commodities, lubricating oil shall be treated as lawfully labeled only if it bears the following statement, prominently displayed:

"'DON'T POLLUTE—CONSERVE RESOURCES; RETURN USED OIL TO COLLECTION CENTERS'.".

(b) The table of contents for such subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new item immediately after the item relating to section 2004 and by redesignating the items relating to sections 2005 and 2006 as 2006 and 2007, respectively:

"Sec. 2005. Labeling of certain oil.".

Labeling standards, applicability.
42 USC 6363 note.
42 USC 6363.

(c) Before the effective date of the labeling standards required to be prescribed under section 383(d)(1)(A) of the Energy Policy and Conservation Act, no requirement of any rule or order of the Federal Trade Commission may apply, or remain applicable, to any container of recycled oil (as defined in section 383(b) of such Act) if such requirement provides that the container must bear any label referring to the fact that it has been derived from previously used oil. Nothing in this subsection shall be construed to affect any labeling requirement applicable to recycled oil under any authority of law to the extent such requirement relates to fitness for intended use or any other performance characteristic of such oil or to any characteristic of such oil other than that referred to in the preceding sentence.

ASSISTANCE TO STATES

SEC. 5. (a) Section 4003 of the Solid Waste Disposal Act is amended by striking out "Minimum" in the heading thereof.

42 USC 6943.

(b) Such section 4003 is further amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) DISCRETIONARY PLAN PROVISIONS RELATING TO RECYCLED OIL.—Any State plan submitted under this subtitle may include, at the option of the State, provisions to carry out each of the following:

"(1) Encouragement, to the maximum extent feasible and consistent with the protection of the public health and the environment, of the use of recycled oil in all appropriate areas of State and local government.

"(2) Encouragement of persons contracting with the State to use recycled oil to the maximum extent feasible, consistent with protection of the public health and the environment.

"(3) Informing the public of the uses of recycled oil.

"(4) Establishment and implementation of a program (including any necessary licensing of persons and including the use, where appropriate, of manifests) to assure that used oil is collected, transported, treated, stored, reused, and disposed of, in a manner which does not present a hazard to the public health or the environment.

Any plan submitted under this title before the date of the enactment of the Used Oil Recycling Act of 1980 may be amended, at the option of the State, at any time after such date to include any provision referred to in this subsection.".

Ante, p. 2055.

(b) Section 4008 of such Act is amended by adding at the end the following new subsection:

Grants.
42 USC 6948.

"(f) ASSISTANCE TO STATES FOR DISCRETIONARY PROGRAM FOR RECYCLED OIL.—(1) The Administrator may make grants to States, which have a State plan approved under section 4007, or which have submitted a State plan for approval under such section, if such plan includes the discretionary provisions described in section 4003(b). Grants under this subsection shall be for purposes of assisting the State in carrying out such discretionary provisions. No grant under this subsection may be used for construction or for the acquisition of land or equipment.

42 USC 6947.
Ante, p. 2056.

"(2) Grants under this subsection shall be allotted among the States in the same manner as provided in the first sentence of subsection (b).

Allotment.

"(3) No grant may be made under this subsection unless an application therefor is submitted to, and approved by, the Administrator. The application shall be in such form, be submitted in such manner, and contain such information as the Administrator may require.

Application.

"(4) For purposes of making grants under this subsection, there are authorized to be appropriated $5,000,000 for fiscal year 1982 and $5,000,000 for fiscal year 1983.".

Appropriation authorization.

TECHNICAL ASSISTANCE

SEC. 6. Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

42 USC 6948.

"(2) In carrying out this subsection, the Administrator may, upon request, provide technical assistance to States to assist in the removal or modification of legal, institutional, economic, and other impediments to the recycling of used oil. Such impediments may include laws, regulations, and policies, including State procurement policies, which are not favorable to the recycling of used oil.".

RESTRICTIONS ON RECYCLED OIL

SEC. 7. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"RESTRICTIONS ON RECYCLED OIL

Regulations. 42 USC 6932.

"SEC. 3012. Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations establishing such performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil. In developing such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the oil recycling industry. The Administrator shall ensure that such regulations do not discourage the recovery or recycling of used oil.".

(b) The table of contents for such subtitle is amended by inserting the following new item immediately after the item relating to section 3011:

94 STAT. 2058

"Sec. 3012. Restrictions on recycled oil.".

USED OIL AS A HAZARDOUS WASTE

"SEC. 8. Not later than ninety days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) make a determination as to the applicability to used oil of the criteria and regulations promulgated under subsections (a) and (b) of section 3001 of the Solid Waste Disposal Act relating to characteristics of hazardous wastes, and

42 USC 6921.

Report to Congress.

(2) report to the Congress the determination together with a detailed statement of the data and other information upon which the determination is based.

In making a determination under paragraph (1), the Administrator shall ensure that the recovery and reuse of used oil are not discouraged.

STUDY

42 USC 6932 note.

SEC. 9. The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy, the Federal Trade Commission, and the Secretary of Commerce, shall conduct a study—

(1) assessing the environmental problems associated with the improper disposal or reuse of used oil;

(2) addressing the collection cycle of used oil prior to recycling;

(3) analyzing supply and demand in the used oil industry, including (A) estimates of the future supply and quality of used oil feedstocks for purpose of re-refining and (B) estimates of the future supply of virgin crude oil available for refining for purposes of producing lubricating oil;

(4) comparing the energy savings associated with re-refining used oil and the energy savings associated with other uses of used oil; and

(5) recommending Federal, State, and local policies to encourage methods for environmentally sound and economically feasible recycling of used oil.

94 STAT. 2059

Report to Congress.

Where appropriate, for purposes of the study under this section, the Administrator may utilize and update information and data previously collected by the Administrator and by other agencies, departments, and instrumentalities of the United States. The Administrator shall submit to Congress a report containing the results of the study under this section not later than one year after the date of the enactment of this Act.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1415 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-879 (Comm. on Environment and Public Work).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 Aug. 18, considered and passed Senate.
 Sept. 30, considered and passed House, amended.
 Oct. 1, Senate concurred in House amendments.

Public Law 96-482
96th Congress

94 STAT. 2334

An Act

To amend and reauthorize the Solid Waste Disposal Act.

Oct. 21, 1980
[S. 1156]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Solid Waste Disposal Act Amendments of 1980".

Solid Waste Disposal Act Amendments of 1980.
42 USC 6901 note.

Sec. 2. (a) Section 1004(14) of the Solid Waste Disposal Act is amended to read as follows:

Definitions.
42 USC 6903.

"(14) The term 'open dump' means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 4004 and which is not a facility for disposal of hazardous waste."

42 USC 6944.

(b) Section 1004(19) of such Act is amended to read as follows:

"(19) The term 'recovered material' means waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.".

Sec. 3. Section 1006 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

42 USC 6905.

"(c) Integration With the Surface Mining Control and Reclamation Act of 1977.—(1) No later than 90 days after the date of enactment of the Solid Waste Disposal Act Amendments of 1980, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining and Reclamation Act of 1977. If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall promptly transmit such determination, together with suggested revisions and supporting documentation, to the Secretary.

Regulation review.
30 USC 1201 note.
30 USC 1201 note.
42 USC 6921.

"(2) The Secretary of the Interior shall have exclusive responsibility for carrying out any requirement of subtitle C of this Act with respect to coal mining wastes or overburden for which a surface coal mining and reclamation permit is issued or approved under the Surface Mining Control and Reclamation Act of 1977. The Secretary shall, with the concurrence of the Administrator, promulgate such regulations as may be necessary to carry out the purposes of this subsection and shall integrate such regulations with regulations promulgated under the Surface Mining Control and Reclamation Act of 1977.".

Administrative responsibility.
42 USC 6921.
30 USC 1201 note.
Regulations.

Sec. 4. (a) The heading for section 2001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "AND INTERAGENCY COORDINATING COMMITTEE".

42 USC 6911.

94 STAT. 2335

(b) The item in the table of contents relating to section 2001 of such Act is amended by adding the following at the end thereof: "and interagency coordinating committee".

Establishment.
42 USC 6911.

(c) Section 2001 of such Act is amended by inserting "(a) OFFICE OF SOLID WASTE.—" after "2001." and by inserting a new subsection (b) as follows at the end thereof:

"Resource conservation and recovery activities."

"(b) INTERAGENCY COORDINATING COMMITTEE.—(1) There is hereby established an Interagency Coordinating Committee on Federal Resource Conservation and Recovery Activities which shall have the responsibility for coordinating all activities dealing with resource conservation and recovery from solid waste carried out by the Environmental Protection Agency, the Department of Energy, the Department of Commerce, and all other Federal agencies which conduct such activities pursuant to this or any other Act. For purposes of this subsection, the term 'resource conservation and recovery activities' shall include, but not be limited to, all research, development and demonstration projects on resource conservation or energy, or material, recovery from solid waste, and all technical or financial assistance for State or local planning for, or implementation of, projects related to resource conservation or energy or material, recovery from solid waste. The Committee shall be chaired by the Administrator of the Environmental Protection Agency or such person as the Administrator may designate. Members of the Committee shall include representatives of the Department of Energy, the Department of Commerce, the Department of the Treasury, and each other Federal agency which the Administrator determines to have programs or responsibilities affecting resource conservation or recovery.

Oversight functions.

"(2) The Interagency Coordinating Committee shall include oversight of the implementation of

"(A) the May 1979 Memorandum of Understanding on Energy Recovery from Municipal Solid Waste between the Environmental Protection Agency and the Department of Energy;

"(B) the May 30, 1978, Interagency Agreement between the Department of Commerce and the Environmental Protection Agency on the Implementation of the Resource Conservation and Recovery Act; and

"(C) any subsequent agreements between these agencies or other Federal agencies which address Federal resource recovery or conservation activities.

Five-year action plan, submittal to Congress.

"(3) The Interagency Coordinating Committee shall submit to the Congress by March 1, 1981, and on March 1 each year thereafter, a five-year action plan for Federal resource conservation or recovery activities which shall identify means and propose programs to encourage resource conservation or material and energy recovery and increase private and municipal investment in resource conservation or recovery systems, especially those which provide for material conservation or recovery as well as energy conservation or recovery. Such plan shall describe, at a minimum, a coordinated and nonduplicatory plan for resource recovery and conservation activities for the Environmental Protection Agency, the Department of Energy, the Department of Commerce, and all other Federal agencies which conduct such activities.".

42 USC 6912.

SEC. 5. Section 2002(a) of the Solid Waste Disposal Act is amended as follows:

(1) in paragraph (4), by striking out "and" at the end thereof;

(2) in paragraph (5), by striking the period and inserting in lieu thereof "; and"; and

94 STAT. 2336

Authority delegation.

(3) by adding the following new paragraph at the end thereof:

"(6) to delegate to the Secretary of Transportation the performance of any inspection or enforcement function under this Act relating to the transportation of hazardous waste where such delegation would avoid unnecessary duplication of activity and would carry out the objectives of this Act and of the Hazardous Materials Transportation Act.".

42 USC 3251 note.
49 USC 1801 note.
42 USC 6916.

SEC. 6. (a) Section 2006(b) of the Solid Waste Disposal Act is amended by inserting after "subsection (a)" a comma and the phrase "or $5,000,000 per fiscal year, whichever is less,".

(b) Section 2006 of such Act is amended by adding the following new subsection at the end thereof:

Post, p. 2352.

42 USC 6941, 6948, 4949.

"(d) STATE AND LOCAL SUPPORT.—Not less than 25 per centum of the total amount appropriated under this title, up to the amount authorized in section 4008(a)(1), shall be used only for purposes of support to State, regional, local, and interstate agencies in accordance with subtitle D of this Act other than section 4008(a)(2) or 4009.".

42 USC 6921.

SEC. 7. Subsection (b) of section 3001 of the Solid Waste Disposal Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraphs at the end of such subsection:

42 USC 6921.

Ante, p. 2334.

Disposal site closings, program provisions.

"(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy shall be subject only to existing State or Federal regulatory programs in lieu of subtitle C until at least 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1980 and after promulgation of the regulations in accordance with subparagraphs (B) and (C) of this paragraph. It is the sense of the Congress that such State or Federal programs should include, for waste disposal sites which are to be closed, provisions requiring at least the following:

"(i) The identification through surveying, platting, or other measures, together with recordation of such information on the public record, so as to assure that the location where such wastes are disposed of can be located in the future; except however, that no such surveying, platting, or other measure identifying the location of a disposal site for drilling fluids and associated wastes shall be required if the distance from the disposal site to the surveyed or platted location to the associated well is less than two hundred lineal feet; and

"(ii) A chemical and physical analysis of a produced water and a composition of a drilling fluid suspected to contain a hazardous material, with such information to be acquired prior to closure and to be placed on the public record.

Post, p. 2349.

Publication in Federal Register.

Post, p. 2349.

"(B) Not later than six months after completion and submission of the study required by section 8002(m) of this Act, the Administrator shall, after public hearings and opportunity for comment, determine either to promulgate regulations under this subtitle for drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy or that such regulations are unwarranted. The Administrator shall publish his decision in the Federal Register accompanied by an explanation and justification of the reasons for it. In making the decision under this paragraph, the Administrator shall utilize the information developed or accumulated pursuant to the study required under section 8002(m).

Transmittal to Congress.

"(C) The Administrator shall transmit his decision, along with any regulations, if necessary, to both Houses of Congress. Such regulations shall take effect only when authorized by Act of Congress.

Waste material regulation.

Post, p. 2349.

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (n), (o), or (p) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

"(ii) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore.

"(iii) Cement kiln dust waste.

42 USC 6912.

"(B)(i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

Disposal site identification.

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

Waste composition analysis.

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

EPA investigations.

Post, p. 2349.

"(ii)(I) In conducting any study under subsection (f), (n), (o), or (p), of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter any establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

Information, public availability.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

Disclosure penalty.

Radiation exposure prevention.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of (I) solid waste from the extraction, beneficiation, and processing of phosphate rock or (II) overburden from the mining of uranium ore.

Violations.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

Regulation determination.

Post, p. 2349.

Publication in Federal Register.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subs[illegible] (f), (n), (o), or (p), of section 8002 of this Act, the Administrator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administrator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

SEC. 8. Section 3002(5) of the Solid Waste Disposal Act is amended by inserting "and any other reasonable means necessary" after "use of a manifest system", and by inserting ", and arrives at," after "disposal in". 42 USC 6922.

SEC. 9. Section 3004 of the Solid Waste Disposal Act is amended by inserting after the first sentence thereof "In establishing such standards the Administrator shall, where appropriate, distinguish in such standards between requirements appropriate for new facilities and for facilities in existence on the date of promulgation of such regulations.". 42 USC 6924.

SEC. 10. Section 3005(e) of the Solid Waste Disposal Act is amended by striking "facility is in existence on the date of enactment of this Act," and inserting in lieu thereof "facility is in existence on November 19, 1980,". 42 USC 6925.

SEC. 11. Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(f) COAL MINING WASTES AND RECLAMATION PERMITS.—Notwithstanding subsection (a) through (e) of this section, any surface coal mining and reclamation permit covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit." 30 USC 1201 note.

SEC. 12. (a) Section 3007(a) of the Solid Waste Disposal Act is amended as follows: 42 USC 6927.

(1) by striking "subtitle" and inserting in lieu thereof "title";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee or representative obtains".

(b) Section 3007(b) of such Act is amended as follows:

(1) by inserting "or any officer, employee or representative thereof" before "has access under this section";

(2) by striking "the Administrator (or the State, as the case may be) shall consider such information or portion thereof" and inserting in lieu thereof "such information or particular portion thereof shall be considered";

(3) by inserting "(1)" before "Any records" and adding at the end thereof the following new paragraphs:

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both. Information disclosure, penalty.

"(3) In submitting data under this Act, a person required to provide such data may— Data submittal.

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

Availability to congressional committees.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee."; and

(4) by inserting "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

42 USC 6928.

SEC. 13. Section 3008 of the Solid Waste Disposal Act is amended as follows:

(1) in subsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day

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after the Administrator's notification," and by inserting "immediately or" after "compliance";

(2) in subsection (a)(2), by striking "thirty days";

(3) in subsection (b), by striking "or any suspension or revocation of a permit" and "or notice of the suspension or revocation";

(4) in subsection (c), by inserting "may include a suspension or revocation of a permit issued under this subtitle, and" after "Any order issued under this section"; and

(5) by striking out subsection (d) and substituting:

"(d) CRIMINAL PENALTIES.—Any person who—

42 USC 6925, 6926.

33 USC 1411.

"(1) knowingly transports any hazardous waste identified or listed under this subtitle to a facility which does not have a permit under section 3005 (or 3006 in case of a State program), or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052),

"(2) knowingly treats, stores, or disposes of any hazardous waste identified or listed under this subtitle either—

"(A) without having obtained a permit under section 3005 (or 3006 in the case of a State program) or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052); or

"(B) in knowing violation of any material condition or requirement of such permit;

"(3) knowingly makes any false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of compliance with this subtitle; or

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, or conceals any record required to be maintained under regulations promulgated by the Administrator under this subtitle

shall, upon conviction, be subject to a fine of not more than $25,000 ($50,000 in the case of a violation of paragraph (1) or (2)) for each day of violation, or to imprisonment not to exceed one year (two years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(e) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle—

"(1)(A) in violation of paragraphs (1) or (2) of subsection (d) of this section, or

"(B) having applied for a permit under section 3005 or 3006, and knowingly either—

"(i) has failed to include in his application material information required under regulations promulgated by the Administrator, or

"(ii) fails to comply with the applicable interim status regulations and standards promulgated pursuant to this subtitle,

who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, and

"(2)(A) if his conduct in the circumstances manifests an unjustified and inexcusable disregard for human life, or

"(B) if his conduct in the circumstances manifests an extreme indifference for human life.

Penalties.

shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 2 years, or both, except that any person who violates subsection (e)(2)(B) shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 5 years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.

"(f) SPECIAL RULES.—For the purposes of subsection (e)—

"(1) A person's state of mind is knowing with respect to—

"(A) his conduct, if he is aware of the nature of his conduct;

"(B) an existing circumstance, if he is aware or believes that the circumstance exists; or

"(C) a result of his conduct, if he is aware or believes that his conduct is substantially certain to cause danger of death or serious bodily injury.

"(2) In determining whether a defendant who is a natural person knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(A) the person is responsible only for actual awareness or actual belief that he possessed; and

"(B) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant;

Provided, That in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information.

"(3) It is an affirmative defense to a prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(A) an occupation, a business, or a profession; or

"(B) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent.

The defendant may establish an affirmative defense under this subsection by a preponderance of the evidence.

"(4) All general defenses, affirmative defenses, and bars to prosecution that may apply with respect to other Federal criminal offenses may apply under subsection (e) and shall be determined by the courts of the United States according to the principles of common law as they may be interpreted in the light of reason and experience. Concepts of justification and excuse applicable under this section may be developed in the light of reason and experience.

"Organization."

"(5) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"Serious bodily injury."

"(6) The term 'serious bodily injury' means—

"(A) bodily injury which involves a substantial risk of death;

"(B) unconsciousness;

"(C) extreme physical pain;

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"(D) protracted and obvious disfigurement; or

"(E) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(g) CIVIL PENALTY.—Any person who violates any requirement of this subtitle shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day of such violation shall, for purposes of this subsection, constitute a separate violation.".

42 USC 6929.

SEC. 14. Section 3009 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new sentence: "Nothing in this title shall be construed to prohibit any State or political subdivision thereof from imposing any requirements, including those for site selection, which are more stringent than those imposed by such regulations.".

42 USC 6930.

42 USC 6921.

SEC. 15. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having authorized hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

42 USC 6926.

42 USC 6931.

SEC. 16. Section 3011 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(c) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste.".

SEC. 17. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new sections at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

42 USC 6933.

"SEC. 3012. (a) STATE INVENTORY PROGRAMS.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

42 USC 6925.

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

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"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

Information compilation, assistance to States.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress. Any State may exercise the authority of section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred to in paragraphs (1) through (5).

42 USC 6927.

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety days following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such case—

State inventory programs.

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section

"(c) GRANTS.—(1) Upon receipt of an application submitted by any State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Solid Waste Disposal Act Amendments of 1980 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

Ante, p. 2334.

"(2) There are authorized to be appropriated to carry out this section $20,000,000.

Appropriation authorization.

"(d) NO IMPEDIMENT TO IMMEDIATE REMEDIAL ACTION.—Nothing in this section shall be construed to provide that the Administrator or any State should, pending completion of the inventory required under this section, postpone undertaking any enforcement or remedial action with respect to any site at which hazardous waste has been treated, stored, or disposed of.

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

42 USC 6934.

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) PREVIOUS OWNERS AND OPERATORS.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) PROPOSAL.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) MONITORING, ETC., CARRIED OUT BY ADMINISTRATOR.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in subsection (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action,

and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007. 42 USC 6927.

"(e) ENFORCEMENT.—The Administrator may commence a civil

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action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

(b) The table of contents for such subtitle C is amended by inserting the following new items at the end thereof:

"Sec. 3012. Hazardous waste site inventory.
"Sec. 3013. Monitoring, analysis, and testing.".

42 USC 6943. SEC. 18. (a) Section 4003(2) of the Solid Waste Disposal Act is amended by striking out "section 4005(c)" and inserting in lieu thereof "sections 4004(b) and 4005(a)". 42 USC 6944, *Infra.* *Post*, p. 2353.

(b) Section 4003(5) of such Act is amended by inserting "State or" after "The plan shall provide that no", and by striking the period after "resource recovery facilities", and substituting the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

42 USC 6945. SEC. 19. (a) Section 4005 of the Solid Waste Disposal Act is amended by deleting subsection (a) in its entirety and by redesignating subsection (c) as (a).

(b)(1) Section 4005(a) of the Solid Waste Disposal Act, as redesignated by this section, is amended by striking "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008(a)(3), 42 USC 6907.

any"; by inserting "and 4003(3)" after "4003(2)"; by striking "the inventory under subsection (b)" after "not to exceed 5 years from the date of publication of" and inserting in lieu thereof "criteria under section 1008(a)(3)".

(2) Section 4005(b) of the Solid Waste Disposal Act is amended by striking "Not" and inserting in lieu thereof "To assist the States in complying with section 4003(3), not". 42 USC 6945. 42 USC 6943.

(b) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities". 42 USC 6946.

SEC. 20. Section 4008(e) of the Solid Waste Disposal Act is amended by— 42 USC 6948.

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B), respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State-approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1): ", including possible methane migration";

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(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting "the fiscal year 1980 and $1,500,000 for each of the fiscal years 1981 and 1982";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down to the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

SEC. 21. (a) Section 5002 of the Solid Waste Disposal Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979". 42 USC 6952.

(b) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof "September 1, 1979,". 42 USC 6953.

(c)(1) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"SEC. 5005. In establishing any policies which may affect the development of new markets for recovered materials and in making any determination concerning whether or not to impose monitoring or other controls on any marketing or transfer of recovered materials, the Secretary of Commerce may consider whether to establish the same or similar policies or impose the same or similar monitoring or other controls on virgin materials.". Marketing policies, establishment. 42 USC 6955.

(2) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.".

42 USC 6962.

SEC. 22. Section 6002 of the Solid Waste Disposal Act is amended as follows:

(1) in subsection (c)(1), by deleting the first sentence and inserting in lieu thereof the following: "After the date specified in applicable guidelines prepared pursuant to subsection (e) of this section, each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) in subsection (c)(1)(C), by striking "clause (ii)" and inserting in lieu thereof "subparagraph (B)";

(3) in subsection (c)(2), by deleting "recovered material and recovered-material-derived fuel" and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) in subsection (c)(3), by deleting everything after "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

Federal procurement items.

(5) by amending subsection (d), to read as follows:

"(d) SPECIFICATIONS.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible but in any event no later than five years after the date of enactment of this Act, eliminate from such specifications—

"(A) any exclusion of recovered materials and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.".

(6) in subsection (e), by deleting the second sentence and inserting in lieu thereof the following: "Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section; and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used,

and shall provide information as to the availability, relative price, and performance of such materials and items and where appropriate shall recommend the level of recovered material to be contained in the procured product. The Administrator shall prepare final guidelines for at least three product categories, including paper, by May 1, 1981, and for two additional product categories, including construction materials, by September 30, 1982. In making the designation under paragraph (1), the Administrator shall consider, but is not limited in his considerations, to—

Product categories, guidelines.

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

" (D) other uses for such recovered materials.".

42 USC 6964.

SEC. 23. Section 6004 of the Solid Waste Disposal Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4) "or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

SEC. 24. Section 7001 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

42 USC 6971.

"(f) OCCUPATIONAL SAFETY AND HEALTH.—In order to assist the Secretary of Labor and the Director of the National Institute for

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Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

29 USC 651 note.

"(1) provide the following information, as such information becomes available, to the Secretary and the Director:

"(A) the identity of any hazardous waste generation, treatment, storage, disposal facility or site where cleanup is planned or underway;

"(B) information identifying the hazards to which persons working at a hazardous waste generation, treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(C) incidents of worker injury or harm at a hazardous waste generation, treatment, storage or disposal facility or site; and

"(2) notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003, and 3004 of this title and make such notifications and reports available to the Secretary and the Director.".

42 USC 6930.
42 USC 6922-6924.

SEC. 25. Section 7003 of the Solid Waste Disposal Act is amended by—

42 USC 6973.

(1) inserting "(a) AUTHORITY OF ADMINISTRATOR.—" after "7003";

(2) striking out "is presenting" and inserting in lieu thereof "may present";

(3) striking out "the alleged disposal" and inserting in lieu thereof "such handling, storage, treatment, transportation or disposal"; and

(4) adding the following at the end thereof: "The Administrator may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and the environment.

"(b) VIOLATIONS.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

SEC. 26. Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1)" after "PUBLIC PARTICIPATION.—" and by inserting the following new paragraph at the end thereof:

Facility permit issuance, notification.

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3005, the Administrator shall—

42 USC 6925.

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

Hearing. 94 STAT. 2349 If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit and a request for a hearing, or if the Administrator determines on his own initiative, he shall hold an informal public hearing (including an opportunity for presentation of written and oral views) on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No State program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by the paragraph.". 42 USC 6926.

42 USC 6976. SEC. 27. (a) Section 7006 of the Solid Waste Disposal Act is amended as follows:

(1) by inserting "(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—" before "Any";

(2) by adding after "pursuant to this Act" the following: "and the Administrator's denial of any petition for the promulgation, amendment, or repeal of any regulation under this Act";

(3) by adding after "or requirement under this Act" the following: "or denying any petition for the promulgation, amendment or repeal of any regulation under this Act";

(4) by striking out "Columbia. Any" and substituting "Columbia, and";

(5) by inserting "or denial" after "date of such promulgation";

(6) by inserting "for review" after "date of such petition";

(7) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(8) by striking out "proper. The" in paragraph (2) thereof and substituting "proper; the".

(b) Such section 7006 is further amended by adding the following new subsection (b) at the end thereof:

42 USC 6925, 6926. "(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—Review of the Administrator's action (1) in issuing, denying, modifying, or revoking any permit under section 3005, or (2) in granting, denying, or withdrawing authorization or interim authorization under section 3006, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Application. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.".

42 USC 6979. SEC. 28. Section 7009 of the Solid Waste Disposal Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

Study. 42 USC 6982. SEC. 29. Section 8002 of the Solid Waste Disposal Act is amended by—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1980 the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Ante, p. 2334. Report to congressional committees. Such report shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and

Foreign Commerce of the United States House of Representatives."; and

(2) by inserting the following new subsections after subsection (l) and by redesignating subsection (m) as (q):

Study.

"(m) **Drilling Fluids, Produced Waters, and Other Wastes Associated With the Exploration, Development, or Production of Crude Oil or Natural Gas or Geothermal Energy.**—(1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy on human health and the environment, including, but not limited to, the effects of such wastes on humans, water, air, health, welfare, and natural resources and on the adequacy of means and measures currently employed by the oil and gas and geothermal drilling and production industry, Government agencies, and others to dispose of and utilize such wastes and to prevent or substantially mitigate such adverse effects. Such study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential danger to human health and the environment from the surface runoff or leachate;

"(D) documented cases which prove or have caused danger to human health and the environment from surface runoff or leachate;

"(E) alternatives to current disposal methods;

"(F) the cost of such alternatives; and

"(G) the impact of those alternatives on the exploration for, and development and production of, crude oil and natural gas or geothermal energy.

Review.

Report.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and the need to expedite such study. The Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects.

Submittal to congressional committees.

Ante, p. 2334.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than twenty-four months from the date of enactment of the Solid Waste Disposal Act Amendments of 1980. Upon completion of the study, the Administrator shall prepare a summary of the findings of the study, a plan for research, development, and demonstration respecting the findings of the study, and shall submit the findings and the study, along with any recommendations resulting from such study, to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

Appropriation authorization.

"(3) There are authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this subsection.

Study.

"(n) **Materials Generated From the Combustion of Coal and Other Fossil Fuels.**—The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such material generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

Review.
Report.
Ante, p. 2334.
Submittal to congressional committees.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such material and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report on such study, which shall include appropriate findings, not later than twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1980. Such study and findings shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

Study.

"(o) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

Review.
Report.
Ante, p. 2334.
Submittal to congressional committees.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1980. Such report shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

Study.

"(p) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Overburden From Uranium Mining.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from uranium mining. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

94 STAT. 2352

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

Review.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.".

Report.

Submittal to congressional committees.

Repeal.
42 USC 6981 note.

SEC. 30. Section 3 of the Resource Conservation and Recovery Act of 1976 is hereby repealed.

42 USC 6916.

SEC. 31. (a) Section 2006(a) of the Solid Waste Disposal Act is amended by striking "and" and inserting before the period "$70,000,000 for the fiscal year ending September 30, 1980, $80,000,000 for the fiscal year ending September 30, 1981, and $80,000,000 for the fiscal year ending September 30, 1982".

42 USC 6931.

(b) Section 3011(a) of the Solid Waste Disposal Act is amended by inserting after "1979" the following: "$20,000,000 for fiscal year 1980, $35,000,000 for fiscal year 1981, and $40,000,000 for fiscal year 1982".

Appropriation, authorization.
42 USC 6948.

(c) Section 4008(a)(1) of the Solid Waste Disposal Act is amended to read as follows:

> "(1) There are authorized to be appropriated $30,000,000 for fiscal year 1978, $40,000,000 for fiscal year 1979, $20,000,000 for fiscal year 1980, $15,000,000 for fiscal year 1981, and $20,000,000 for fiscal year 1982 for purposes of financial assistance to States and local, regional, and interstate authorities for the development and implementation of plans approved by the Administrator under this subtitle (other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials conservation and recovery).".

Post, p. 2353.

Appropriation authorization.

(d) Section 4008(a)(2)(C) of the Solid Waste Disposal Act is amended by adding at the end thereof: "There are authorized to be appropriated $10,000,000 for fiscal year 1980, $10,000,000 for fiscal year 1981, and $10,000,000 for fiscal year 1982 for purposes of this paragraph.".

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Appropriation authorization.
42 USC 6949.

(e) Section 4009(d) of the Solid Waste Disposal Act is amended by adding at the end thereof: "There are authorized to be appropriated $10,000,000 for the fiscal year 1980 and $15,000,000 for each of the fiscal years 1981 and 1982 to carry out this section.".

(f)(1) Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"AUTHORIZATION OF APPROPRIATIONS

42 USC 6956.

"SEC. 5006. There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of fiscal years 1980, 1981, and 1982 to carry out the purposes of this subtitle.".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5006. Authorization of appropriations.".

ENERGY AND MATERIALS CONSERVATION AND RECOVERY

42 USC 6941a.

SEC. 32. (a) The Congress finds that—

(1) significant savings could be realized by conserving materials in order to reduce the volume or quantity of material which ultimately becomes waste;

(2) solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(3) the recovery of energy and materials from municipal waste, and the conservation of energy and materials contributing to

such waste streams, can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(4) the technology to conserve resources exists and is commercially feasible to apply;

(5) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(6) various communities throughout the nation have different needs and different potentials for conserving resources and for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing such energy and materials conservation and recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

42 USC 6941.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

42 USC 6942.

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste as well as methods for conserving such materials and energy".

42 USC 6943.
Ante, p. 2345.

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from" in paragraph (5) thereof and by adding the following before the period at the end thereof: "or for conserving materials or energy by reducing the volume of waste".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

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"(b) ENERGY AND MATERIALS CONSERVATION AND RECOVERY FEASIBILITY PLANNING AND ASSISTANCE.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

Infra.

"(A) analyze and determine the economic and technical feasibility of facilities and programs to conserve resources which contribute to the waste stream or to recover energy and materials from municipal waste;

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for conservation of energy or materials which contribute to the waste stream or for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the State in developing plans, programs, and projects to conserve resources or recover energy and materials from municipal waste; and

"(D) coordinate the resource conservation and recovery planning under subparagraph (C).

Analysis.

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste;

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources;

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation;

"(D) the evaluation and establishment of priorities among ways of conserving energy or materials which contribute to the waste stream;

"(E) comparison of the relative total costs between conserving resources and disposing of or recovering such waste; and

"(F) studies of impediments to resource conservation or recovery, including business practices, transportation requirements, or storage difficulties.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered or minimized.".

42 USC 6948.

(e)(1) Section 4008(a)(2)(B) of such Act is amended by adding the following at the end thereof: "Applicants for technical and financial assistance under this section shall not preclude or foreclose consideration of programs for the recovery of recyclable materials through source separation or other resource recovery techniques.".

Appropriation authorization.

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.

Ante, p. 2353.

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in section 4003(b).

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Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b)(1) (A) and (B).".

Ante, p. 2353.

Grants.
42 USC 6948.

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) ASSISTANCE TO MUNICIPALITIES FOR ENERGY AND MATERIALS CONSERVATION AND RECOVERY PLANNING ACTIVITIES.—(1) The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003(b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

Appropriation authorization.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "TECHNICAL ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities, and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste or to conserve energy or materials which contribute to the waste stream. Such impediments may include—

"(A) laws, regulations, and policies, including State and local procurement policies, which are not favorable to resource conservation and recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to conserve or recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the conservation or recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to conserve resources, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended to read as follows:

94 STAT. 2356

"COOPERATION WITH THE ENVIRONMENTAL PROTECTION AGENCY

42 USC 6963.

"SEC. 6003. (a) GENERAL RULE.—All Federal agencies shall assist the Administrator in carrying out his functions under this Act and shall promptly make available all requested information concerning past or present Agency waste management practices and past or present Agency owned, leased, or operated solid or hazardous waste facilities. This information shall be provided in such format as may be determined by the Administrator.

"(b) INFORMATION RELATING TO ENERGY AND MATERIALS CONSERVATION AND RECOVERY.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation, and information concerning the savings potential of conserving resources contributing to the waste stream. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource conservation or recovery systems which provide for the recovery of source-separated materials to be recycled or the conservation of resources. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE CONSERVATION AND RECOVERY

Establishment.
42 USC 6981 note.

SEC. 33. (a)(1) There is hereby established in the executive branch of the United States the National Advisory Commission on Resource Conservation and Recovery, hereinafter in this section referred to as the "Commission".

(2) The Commission shall be composed of nine members to be appointed by the President. Such members shall be qualified by reason of their education, training, or experience to represent the view of consumer groups, industry associations, and environmental and other groups concerned with resource conservation and recovery and at least two shall be elected or appointed State or local officials. Members shall be appointed for the life of the Commission.

(3) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) Five members of the Commission shall constitute a quorum for transacting business of the Commission except that a lesser number may hold hearings and conduct information-gathering meetings.

(5) The Chairperson of the Commission shall be designated by the President from among the members.

Report to President and Congress.

(6) Upon the expiration of the two-year period beginning on (A) the date when all initial members of the Commission have been appointed or when (B) the date when initial funds become available to carry out this section, whichever is later, the Commission shall transmit to the President, and to each House of the Congress, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

Interim reports.

42 USC 6901 note.

(7) The Commission shall submit an interim report on February 15, 1982, and the Commission may also submit, for legislative and administrative actions relating to the Solid Waste Disposal Act, other interim reports prior to the submission of its final report.

Termination.

(8) The Commission shall cease to exist 30 days after submission of its final report.

94 STAT. 2357

Functions.

(b) The Commission shall—

(1) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource conservation and recovery, determine to what extent program goals relating to resource conservation and recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(2) review any existing or proposed resource conservation and recovery guidelines or regulations;

(3) determine the economic development or savings potential of resource conservation and recovery, including the availability of markets for recovered energy and materials, for economic materials savings through conservation, and make recommendations concerning the utilization of such potential;

(4) identify, and make recommendations addressing, institutional obstacles impeding the development of resource conservation and resource recovery; and

(5) evaluate the status of resource conservation and recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for both conserving energy and materials extractable from solid waste.

The review referred to in paragraph (1) should include but not be limited to an assessment of the effectiveness of the technical assistance panels, the public participation program and other program activities under the Solid Waste Disposal Act.

42 USC 6901 note.
Personnel, compensation.

45 FR 69201.

(c)(1) Members of the Commission while serving on business of the Commission, shall be compensated at a rate not to exceed the rate specified at the time of such service for grade GS-16 of the General Schedule for each day they are engaged in the actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

5 USC 5101 *et seq.*, 5331.

(2) Subject to such rules as may be adopted by the Commission, the Chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(A) appoint a Director, who shall be paid at a rate not to exceed the rate of basic pay for level I, GS-16 of the General Schedule; and

(B) appoint and fix the compensation of not more than 5 additional staff personnel.

45 FR 69201.

(3) This Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-16 in section 5332 of such title. Experts and consultants may be employed without compensation if they agree to do so in advance.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail on a reimbursable or nonreimbursable basis any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

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(5) The Commission is exempt from the requirements of sections 4301 through 4308 of title 5, United States Code.

Contracts.

(6) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties and responsibilities.

(7) In order to expedite matters pertaining to the planning for, and work of, the Commission, the Commission is authorized to make purchases and contracts without regard to section 252 of title 41 of the United States Code, pertaining to advertising and competitive bidding, and may arrange for the printing of any material pertaining to the work of the Commission without regard to the Government Printing and Binding Regulations and any related laws or regulations.

(8) The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(9) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties and functions. Upon request of the Chairperson, the head of any such Federal agency shall furnish such information to the Commission subject to applicable law.

GSA-provided services.

(10) Financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairperson of the Commission and the Administrator of General Services.

Hearings.

(d) In carrying out its duties under this section the Commission, or any duly authorized committee thereof, is authorized to hold such hearings and take testimony, with respect to matters to which it has a responsibility under this section as the Commission may deem advisable. The Chairperson of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

94 STAT. 2359

Appropriation authorization.

(e) From the amounts authorized to be appropriated under the Solid Waste Disposal Act for the fiscal years 1981 and 1982, not more than $1,000,000 may be used to carry out the provisions of this section.

Approved October 21, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-191 accompanying H.R. 3994 (Comm. on Interstate and Foreign Commerce) and No. 96-1444 (Comm. of Conference).
SENATE REPORT No. 96-172 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 125 (1979): June 4, considered and passed Senate.
Vol. 126 (1980): Feb. 20, H.R. 3994 considered and passed House; passage vacated and S. 1156, amended, passed in lieu.
Oct. 1, Senate agreed to conference report.
Oct. 2, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 43 (1980): Oct. 21, Presidential statement.

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94 STAT. 2360

Public Law 96-483
96th Congress

An Act

Oct. 21, 1980
[S. 2725]

To extend certain authorizations in the Clean Water Act, and for other purposes.

Clean Water Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 104(u) of the Federal Water Pollution Control Act is amended—

(1) in paragraph (1), by inserting after "September 30, 1980," the following: "and not to exceed $20,697,000 for the fiscal year ending September 30, 1981, and not to exceed $22,770,000 for the fiscal year ending September 30, 1982,";

Appropriation authorization.
33 USC 1254.

(2) in paragraph (2), by striking out "and $3,000,000 for fiscal year 1980" and by inserting in lieu thereof "$3,000,000 for fiscal year 1980, $3,000,000 for fiscal year 1981, and $3,000,000 for fiscal year 1982"; and

(3) in paragraph (3), by striking out "and $1,500,000 for fiscal year 1980" and inserting in lieu thereof "$1,500,000 for fiscal year 1980, "$1,500,000 for fiscal year 1981, and $1,500,000 for fiscal year 1982".

(b) Section 106(a)(2) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "$75,000,000 per fiscal year for the fiscal years 1981 and 1982".

33 USC 1256.

(c) Section 112(c) of the Federal Water Pollution Control Act is amended by striking out "and $7,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$7,000,000 for the fiscal year ending September 30, 1980, $7,000,000 for the fiscal year ending September 30, 1981, and $7,000,000 for the fiscal year ending September 30, 1982".

33 USC 1262.

(d) Section 208(f)(3) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "and not to exceed $100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982".

33 USC 1288.

(e) Section 208(j)(9) of the Federal Water Pollution Control Act is amended by striking out "and $400,000,000 for fiscal year 1980" and inserting in lieu thereof ", $400,000,000 for fiscal year 1980, $100,000,000 for fiscal year 1981, and $100,000,000 for fiscal year 1982".

(f) Section 314(c)(2) of the Federal Water Pollution Control Act is amended by striking out "and $60,000,000 for fiscal year 1980" and inserting in lieu thereof "$60,000,000 for fiscal year 1980, $30,000,000 for fiscal year 1981, and $30,000,000 for fiscal year 1982".

33 USC 1324.

(g) Section 517 of the Federal Water Pollution Control Act is amended by striking out "and $150,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$150,000,000 for the fiscal year ending September 30, 1980, $150,000,000 for the fiscal year ending September 30, 1981, and $161,000,000 for the fiscal year ending September 30, 1982".

33 USC 1376.

Sec. 2. (a) Paragraph (1) of subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out clause (B) in its entirety and striking out "(C)" and inserting in lieu thereof "(B)".

33 USC 1284.

94 STAT. 2361

(b) Subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out paragraph (3) in its entirety and paragraph (6) in its entirety and renumbering paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

33 USC 1284.

(c) The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Federal Water Pollution Control Act after March 1, 1973, and prior to the date of enactment of this Act, any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section or release any grant recipient of the obligations established by such conditions of other requirement.

Grants.
33 USC 1284 note.
33 USC 1281.

(d) Section 201(h) of the Federal Water Pollution Control Act is amended by striking out the last sentence.

33 USC 1281.

(e) The second sentence of section 213(d) of the Federal Water Pollution Control Act is amended by striking out "(1) all or any portion of the funds retained by such grantee under section 204(b)(3) of this Act, and (2)".

33 USC 1293.
33 USC 1284.

(f)(1) Section 75(b) of the Federal Water Pollution Control Act of 1977 (91 Stat. 1610) is hereby repealed.

Repeal.
33 USC 1284 note.

(2) Section 75(d) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed.

Repeal.
33 USC 1284

note.
Effective date.
33 USC 1281
note.

(g) The amendments made by this section shall take effect on December 27, 1977.

Grants.
33 USC 1281.

Sec. 3. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980.".

Report to
Congress.

Sec. 4. The Administrator of the Environmental Protection Agency shall study and report to the Congress not later than March 15, 1981, on the effect of the amendment made by section 3 on the construction of publicly owned treatment works, industrial participation in publicly owned treatment works, treatment of industrial discharges, and the appropriate degree of Federal and non-Federal participation in the funding of publicly owned treatment works.

33 USC 1286.

Sec. 5. Section 206(f)(1) of the Federal Water Pollution Control Act is amended—

33 USC 1283.
33 USC 1281.

(1) by striking out "In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act" and inserting in lieu thereof "In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this title have been obligated under section 201(g), or will be so obligated in a timely manner (as determined by the Administrator)"; and

(2) by striking out the last sentence thereof and inserting in lieu the following:

Applications.

"The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year

94 STAT. 2362

in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year—

"(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

"(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year.

To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 per centum as such appropriations do provide.".

33 USC 1283.

Sec. 6. Section 203(a) of the Federal Water Pollution Control Act is amended (1) by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000", and (2) by striking out "$3,000,000" and inserting in lieu thereof "$5,000,000".

33 USC 1285
note.

Sec. 7. Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallotted by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallotted by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallotted. Any sum made available to a State by reallotment under this section shall be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution

Control Act during any fiscal year. This section shall take effect on September 30, 1980.

Effective date.

SEC. 8. Section 311(k) of the Federal Water Pollution Control Act is amended—

33 USC 1321.

(1) by inserting "(l)" after "(k)"; and

(2) by adding the following new paragraph at the end thereof:

"(2) The Secretary of Transportation shall notify the Congress whenever the unobligated balance of the fund is less than $12,000,000, and shall include in such notification a recommendation for a supplemental appropriation relating to the sums that are needed to maintain the fund at the level provided in paragraph (1).".

Congressional notification.

SEC. 9. (a) The first sentence of section 202(a)(1) of the Federal Water Pollution Control Act is amended by striking the period and inserting in lieu thereof a comma and the following: "unless modified to a lower percentage rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator. Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allocated to the State under section 205 of this Act, the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modification. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to reimbursement for the portion of the Federal share reduced in any such State.".

33 USC 1282.

Guidelines.

33 USC 1285.

94 STAT. 2363.

(b) The first sentence of section 202(a)(2) of the Federal Water Pollution Control Act is amended by inserting before the period a comma and the following: "unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than 15 per centum greater than the modified uniform percentage rate in which the Administrator has concurred pursuant to paragraph (1) of this subsection".

33 USC 1282.

SEC. 10. Title I of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"HUDSON RIVER PCB RECLAMATION DEMONSTRATION PROJECT

"SEC. 116. (a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring systems for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a toxic contaminated national waterway. No pollutants removed pursuant to this paragraph shall be placed in any landfill unless the Administrator first determines that disposal of the pollutants in such landfill would provide a higher standard of protection of the public health, safety, and welfare than disposal of such pollutants by any other method including, but not limited to, incineration or a chemical destruction process.

Contracts and agreements.
33 USC 1266.

"(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until September 30, 1983. Funds allotted to the State of New York under section 205(a) shall be available under this subsection only to the extent that funds are not available, as determined by the Administrator, to the State of New York for the work authorized by this section under section 115 or 311

Grants.

33 USC 1285.

33 USC 1265, 1321.

of this Act or a comprehensive hazardous substance response and clean up fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 616(b) of this Act. The Administrator may not obligate or expend more than $20,000,000 to carry out this section.".

33 USC 1285.

SEC. 11. The first sentence of section 205(g)(1) of the Federal Water Pollution Control Act is amended by inserting "of the amount authorized under section 207 of this title for purposes" after "2 per centum".

Cleanup grants.
33 USC 1257a.

Appropriation authorization.

94 STAT. 2364

SEC. 12. The Administrator of the Environmental Protection Agency is authorized to make grants to States to undertake a demonstration program for the cleanup of State-owned abandoned mines which can be used as hazardous waste disposal sites. The State shall pay 10 per centum of project costs. At a minimum, the Administrator shall undertake projects under such program in the States of Ohio, Illinois, and West Virginia. There are authorized to be appropriated $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984, to carry out this section. Such projects shall be undertaken in accordance with all applicable laws and regulations.

Approved October 21, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-744 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 25, considered and passed Senate.
Oct. 1, considered and passed House, amended; Senate concurred in House amendment.

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94 STAT. 2767

Public Law 96-510
96th Congress

An Act

Dec. 11, 1980
[H.R. 7020]

To provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980
42 USC 9601 note.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

42 USC 9601.

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

42 USC 201 note.

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

16 USC 1801 note.

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

94 STAT. 2768

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act,

33 USC 1342.

33 USC 1344.

42 USC 6925.

33 USC 1412, 1413.

42 USC 300.

42 USC 7411, 7412, 7470, 7501.

42 USC 7410.

33 USC 1317.

33 USC 1342.

and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954; 42 USC 2014.

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act; Post, p. 2801. Post, p. 2804.

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas); 33 USC 1321. 42 USC 6921. 42 USC 7412. 15 USC 2606.

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government; 16 USC 1801 note.

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility; 94 STAT. 2770

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas); 33 USC 1321. 42 USC 6921. 42 USC 7412. 15 USC 2606.

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government; 16 USC 1801 note.

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility; 94 STAT. 2771

a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

49 USC 1671 note.

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

42 USC 6903.

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

94 STAT. 2772

33 USC 1362.

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

33 USC 1321.

(31) "national contingency plan" means the national contingency plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

Regulations. 42 USC 9602.

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title. 33 USC 1321.

NOTICES, PENALTIES

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State. 42 USC 9603. 33 USC 1251 note.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or 16 USC 1801 note.

94 STAT. 2773

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The 42 USC 6921.

Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

Rules and regulations.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility, and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver if obtained under paragraph (3) of this subsection, it shall be unlawful for any

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such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

Rules and regulations.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

7 USC 136 note.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or to the handling and storage of such a pesticide product by an agricultural producer.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsections (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, That notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

42 USC 9604.

Sec. 104. (a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

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"Pollutant or contaminant."

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c)(1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President provid-

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ing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however,* That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

42 USC 6921.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

Post, p. 2796.

(d)(1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e)(1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2)(A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

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(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts. *Post*, p. 2805.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work. 40 USC 276a note.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code. 5 USC app.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

Agency for Toxic Substances and Disease Registry. Establishment.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

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(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum: 42 USC 9605. 33 USC 1321.

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

33 USC 1321.

Revision and Republication.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

ABATEMENT ACTION

42 USC 9606.

Notice.

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

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Guidelines.

33 USC 1321, 1318, 1319, 1364.
42 USC 6927, 6928; *Ante*, p. 2344; 42 USC 6973.
42 USC 300j-4, 300i.
42 USC 7413, 7414, 7603.
15 USC 2606.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

42 USC 9607.

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

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(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $5,000,000 (or, for releases of hazardous substances as defined in section 101(14)(A) of this title into the navigable waters, $8,000,000). Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

49 USC 2001 note.

(D) for any facility other than those specified in subparagraph (C) of this paragraph. the total of all costs of response plus $50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A)(i) the release or threat of release of a hazardous substance was the result of willful misconduct or willful negligence

within the privity or knowledge of such person, or (ii) the primary cause of the release was a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the national contingency plan with respect to regulated carriers subject to the provisions of title 49 of the United States Code or vessels subject to the provisions of title 33 or 46 of the United States Code, subparagraph (A)(ii) of this paragraph shall be deemed to refer to Federal standards or regulations.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to

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any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act

notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

7 USC 136 note.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

33 USC 1319.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

Post, p. 2804.

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the

42 USC 6926.

Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

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(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

42 USC 6921.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

Rules.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

42 USC 9608.

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be

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established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

46 USC 91.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

42 USC 6921.

Publication in Federal Register

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

Ante, p. 820.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

42 USC 9609.

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

42 USC 9610.

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

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(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes: 42 USC 9611.

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(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act; 33 USC 1471 note.

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311(c) of the Clean Water Act and amended by section 105 of this title: *Provided, however,* That such costs must be approved under said plan and certified by the responsible Federal official; 33 USC 1321.

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however,* That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State. *Post,* p. 2809.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task

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forces, or other response teams under the national contingency plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

(2) In any fiscal year, 85 percent of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

Regulations.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the

Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act.

33 USC 1321.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

Report to Congress.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

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(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

42 USC 9612.

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(b)(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one year, or both.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or

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any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

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(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(A) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid. 94 STAT. 2795

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

42 USC 9613.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsections (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

42 USC 9614.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

42 USC 9615. SEC. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

Hazardous Substance Response Revenue Act of 1980.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

26 USC 1 note.

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

26 USC 1 *et seq.* (b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

94 STAT. 2797

Subtitle A—Imposition of Taxes on Petroleum and Certain Chemicals

SEC. 211. IMPOSITION OF TAXES.

(a) GENERAL RULE.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—ENVIRONMENTAL TAXES

"SUBCHAPTER A. Tax on petroleum.
"SUBCHAPTER B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

26 USC 4611.

"SEC. 4611. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax of 0.79 cent a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) TAX ON CERTAIN USES AND EXPORTATION.—

"(1) IN GENERAL.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) EXCEPTION FOR USE ON PREMISES WHERE PRODUCED.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) PERSONS LIABLE FOR TAX.—

"(1) CRUDE OIL RECEIVED AT REFINERY.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) IMPORTED PETROLEUM PRODUCT.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) Tax on certain uses or exports.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) Termination.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if no tax is imposed under section 4611 or 4661 during the calendar year following the date referred to above, *Post*, p. 2798.

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

94 STAT. 2798

"SEC. 4612. DEFINITIONS AND SPECIAL RULES.

26 USC 4612.

"(a) Definitions.—For purposes of this subchapter—

"(1) Crude oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) Domestic crude oil.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) Petroleum product.—The term 'petroleum product' includes crude oil.

"(4) United states.—

"(A) In general.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) United states includes continental shelf areas.—The principles of section 638 shall apply for purposes of the term 'United States'. 26 USC 638.

"(C) United states includes foreign trade zones.—The term 'United States' includes any foreign trade zone of the United States.

"(5) United states refinery.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) Refineries which produce natural gasoline.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) Premises.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) Barrel.—The term 'barrel' means 42 United States gallons.

"(9) Fractional part of barrel.—In the case of a fraction of a barrel, the tax imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) Only 1 Tax Imposed with Respect to Any Product.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product. *Ante*, p. 2797.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

26 USC 4661.

"SEC. 4661. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

94 STAT. 2799

"In the case of:	The tax is the following amount per ton
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Naphthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.45
Nickel	4.45
Phosphorus	4.45
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.90
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

26 USC 4662.

"SEC. 4662. DEFINITIONS AND SPECIAL RULES.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

Ante, p. 2798.

"(A) which is listed in the table under section 4661(b), and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

Ante, p. 2798.

"(2) United states.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

Ante, p. 2798.

94 STAT. 2800

"(5) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) EXCEPTIONS; OTHER SPECIAL RULES.—For purposes of this subchapter—

"(1) METHANE OR BUTANE USED AS A FUEL.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) SUBSTANCES USED IN THE PRODUCTION OF FERTILIZER.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia which is a qualified substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED SUBSTANCE.—For purposes of this section, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) QUALIFIED USE.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) SULFURIC ACID PRODUCED AS A BYPRODUCT OF AIR POLLUTION CONTROL.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under section 4661.

"(4) SUBSTANCES DERIVED FROM COAL.—For purposes of this subchapter, the term 'taxable chemical' shall not include any substance to the extent derived from coal.

"(c) USE BY MANUFACTURER, ETC., CONSIDERED SALE.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) REFUND OR CREDIT FOR CERTAIN USES.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) USE AS FERTILIZER.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to make ammonia without regard to subsection (b)(2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance,

94 STAT. 2801

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4661.".

26 USC 7652.
Ante, p. 2798.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"CHAPTER 38. Environmental taxes.".

26 USC 4611 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1981.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

42 USC 9631.

SEC. 221. ESTABLISHMENT OF HAZARDOUS SUBSTANCE RESPONSE TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) TRANSFERS TO RESPONSE TRUST FUND.—

(1) AMOUNTS EQUIVALENT TO CERTAIN TAXES, ETC.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

Ante, pp. 2797, 2798.

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

(B) the amounts recovered on behalf of the Response Trust Fund under this Act,

33 USC 1321.

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

(D) penalties assessed under title I of this Act, and

(E) punitive damages under section 107(c)(3) of this Act.

(2) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

94 STAT. 2802

33 USC 1321.

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) EXPENDITURES FROM RESPONSE TRUST FUND.—

(1) IN GENERAL.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111(c) of this Act.

(2) LIMITATIONS ON EXPENDITURES.—At least 85 percent of the

amounts appropriated to the Response Trust Fund under subsection (b) (1)(A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).

SEC. 222. LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.

42 USC 9632.

(a) GENERAL RULE.—Any claim filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

(b) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Response Trust Fund is unable (by reason of subsection (a) or the limitation of section 221(c)(2)) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

SEC. 223. ADMINISTRATIVE PROVISIONS.

42 USC 9633.

(a) METHOD OF TRANSFER.—The amounts appropriated by section 221(b)(1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) MANAGEMENT OF TRUST FUND.—

(1) REPORT.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

94 STAT. 2803

(2) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

(c) AUTHORITY TO BORROW.—

(1) IN GENERAL.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

Appropriation authorization.

(2) LIMITATIONS ON ADVANCES TO RESPONSE TRUST FUND.—

(A) AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 221(b) of this Act for the following 12 months, and

(B) ADVANCES FOR PAYMENT OF RESPONSE COSTS.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) Advances for other costs.—The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in section 111(a)(1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A).

(D) Final repayment.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) Repayment of advances.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

SEC. 231. IMPOSITION OF TAX.

(a) In General.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

26 USC 4681.

"SEC. 4681. IMPOSITION OF TAX.

94 STAT. 2804

"(a) General Rule.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

26 USC 4682.

"SEC. 4682. DEFINITIONS AND SPECIAL RULES.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or 42 USC 6921.

"(B) subject to the reporting or recordkeeping requirements of sections 3002 and 3004 of such Act, as so in effect. 42 USC 6922, 6924.

"(2) Qualified hazardous waste disposal facility.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act. 42 USC 6925.

"(b) Tax Imposed on Owner or Operator.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) Tax Not To Apply to Certain Wastes.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) Applicability of Section.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) Conforming Amendment.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter C—Tax on Hazardous Wastes.".

SEC. 232. POST-CLOSURE LIABILITY TRUST FUND. 42 USC 9641.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) Expenditures From Post-closure Liability Trust Fund.—Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) Administrative Provisions.—The provisions of sections 222 and 223 of this Act shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

94 STAT. 2805

REPORTS AND STUDIES

Sec. 301. (a)(1) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including, but not limited to— 42 USC 9651.

(A) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(B) a summary of past receipts and disbursements from the Fund;

(C) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(D) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(E) the record of State participation in the system of response, liability, and compensation established by this Act;

(F) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(G) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and the Post-closure Liability Trust Fund;

(H) an exemption from or an increase in the substances or the

Ante, p. 2798.

amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund;

(I) the economic impact of taxing coal-derived substances and recycled metals.

42 USC 6921.

94 STAT. 2806

Ante, p. 2336.

(2) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress (i) within four years after enactment of this Act, a report identifying additional wastes designated by rule as hazardous after the effective date of this Act and pursuant to section 3001 of the Solid Waste Disposal Act and recommendations on appropriate tax rates for such wastes for the Post-closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980, has determined should be subject to regulation under subtitle C of such Act, (ii) within three years after enactment of this Act, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post-closure Liability Trust Fund.

Ante, p. 2781.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

Regulations.

Ante, p. 2779.

33 USC 1321.

(c)(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

Review and revision.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste 94 STAT. 2807 management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and 42 USC 6921. other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e)(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal 94 STAT. 2808 statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except

expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

42 USC 9652.

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

33 USC 1321.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

42 USC 9653.

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total $1,380,000,000, whichever occurs first. The Secretary of the Treasury shall estimate when this level of $1,380,000,000 will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under sections 4611 and 4661 of the Internal Revenue Code of 1954.

Ante, pp. 2797, 2799.

CONFORMING AMENDMENTS

33 USC 1364.

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

42 USC 9654.

33 USC 1321.

(b) One-half of the unobligated balance remaining before the date of the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

42 USC 9655.

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the   dealing with the matter of   , which rule or regulation was transmitted to Congress on   .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

94 STAT. 2810

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

42 USC 9656.
Ante, p. 2767.

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

49 USC 1801 note.
Ante, p. 2781.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however*, That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

(c) Section 11901 of title 49, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i);

(2) by inserting "and subsection (h)" after "subsection (g)" in subsection (i)(2) as so redesignated by paragraph (1) of this subsection; and

(3) by inserting the following new subsection (h):

49 USC 10541.

"(h) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed $20,000 for each violation.".

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

42 USC 6911.

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

42 USC 6911a.

5 USC app; 42 USC 4321 note. 15 USC 2601 note. Effective date.

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code.

42 USC 6911 note.

(c) The amendment made by subsection (a) shall become effective ninety days after the date of the enactment of this Act.

94 STAT. 2811

SEPARABILITY

42 USC 9657.

SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

Approved December 11, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1016, pt. I (Comm. on Interstate and Foreign Commerce) and No. 96-1016, Pt. II (Comm. on Ways and Means).

SENATE REPORT No. 96-848 accompanying S. 1480 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 18, 19, 23, considered and passed House.
- Nov. 24, considered and passed Senate, amended, in lieu of S. 1480.
- Dec. 3, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
- Dec. 11, Presidential statement.

Public Law 96-539
96th Congress

94 STAT. 3194

An Act

To extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes.

Dec. 17, 1980
[H.R. 7018]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Insecticide, Fungicide, and Rodenticide Act, amendment.
7 USC 136w.

SCIENTIFIC ADVISORY PANEL

SECTION 1. Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by—

(1) inserting immediately after the fifth sentence the following new sentences: "The subpanels may be composed of scientists other than members of the advisory panel, as deemed necessary for the purpose of evaluating scientific studies relied upon by the Administrator with respect to proposed action. Such additional scientists shall be selected by the advisory panel."; and

(2) adding at the end thereof the following sentence: "Whenever the Administrator exercises authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly submit to the advisory panel for comment, as to the impact on health and the environment, the action taken to suspend the registration of such pesticide.".

7 USC 136d.

PEER REVIEW

SEC. 2. (a) Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new subsection (e):

7 USC 136w.

"(e) PEER REVIEW.—The Administrator shall, by written procedures, provide for peer review with respect to the design, protocols, and conduct of major scientific studies conducted under this Act by the Environmental Protection Agency or by any other Federal agency, any State or political subdivision thereof, or any institution or individual under grant, contract, or cooperative agreement from or with the Environmental Protection Agency. In such procedures, the Administrator shall also provide for peer review, using the advisory panel established under subsection (d) of this section or appropriate experts appointed by the Administrator from a current list of nominees maintained by such panel, with respect to the results of any such scientific studies relied upon by the Administrator with respect to actions the Administrator may take relating to the change in classification, suspension, or cancellation of a pesticide: *Provided,* That whenever the Administrator determines that circumstances do not permit the peer review of the results of any such scientific study prior to the Administrator's exercising authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly thereafter provide for the conduct of peer review as provided in this sentence. The evaluations and relevant documentation constituting the peer review that relate to the proposed scientific studies and the results of the completed scientific studies shall be included in the submission for comment forwarded by the Administrator to the advisory panel as provided in subsection (d). As used in this subsection, the term 'peer review' shall mean an independent evaluation by scientific experts, either within or outside the Environmental Protection Agency, in the appropriate disciplines."

7 USC 136d.

Comments.

94 STAT. 3195

"Peer review."
Publication in Federal Register.

(b) The provisions of this section shall become effective upon publication in the Federal Register of final procedures for peer review as provided in this section, but in no event shall such provisions become effective later than one year after the date of enactment of this Act.

7 USC 136w note.

AUTHORIZATION FOR APPROPRIATIONS

7 USC 136y.

SEC. 3. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act, is amended by adding at the end thereof the following new sentence: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1979, and ending September 30, 1980, such sums as may be necessary, but not in excess of $72,160,000, and for the period beginning October 1, 1980, and ending September 30, 1981, such sums as may be necessary, but not in excess of $77,500,000.".

CONGRESSIONAL REVIEW

7 USC 136w.

SEC. 4. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new paragraph (4):

"(4) RULE AND REGULATION REVIEW.—

Transmittal.

"(A) CONGRESSIONAL REVIEW.—Notwithstanding any other provision of this Act, simultaneously with promulgation of any rule or regulation under this Act, the Administrator shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subparagraph (B), the rule or regulation shall not become effective, if within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule or regulation promulgated by the Administrator of the Environmental Protection Agency dealing with the matter of   , which rule or regulation was transmitted to Congress on   ', the blank spaces therein being appropriately filled.

"(B) EFFECTIVE DATE.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in subparagraph (A).

94 STAT. 3196

"(C) For the purposes of subparagraphs (A) and (B) of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

"(D) EFFECT OF CONGRESSIONAL INACTION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

"(E) JUDICIAL REVIEW.—

"(i) Any interested party, including any person who participated in the rulemaking involved, may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this paragraph. The district court immediately shall certify all questions of the constitutionality of this paragraph to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

"(ii) Notwithstanding any other provision of law, any

decision on a matter certified under clause (i) of this subparagraph shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

"(iii) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under clause (i) of this subparagraph.".

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1020 (Comm. on Agriculture) and No. 96-1480 (Comm. of Conference).
SENATE REPORT No. 96-764 accompanying S. 2587 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 17, considered and failed of passage in House.
  June 24, considered and passed House.
  July 24, S. 2587 passed Senate; passage vacated and H.R. 7018, amended, passed in lieu.
  Dec. 1, Senate agreed to conference report.
  Dec. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 17, Presidential statement.

Public Law 96-568
96th Congress

94 STAT. 3334

An Act

To extend authorization for the Disaster Relief Act, and for other purposes.

Dec. 22, 1980
[S. 3027]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1980".

Disaster Relief Act Amendments of 1980.
42 USC 5121 note.
42 USC 5202.

SEC. 2. Section 606 of the Disaster Relief Act of 1974, as amended, is amended by striking "September 30, 1980" and inserting in lieu thereof "September 30, 1981, and to the Federal Emergency Management Agency such sums as may be necessary for administrative expenses through the close of September 30, 1981.".

Erroneous relief payments, liability.

SEC. 3. (a) Notwithstanding any provision of the Disaster Relief Act of 1970 (the Act), any unit of local government or any of the privately owned nonprofit libraries listed in subsection (b) is relieved from any liability for the repayment of contributions erroneously made by the United States for disaster relief activities for the benefit of such libraries which were damaged or destroyed by Hurricane Agnes in 1972 in the State of Pennsylvania.

Libraries, assistance eligibility.

(b) The following libraries are hereby entitled to assistance as if eligible under the provisions of the Act as in effect at the time of such disaster:

(1) the William D. Himmelreich Memorial Library in Lewisburg, Pennsylvania;
(2) the Milton Library in Milton, Pennsylvania;
(3) the Shippensburg Public Library in Shippensburg, Pennsylvania;
(4) the West Shore Public Library in Camp Hill, Pennsylvania;
(5) the Osterhout Library in Wilkes-Barre, Pennsylvania; and
(6) the West Pittston Library in West Pittston, Pennsylvania.

(c) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-962 accompanying H.R. 6863 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-891 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 26, considered and passed Senate.
  Nov. 21, H.R. 6863 considered and passed House; passage vacated and S. 3027, amended, passed in lieu.
  Dec. 15, Senate disagreed to House amendments.
  Dec. 16, House receded from its amendments.

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94 STAT. 3335

Public Law 96-569
96th Congress

An Act

Dec. 22, 1980
[S. 2726]

To authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Environmental Research, Development, and Demonstration Authorization Act of 1981.

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1981".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) for air quality activities authorized under the Clean Air Act—

42 USC 1857 note.

(A) in the Health and Ecological Effects program, $45,243,000;

(B) in the Industrial Processes program, $4,099,000;

(C) in the Monitoring and Technical Support program, $20,825,000;

(2) for water quality activities authorized under the Clean Water Act—

33 USC 1251 note.

(A) in the Health and Ecological Effects program, $23,884,000: *Provided*, That of the funds appropriated pursuant to this paragraph, $3,600,000 may be obligated and expended on the Great Lakes Research program through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan: *Provided further*, That of the funds appropriated pursuant to this paragraph, $1,000,000 may be obligated and expended on research to develop environmentally sound methods to control aquatic weeds: *Provided further*, That of the funds appropriated pursuant to this paragraph, $950,000 may be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon;

(B) in the Industrial Processes program, $13,737,000, of which $2,500,000 is for the Renewable Resources program;

(C) in the Public Sector Activities program, $14,300,000: *Provided*, That of the funds appropriated pursuant to this paragraph, $500,000 may be obligated and expended on a program to develop and demonstrate wet-weather technology at New York, New York;

(D) in the Monitoring and Technical Support program, $12,101,000;

(3) for water supply activities authorized under the Safe Drinking Water Act—

42 USC 201.

(A) in the Health and Ecological Effects program, $12,359,000;

(B) in the Public Sector Activities program, $14,080,000;

(C) in the Monitoring and Technical Support program, $1,008,000:

Provided, That of the funds appropriated pursuant to this paragraph, $4,000,000 may be obligated and expended on the Groundwater Research program (and no part of such sum shall be subject to transfer to any other category under subsection (e)), and the Administrator shall submit to the Congress a plan for the conduct of groundwater research and the use of the results of this research within one hundred and twenty days after the date of the enactment of this Act;

Submittal to Congress.

(4) for solid waste activities authorized under the Solid Waste Disposal Act, $26,446,000: *Provided*, That of the funds appropriated pursuant to this paragraph—

42 USC 3251 note.

(A) $300,000 may be obligated and expended on a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 may be obligated and expended on a program to demonstrate monitoring and isolation methods for hazardous wastes at a site in Coventry, Rhode Island;

(C) $500,000 may be obligated and expended on a program to demonstrate cleanup technologies, monitoring methods, scoping studies and related activities for hazardous wastes at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island;

(5) for pesticide activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act—

7 USC 136 note.

(A) in the Health and Ecological Effects program, $5,970,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(B) in the Industrial Processes program, $2,900,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(C) in the Monitoring and Technical Support program, $565,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(6) for radiation activities authorized under the Public Health Service Act—

42 USC 201 note.

(A) in the Health and Ecological Effects program, $2,990,000;

(B) in the Monitoring and Technical Support program, $191,000;

(7) for interdisciplinary activities—

(A) in the Health and Ecological Effects program, $5,232,000;

(B) in the Monitoring and Technical Support program, $2,868,000;

(C) in the Anticipatory Research program, $14,745,000;

(8) for toxic substance activities authorized under the Toxic Substances Control Act—

15 USC 2601 note.

(A) in the Health and Ecological Effects program, $31,876,000;

94 STAT. 3337

(B) in the Industrial Processes program, $1,772,000;

(C) in the Monitoring and Technical Support program, $3,247,000;

(9) for energy activities—

(A) in the Health and Ecological Effects program, $50,096,000;

(B) in the Energy Control program, $57,503,000, of which $500,000 is for a study of uranium mining wastes.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program management, $4,666,000.

Limitation.

(c) The aggregate authorization under subsection (a) of this section shall be limited to the sum $8,000,000 less than the total of all authorizations otherwise provided in subsection (a).

Grant, contract, and cooperative agreement applications review.

(d) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utilize funds authorized in subsection (a), (b), or (c) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

Transfer of funds.

(e) Funds may be transferred between the categories listed in subsections (a), (b), and (c); except that no funds may be transferred from any particular category listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a), (b), or (c) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Establishment.
42 USC 4363.

(f) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 15 per centum of funds appropriated to the Administrator for environmental research and development for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

AMENDMENT TO SCIENCE ADVISORY BOARD ESTABLISHMENT

42 USC 4365.

SEC. 3. Section 8(a) of Public Law 95-155 (relating to the provision of advice by the Science Advisory Board) is amended by striking out "Science Advisory Board which shall provide such scientific advice as the Administrator requests" and inserting in lieu thereof "Science Advisory Board which shall provide such scientific advice as may be requested by the Administrator, the Committee on Environment and Public Works of the United States Senate, or the Committees on Science and Technology, Interstate and Foreign Commerce, or Public Works and Transportation of the House of Representatives".

94 STAT. 3338

Approved December 22, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-745 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
Dec. 1, H.R. 7099 considered and passed House; passage vacated and S. 2726, amended, passed in lieu.
Dec. 5, Senate concurred in House amendment with amendments.
Dec. 9, House concurred in Senate amendments.

Public Law 96-572
96th Congress

94 STAT. 3344

An Act

To reauthorize title I of the Marine Protection, Research, and Sanctuaries Act, and for other purposes.

Dec. 22, 1980
[S. 1148]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Marine Protection, Research, and Sanctuaries Act, title I reauthorization.
33 USC 1420.

SECTION 1. Section 111 of the Marine Protection, Research, and Sanctuaries Act is amended by striking "and" following "1977," and inserting "not to exceed $2,000,000 for each of fiscal year 1980, fiscal year 1981, and fiscal year 1982," immediately after "1978,".

SEC. 2. Section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended—

(1) by amending subsection (a)—

(A) by inserting "and industrial waste" immediately after "sewage sludge",

(B) by striking out "Public Law 92-532" and inserting in lieu thereof "the Marine Protection, Research, and Sanctuaries Act of 1972",

(C) by inserting ", except as provided in subsections (b) and (c)," immediately before "in no case", and

(D) by striking out "the Marine Protection, Research, and Sanctuaries" and inserting in lieu thereof "such"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

Dumping permits.
33 USC 1411.
33 USC 1411.

"(b) After December 31, 1981, the Administrator may issue permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines—

"(1) that the proposed dumping is necessary to conduct research—

"(A) on new technology related to ocean dumping, or

"(B) to determine whether the dumping of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities;

"(2) that the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities; and

"(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping. No permit issued by the Administrator pursuant to this subsection may have an effective period of more than six consecutive months.

"(c) After December 31, 1981, the Administrator may issue emergency permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines that there has been demonstrated to exist an emergency, requiring the dumping of such waste, which poses an unacceptable risk relating to human health and admits of no other feasible solution. As used herein, 'emergency' refers to situations requiring action with a marked degree of urgency.

94 STAT. 3345

"Emergency."

"(d) For purposes of this section—

"Sewage sludge."

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities; and

"Industrial waste."

"(2) the term 'industrial waste' means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities.".

SEC. 3. Section 102(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1412(e)) is further amended—

(1) by inserting after "transportation of material," the words "by an agency or instrumentality of the United States or", and

(2) by striking out "section." and inserting "section: *Provided*, That in the case of an agency or instrumentality of the United States, no application shall be made for a permit to be issued pursuant to the authority of a foreign State Party to the Convention unless the Administrator concurs in the filing of such application.".

33 USC 1416.

SEC. 4. Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 is amended by adding at the end thereof a new subsection as follows:

Long Island Sound, dumping.

33 USC 1412.

"(f) In addition to other provisions of law and not withstanding the specific exclusion relating to dredged material in the first sentence in section 102(a) of this Act, the dumping of dredged material in Long Island Sound from any Federal project (or pursuant to Federal authorization) or from a dredging project by a non-Federal applicant exceeding 25,000 cubic yards shall comply with the criteria established pursuant to the second sentence of section 102(a) of the Act relating to the effects of dumping. Subsection (d) of this section shall not apply to this subsection.".

SEC. 5. Title II of the Marine Protection, Research, and Sanctuaries Act is amended by adding at the end thereof the following new section:

New York City, sewage sludge study.

33 USC 1445.

"SEC. 205. The Administrator of the Environmental Protection Agency is authorized to conduct a study to assist the city of New York in evaluating the technological options available for the removal of heavy metals and other toxic organic materials from the sewage sludge of the city of New York. The study shall also examine options available to reduce the amount of such pollutants entering the sewage system. The study is to be completed by July 1, 1981.".

94 STAT. 3345

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-894, pt. 1 (Comm. on Merchant Marine and Fisheries) and No. 96-894, pt. 2 (Comm. on Science and Technology) both reports accompanying H.R. 6616.
SENATE REPORT No. 96-163 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
  Vol. 125 (1979): June 6, considered and passed Senate.
  Vol. 126 (1980): May 12, 13, H.R. 6616 considered and passed House; passage vacated and S. 1148, amended, passed in lieu.
    Sept. 30, Senate concurred in House amendment with an amendment.
    Dec. 3, House concurred in Senate amendment with amendments.
    Dec. 12, Senate agreed to House amendments with an amendment.
    Dec. 13, House agreed to Senate amendment.

FOREIGN ASSISTANCE ACTS

Public Law 96-257
96th Congress

94 STAT. 422

An Act

To amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

May 31, 1980
[H.R. 6081]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Central American Assistance Act of 1979".

Special Central American Assistance Act of 1979.
22 USC 2151 note.

SEC. 2. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 536. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

22 USC 2346e.

"(b) There are authorized to be appropriated to the President for use in carrying out section 531 for the purposes set forth in subsection (a) of this section, in addition to funds otherwise available for such purposes, $80,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

Appropriation authorization.
22 USC 2346.

"(c) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

Human rights violations.

"(d) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

Presidential encouragement of human rights.

"(e) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of that goal, assistance to Nicaragua under this section shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

22 USC 2304.
22 USC 2151n.

"(f) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each six-month period in which funds are expended for Nicaragua under the authorization contained in subsection (b) of this section. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

Report to congressional committees.

94 STAT. 423

Certification of nonterrorism; transmittal to the Speaker of the House and the Senate Committee on Foreign Relations.

"(g) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, certification prior to releasing any assistance to the Government of Nicaragua under this chapter, that the Government of Nicaragua has not cooperated with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

U.S. support of OAS members against terrorism.

"(h) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States, including Guatemala, El Salvador, Costa Rica, Panama, Nicaragua, and Honduras, which are responsible members of the Organization of American States against terrorism and external subversion.

"(i) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

Loan funds, private sector use.

"(j) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 per centum of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. "Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent."

Local currency loan programs.

22 USC 2384.

"Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act. The President shall report on the implementation of this provision in the report required under subsection (e) of this section.".

Assistance termination, conditions.

"(k) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

Free, open elections.

"(k) The President shall terminate assistance to Nicaragua under this section if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.".

"(k) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall,

94 STAT. 424

in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.".

"(k) None of the funds authorized under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ or be made available to Cuban personnel."

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press."

"(k) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of U.S. origin.".

Loan funds, U.S. goods or services purchase.

"(k) Up to one per centum of the funds made available to Nicaragua from amounts authorized in subsection (b) shall be used to make publicly known to the people of Nicaragua the extent of U.S. aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection."

Report to Congress.

Approved May 31, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-713 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Feb. 22, 25-27, considered and passed House.
    May 19, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 23:
    May 31, Presidential statement.

Public Law 96-259
96th Congress

94 STAT. 429

An Act

To provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

June 3, 1980
[S. 662]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Inter-American Development Bank, etc., increased U.S. participation.

TITLE I—INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended—

(1) by redesignating section 29 as section 28; and

22 USC 283z.

(2) by adding at the end thereof the following new section:

"SEC. 29. (a) The United States Governor of the Bank is authorized to vote for two resolutions which were proposed by the Governors at a special meeting in December 1978 and are pending before the Board of Governors of the Bank. These resolutions provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions thereto, and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States (A) to subscribe to two hundred twenty-seven thousand eight hundred and ninety-six shares of the increase in the authorized capital stock of the Bank, of which two hundred ten thousand eight hundred and four shall be callable and seventeen thousand and ninety-two shall be paid-in, and (B) to contribute to the Fund for Special Operations $630,000,000, except that any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

22 USC 283z-1. Authorized capital stock increase; Fund for Special Operations increase; resolutions, voting authorization.

"(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $2,474,287,189 for the United States subscription to the capital stock of the Bank, and (2) $630,000,000 for

Appropriations authorizations.

the United States share of the increase in the resources of the Fund for Special Operations.

U.S. cost, minimization.

"(c) For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

"(1) shall pay the United States contribution to the Fund for Special Operations authorized by this section by letter of credit in four annual installments; and

"(2) shall take the steps necessary to obtain a certification from the Bank that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

Funds, limitation.

"(d) None of the funds authorized to be appropriated by this section may be used for any form of assistance to any country which is not a member of the Bank.".

Energy and mineral exploration, evaluation by President; report to Congress. 22 USC 283 note.

94 STAT. 430

SEC. 102. The President shall evaluate a proposal for joint action by the countries of the Western Hemisphere and other countries which participate in the Inter-American Development Bank to increase exploration for and exploitation of energy and mineral resources of the Western Hemisphere through multilateral incentives, administered by the Inter-American Development Bank, to private investment in such resources. The President shall report his findings to the Congress not later than September 30, 1980, together with such recommendations as he considers appropriate.

TITLE II—ASIAN DEVELOPMENT BANK

SEC. 201. The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new sections:

Asian Development Fund, U.S. contribution. 22 USC 285u.

"SEC. 24. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $378,250,000 to the Asian Development Fund, a special fund of the Bank, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

Appropriation authorization.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $378,250,000 for payment by the Secretary of the Treasury.

U.S. cost, minimization.

"(c) For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

"(1) shall pay the United States contribution to the Asian Development Fund authorized by this section by letter of credit in four annual installments; and

"(2) shall take the steps necessary to obtain a certification from the Bank that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

Taiwan, Bank membership. 22 USC 285v.

"SEC. 25. It is the sense of the Congress that it is the policy of the United States that Taiwan (before January 1, 1979, known as the Republic of China) shall be permitted to retain membership in the Asian Development Bank and that the United States Executive Director of the Bank shall notify the Bank that a serious review of future United States participation, including any future payments to the Asian Development Fund, would ensue if Taiwan were expelled from the Bank.".

TITLE III—AFRICAN DEVELOPMENT FUND

SEC. 301. The African Development Fund Act (22 U.S.C. 290g et seq.) is amended—

22 USC 290g-10.

(1) by redesignating section 212 as section 211; and

(2) by adding at the end thereof the following new section:

"SEC. 212. (a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $125,000,000 to the Fund as the United States contribution to the second replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

U.S. contribution. 22 USC 290g-11.

94 STAT. 431

"(b) In order to pay for the United States contribution provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $125,000,000 for payment by the Secretary of the Treasury.

Appropriation authorization.

"(c) For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

U.S. cost, minimization.

"(1) shall pay the United States contribution to the African Development Fund authorized by this section by letter of credit in three annual installments; and

"(2) shall take the steps necessary to obtain a certification from the Fund that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.".

TITLE IV—EXPORT OPPORTUNITY ENHANCEMENT

SEC. 401. The Secretary of the Treasury shall instruct the United States Executive Directors of the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund to take all possible steps to assure that information relative to potential procurement opportunities for United States firms is expeditiously communicated to the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce. Such information shall be disseminated as broadly as possible to both large and small business.

22 USC 262i.

TITLE V—HUMAN RIGHTS REPORTING

SEC. 501. (a) Section 701 of the Act of October 3, 1977 (Public Law 95-118; 22 U.S.C. 262g), is amended in subsection (c)—

22 USC 262d.

(1) by inserting "(1)" immediately after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The Secretary of the Treasury shall report quarterly on all loans considered by the Boards of Executive Directors of the institutions listed in subsection (a) to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Each such quarterly report shall include a list of all loans considered by the Boards of Executive Directors of such institutions and shall specify with respect to each such loan—

"(i) the institution involved;

"(ii) the date of final action;

"(iii) the borrower;

"(iv) the amount;

"(v) the project or program;

"(vi) the vote of the United States Government;

"(vii) the reason for United States Government opposition, if any;

"(viii) the final disposition of the loan; and

"(ix) if the United States Government opposed the loan, whether the loan meets basic human needs.

"(B) The information required to be reported under subparagraph (A) also shall be included in the annual report to the Congress of the National Advisory Council on International Monetary and Financial Policies.".

(b) Such section is further amended by adding at the end thereof the following new subsection:

94 STAT. 432

"(g)(1) The Secretary of the Treasury, in consultation with the Secretary of State, shall report quarterly to the chairmen and ranking minority members of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Subcommittee on International Development Institutions and Finance of such Committee, and the Committee on Foreign Relations of the Senate, in each instance in which the United States Executive Director of an institution listed in subsection (a) opposes any loan, financial assistance, or technical assistance for reasons regarding human rights. Each such report shall include—

"(A) the reasons for such opposition;

"(B) all policy considerations taken into account in reaching the decision to oppose such loan, financial assistance, or technical assistance;

"(C) a description of the human rights conditions in the country involved;

"(D) a record of how the United States Government voted on all other loans, financial assistance, and technical assistance to such country during the preceding two years; and

"(E) information as to how the decision to oppose such loan, financial assistance, or technical assistance relates to overall United States Government policy on human rights in such country.

"(2) The Secretary of the Treasury or his delegate shall consult frequently and in a timely manner with the chairmen and ranking minority members specified in paragraph (1) to inform them regarding any prospective changes in policy direction toward countries which have or recently have had poor human rights records.".

22 USC 262d.

(c) Title VII of the Act of October 3, 1977, is amended by adding at the end thereof the following new section:

22 USC 262d note.

"SEC. 705. The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to consult with the other Governors of those institutions concerning adoption of an amendment to the Articles of Agreement of their respective institutions to establish human rights standards to be considered in connection with each application for assistance.".

TITLE VI—USE OF RENEWABLE RESOURCES FOR ENERGY PRODUCTION

22 USC 262j note.

SEC. 601. The Congress finds that—

(1) without an adequate supply of energy at affordable prices the world's poor will continue to be deprived of jobs, food, water, shelter, and clothing, and poor countries will continue to be economically and politically unstable;

(2) dependence on increasingly expensive fossil fuel resources consumes too much of the capital available to poor countries with the result that funds are not available to meet the basic needs of poor people;

(3) in many developing countries the cost of large central generators and long distance electrical distribution makes it unlikely that rural energy by means of a national grid will contribute to meeting the needs of poor people;

(4) only one of eight rural inhabitants lives in an area which has access to electricity and even fewer rural inhabitants actually have or can afford electricity;

(5) wood, animal and agricultural waste, and other "noncommercial" fuels still supply about half the total energy in developing countries and all but a seventh in rural sectors;

(6) growing dependence of the world's poor on wood for heating and cooking has forced the overcutting of forests and as a

consequence erosion and loss of available agricultural land; and

(7) recent initiatives by the international financial institutions to develop and utilize decentralized solar, hydro, biomass, geothermal, and wind energy should be significantly expanded to make renewable energy resources increasingly available to the world's poor on a wide scale.

22 USC 262j.

SEC. 602. (a) The United States Government, in connection with its voice and vote in the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall encourage such institutions—

(1) to promote the decentralized production of renewable energy;

(2) to identify renewable resources to produce energy in rural development projects and determine the feasibility of substituting them for systems using fossil fuel;

(3) to train personnel in developing technologies for getting energy from renewable resources;

(4) to support research into the use of renewable resources, including hydropower, biomass, solar photovoltaic, and solar thermal;

(5) to support an information network to make available to policymakers the full range of energy choices;

(6) to broaden their energy planning, analyses, and assessments to include consideration of the supply of, demand for, and possible uses of renewable resources; and

(7) to coordinate with the Agency for International Development and other aid organizations in supporting effective rural energy programs.

"Renewable resource."

(b) For purposes of this section, the term "renewable resource" means any energy resource which—

(1) meets the needs of rural communities;

(2) saves capital without wasting labor;

(3) is modest in scale and simple to install and maintain and which can be managed by local individuals;

(4) is acceptable and affordable; and

(5) does not damage the environment.

Report to Congress.

(c) The Secretary of the Treasury, in consultation with the Director of the United States International Development Cooperation Agency, shall report to the Congress not later than six months after the date of enactment of this Act and annually thereafter on the progress toward achieving the goals set forth in this title.

94 STAT. 434

Approved June 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-135 accompanying H.R. 3829 (Common Banking, Finance and Urban Affairs) and Nos. 96-837, 96-867, and 96-974 (all from Comm. of Conference).
SENATE REPORT No. 96-135 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD
 Vol. 125 (1979): May 17, considered and passed Senate.
 Vol. 126 (1980): Mar. 5, 6, H.R. 3829 considered and passed House; passage vacated and S. 662, amended, passed in lieu.
 Mar. 25, Apr. 17, House recommitted conference report on S. 662.
 May 21, House agreed to conference report.
 May 22, Senate agreed to conference report.

94 STAT. 499

Public Law 96-271
96th Congress

An Act

June 16, 1980
[S. 2666]

To authorize appropriations for the International Natural Rubber Agreement for fiscal year 1981.

International Natural Rubber Agreement. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That in order to meet the obligations of the United States as a member of the International Natural Rubber Organization established by the International Natural Rubber Agreement, there is authorized to be appropriated for the fiscal year 1981 $88,000,000 for the payment of contributions by the United States to the buffer stock account established by the agreement. Funds appropriated under this Act are authorized to remain available during the period in which the International Natural Rubber Agreement remains in effect with respect to the United States.**

Approved June 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-964 accompanying H.R. 7219 (Comm. on Foreign Affairs).
SENATE REPORT No. 96-731 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
June 3, considered and passed House in lieu of H.R. 7219.

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94 STAT. 1016

Public Law 96-323
96th Congress

An Act

Aug. 4, 1980
[H.R. 5580]

To amend title 10, United States Code, to authorize the Secretary of Defense to enter into certain agreements to further the readiness of the military forces of the North Atlantic Treaty Organization.

North Atlantic Treaty Organization Mutual Support Act of 1979.
10 USC 2321 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "North Atlantic Treaty Organization Mutual Support Act of 1979".**

Sec. 2. (a) Title 10, United States Code, is amended by inserting after chapter 137 the following new chapter:

"CHAPTER 138—NORTH ATLANTIC TREATY ORGANIZATION ACQUISITION AND CROSS-SERVICING AGREEMENTS

"Sec.
"2321. Authority to acquire logistic support, supplies, and services for United States armed forces in Europe.
"2322. Cross-servicing agreements.
"2323. Law applicable to acquisition and cross-servicing agreements.
"2324. Methods of payment for acquisitions and transfers by the United States.
"2325. Liquidation of accrued credits and liabilities.
"2326. Crediting of receipts.
"2327. Limitation on amounts that may be obligated or accrued by the United States.
"2328. Inventories of supplies not to be increased.
"2329. Regulations.
"2330. Annual reports.
"2331. Definitions.

10 USC 2321.

"§ 2321. Authority to acquire logistic support, supplies, and services for United States armed forces in Europe

"Subject to section 2323 of this title and subject to the availability of appropriations, the Secretary of Defense may acquire from the

Governments of North Atlantic Treaty Organization countries and from North Atlantic Treaty Organization subsidiary bodies logistic support, supplies, and services for elements of the armed forces deployed in Europe and adjacent waters.

"§ 2322. Cross-servicing agreements

10 USC 2322.

"Subject to section 2323 of this title and to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into agreements with the Government of any North Atlantic Treaty Organization country and with any North Atlantic Treaty Organization subsidiary body under which the United States agrees to provide logistic support, supplies, and services to military forces of such country or subsidiary body deployed in Europe and adjacent waters in return for the reciprocal provision of logistic support, supplies, and services by such country or subsidiary body to elements of the armed forces deployed in Europe and adjacent waters.

"§ 2323. Law applicable to acquisition and cross-servicing agreements

10 USC 2323.

"(a) Except as provided in subsection (b), acquisition of logistic support, supplies, and services under section 2321 of this title and agreements entered into under section 2322 of this title shall be made in accordance with chapter 137 of this title and the provisions of this chapter.

10 USC 2301 *et seq.*

"(b) Sections 2207, 2304(g), 2306(a), 2306(b), 2306(e), 2306(f), and 2313 of this title, section 3741 of the Revised Statutes (41 U.S.C. 22), and section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) shall not apply to acquisitions made under the authority of section 2321 of this title or to agreements entered into under section 2322 of this title.

10 USC 2207, 2304, 2306, 2313.

"§ 2324. Methods of payment for acquisitions and transfers by the United States

10 USC 2324.

"(a) Logistics support, supplies, and services may be acquired or transferred by the United States under the authority of this chapter on a reimbursement basis or by replacement-in-kind or exchange of supplies or services of an identical or substantially identical nature.

Reciprocal pricing principles.

"(b)(1) In entering into agreements with the Government of another North Atlantic Treaty Organization country for the acquisition or transfer of logistic support, supplies, and services on a reimbursement basis, the Secretary of Defense shall negotiate for adoption of the following pricing principles for reciprocal application:

"(A) The price charged by a supplying country for logistics support, supplies, and services specifically procured by the supplying country from its contractors for a recipient country shall be no less favorable than the price for identical items or services charged by such contractors to the armed forces of the supplying country, taking into account price differentials due to delivery schedules, points of delivery, and other similar considerations.

"(B) The price charged a recipient country for supplies furnished by a supplying country from its inventory, and the price charged a recipient country for logistics support and services furnished by the officers, employees, or governmental agencies of a supplying country, shall be the same as the price charged for identical supplies, support, or services acquired by an armed force of the supplying country from such governmental sources.

"(2) To the extent that the Secretary of Defense is unable to obtain mutual acceptance by the other country involved of the reciprocal pricing principles for reimbursable transactions set forth in paragraph (1)—

"(A) the United States may not acquire from such country any logistic support, supply, or service not governed by such reciprocal pricing principles unless the United States forces commander acquiring such support, supply, or service determines (after price analysis) that the price thereof is fair and reasonable; and

"(B) transfers by the United States to such country under this Act of any logistic support, supply, or service that is not governed by such reciprocal pricing principles shall be subject to the pricing provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

Waiver.

"(3) To the extent that indirect costs (including charges for plant and production equipment), administrative surcharges, and contract administration costs with respect to any North Atlantic Treaty Organization country are not waived by operation of the reciprocal pricing principles of paragraph (1), the Secretary of Defense may, on a reciprocal basis, agree to waive such costs.

94 STAT. 1018

"(4) The pricing principles set forth in paragraph (2) and the waiver authority provided in paragraph (3) shall also apply to agreements with North Atlantic Treaty Organization subsidiary bodies under this chapter.

10 USC 2325.

"§ 2325. Liquidation of accrued credits and liabilities

"Credits and liabilities of the United States accrued as a result of acquisitions and transfers of logistic support, supplies, and services under the authority of this chapter shall be liquidated not less often than once every three months by direct payment to the entity supplying such support, supplies, or services by the entity receiving such support, supplies, or services.

10 USC 2326.

"§ 2326. Crediting of receipts

"Any receipt of the United States as a result of an agreement entered into under this chapter shall be credited to applicable appropriations, accounts, and funds of the Department of Defense.

10 USC 2327.

"§ 2327. Limitation on amounts that may be obligated or accrued by the United States

Liabilities.

"(a) Except during a period of active hostilities involving the North Atlantic Treaty Organization, the total amount of reimbursable liabilities that the United States may accrue under this chapter (before the computation of offsetting balances) may not exceed $100,000,000 in any fiscal year, and of such amount not more than $25,000,000 in liabilities may be accrued for the acquisition of supplies (other than petroleum, oils, and lubricants).

Credits.

"(b) Except during a period of active hostilities involving the North Atlantic Treaty Organization, the total amount of reimbursable credits that the United States may accrue under this chapter (before the computation of offsetting balances) may not exceed $100,000,000 in any fiscal year.

10 USC 2328.

"§ 2328. Inventories of supplies not to be increased

"Inventories of supplies for elements of the armed forces may not be increased for the purpose of transferring supplies under the authority of this Act to military forces of any North Atlantic Treaty Organization country or any North Atlantic Treaty Organization subsidiary body.

10 USC 2329

"§ 2329. Regulations

Copies, transmittal to Congress.

"The Secretary of Defense shall prescribe regulations to implement this chapter and shall, not later than sixty days before the effective date of such regulations, transmit copies of such regulations to the Congress. No agreement to make an acquisition or transfer under the authority provided by this chapter may be entered into until such regulations take effect.

10 USC 2330.

"§ 2330. Annual reports

Submittal to Congress.

"The Secretary of Defense shall submit to the Congress not later than February 1 of each year a report containing—

"(1) a description of each agreement entered into under the authority of this chapter that was in effect during the fiscal year preceding the fiscal year in which such report is submitted;

"(2) a report of the dollar value of each reimbursable acquisition or transfer of logistic support, supplies, or services by the United States (by appropriation, account, or fund) during such fiscal year under each such agreement;

"(3) a report of nonreimbursable acquisitions and transfers of logistic support and services by the United States (by appropriation, account, and fund) during such fiscal year under each such agreement; and

"(4) a description of each agreement entered into (or expected to be entered into) under the authority of this chapter that is expected to be in effect during the fiscal year in which such report is submitted, together with a report of the estimated total dollar value of acquisitions and transfers by the United States (by appropriation, account, or fund) expected to be made during such fiscal year under each such agreement.

"§ 2331. Definitions

10 USC 2331.

"In this chapter:

"(1) 'Logistic support, supplies, and services' means food, billeting, transportation, petroleum, oils, lubricants, clothing, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), storage services, use of facilities, training services, spare parts and components, repair and maintenance services, and port services.

"(2) 'North Atlantic Treaty Organization subsidiary bodies' means—

"(A) any organization within the meaning of the term 'subsidiary bodies' in article I of the multilateral treaty on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, signed at Ottawa on September 20, 1951 (TIAS 2992; 5 UST 1087); and

"(B) any international military headquarters or organization to which the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty, signed at Paris on August 28, 1952 (TIAS 2978; 5 UST 870), applies.".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 137 the following new item:

"138. North Atlantic Treaty Organization Acquisition and Cross-Servicing Agreements........ 2321".

Approved August 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-612, Pt. 1 (Comm. on Armed Services) and Pt. 2 (Comm. on Foreign Affairs).

SENATE REPORTS: No. 96-795 (Comm. on Armed Services) and No. 96-842 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 3, considered and passed House.

Vol. 126 (1980): July 21, considered and passed Senate.

94 STAT. 1551

Public Law 96-389
96th Congress

An Act

Oct. 7, 1980
[S. 2271]

To amend the Bretton Woods Agreements Act to authorize consent to an increase in the United States quota in the International Monetary Fund, and for other purposes.

Bretton Woods Agreements Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INCREASE IN UNITED STATES QUOTA

SECTION 1. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new section:

22 USC 286e-lg.

"SEC. 32. The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 4,202.5 million Special Drawing Rights, to such extent or in such amounts as are provided in appropriation Acts.".

BASIC HUMAN NEEDS

SEC. 2. (a) The Bretton Woods Agreements Act is further amended by adding at the end thereof the following new section:

International Monetary Fund economic adjustment programs.
22 USC 286s.

"SEC. 33. (a) The President shall instruct the Secretary of the Treasury, the Secretary of State, and other appropriate Federal officials to use all appropriate means to encourage countries, in formulating economic adjustment programs to deal with their balance of payments difficulties, to design those programs so as to safeguard, to the maximum feasible extent, jobs, investment, real per capita income, policies to reduce the gap in wealth between rich and poor, and social programs such as health, housing, and education.

"(b) To ensure the effectiveness of economic adjustment programs supported by Fund resources and the reinforcement of those programs by longer term efforts to promote sustained growth and improved living conditions—

"(1) United States representatives to the Fund shall recommend and shall work for changes in Fund guidelines, policies, and decisions that would—

"(A) permit stand-by arrangements to be extended beyond three years, as necessary to enable Fund members to implement their economic adjustment programs successfully;

"(B) provide that in approving any economic adjustment program the Fund shall take into account the effect such program will have on jobs, investment, real per capita income, the gap in wealth between the rich and poor, and social programs such as health, housing, and education, in order to seek to minimize the adverse impact of those adjustment programs on basic human needs; and

"(C) provide that letters of intent submitted to the Fund in support of an economic adjustment program reflect that the member country has taken into account the effect such program will have on the factors listed in subparagraph (B);

94 STAT. 1552

Review.

"(2)(A) before voting on the approval of any standby arrangement with respect to any economic adjustment program, the United States Executive Director shall review—

"(i) any analysis of factors prepared by the Fund or the member country in accordance with subparagraphs (B) and (C) of paragraph (1), or

"(ii) if no such analysis is prepared and available for such review, an analysis which shall be prepared by the United States Governor of the Fund which examines the effect of the program on the factors listed in subparagraph (B) of paragraph (1); and

"(B) the United States Executive Director of the Fund shall take into account the analysis reviewed pursuant to subparagraph (A) of this paragraph in voting on approval of that standby arrangement;

"(3) United States representatives to the Fund, to the Bank, and to other appropriate institutions shall work toward improving coordination among these institutions and, in particular, shall work toward formulation of programs in association with economic adjustment programs supported by Fund resources which (A) will, among other things, promote employment, investment, real income per capita, improvements in income distribution, and the objectives of social programs such as health, housing, and education, and (B) will, to the maximum extent feasible and consistent with the borrowing country's need to improve its balance of payments position within a reasonable period, ameliorate any adverse effects of economic adjustment programs on the poor;

"(4) United States representatives to the Fund and the Bank shall seek amendments to decisions on policies on the use of Fund and Bank resources to provide that, where countries are seeking Extended Fund Facility or upper credit tranche drawings from the Fund and are eligible to receive financing from the Bank, the Fund and Bank will coordinate their financing activities in order—

"(A) to take into account the effects of economic adjustment programs on the areas listed in clause (A) of paragraph (3),

"(B) to provide, to the extent feasible, Bank project loans designed to safeguard and further basic human needs in countries adopting economic adjustment programs supported by Fund resources, and

"(C) to provide, as appropriate, Bank financing for programs of structural adjustment that will facilitate development of a productive economic base and greater attainment of basic human needs objectives over the longer term; and

"(5) United States representatives to the Fund and the Bank shall request the Fund and the Bank to provide periodic analyses of the effects of economic adjustment programs supported by Fund or Bank financing on jobs, investment, real income per capita, income distribution, and social programs such as health, housing, and education.

Annual reports to Congress.

"(c) The National Advisory Council on International Monetary and Financial Policies shall include in each of its annual reports to the Congress a statement detailing the actions and progress made in carrying out the requirements of subsections (a) and (b) of this section.".

(b) Section 30 of the Bretton Woods Agreements Act (22 U.S.C. 286e-9) is amended—

(1) in subsection (a) by striking out "entered into pursuant to loans from the Supplementary Financing Facility";

(2) in the first sentence of subsection (b) by striking out "entered into pursuant to loans from the Supplementary Financing Facility"; and

(3) in the second sentence of subsection (b) by striking out "by the Supplementary Financing Facility".

31 USC 27.

SEC. 3. Strike section 7 of Public Law 95-435, the Bretton Woods Agreements Act Amendments of 1978, which reads: "Beginning with Fiscal Year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.", and insert in lieu thereof: "The Congress reaffirms its commitment that beginning with Fiscal Year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.".

RECYCLING BALANCE-OF-PAYMENTS SURPLUSES

22 USC 286t note.

SEC. 4. (a) It is the sense of the Congress that (1) the interests of the United States and those of other member countries require an effective International Monetary Fund equipped with resources adequate to facilitate orderly balance-of-payments adjustments; (2) persistent balance-of-payments surpluses in oil exporting countries have placed, and will continue to place, severe strains on the resources of oil importing countries and on the liquidity of the Fund; (3) these strains can only be relieved if the oil exporting countries assume a greater burden for financing balance-of-payments deficits through direct methods of recycling their surpluses and through proportionally greater contributions to the Fund and to the international lending institutions; and (4) the Fund must explore innovative proposals to encourage more direct recycling of oil surpluses and to increase its own liquidity.

(b) The Bretton Woods Agreements Act is further amended by adding at the end thereof the following new sections:

Study and report to Congress 22 USC 286t.

"SEC. 34. The Secretary of the Treasury, in consultation with the United States Executive Director of the Fund, shall study and, following consultations with member countries, shall report to the Congress prior to May 15, 1981, with respect to—

"(1) the current adequacy of Fund resources, together with projected needs of the Fund over the next five years;

"(2) the feasibility of increasing Fund liquidity by encouraging the Fund to borrow directly from the governments of oil exporting countries;

"(3) the feasibility of increasing Fund liquidity by encouraging the Fund to borrow in private capital markets through the issuance of securities backed by Fund resources;

"(4) the feasibility of an offer by the Fund of incentives to oil exporting countries, including financial guarantees by the Fund for government-to-government loans to countries with balance-of-payments deficits, in order to promote more direct recycling of oil surpluses; and

"(5) methods to enhance cooperation between commercial banks and the Fund to promote the availability of adequate resources for balance-of-payments financing.

Report to Congress. 22 USC 286u.

"SEC. 35. It is the sense of the Congress that the Secretary of the Treasury and the United States Executive Director of the Fund shall encourage member countries of the Fund to negotiate a dollar-Special Drawing Rights substitution account in which equitable burden sharing would exist among participants in the account, and shall report to the Congress prior to May 15, 1981, with respect to progress toward achieving this goal.".

94 STAT. 1554

DEBT RESCHEDULING COMPARABILITY

22 USC 286e-8.

SEC. 5. Section 29 of the Bretton Woods Agreements Act is amended by striking out "on the use of the facility".

TAIWAN

SEC. 6. The Bretton Woods Agreements Act is further amended by adding at the end thereof the following new section:

International Monetary Fund membership. 22 USC 286v.

"SEC. 36. It is the sense of the Congress that it is the policy of the United States that Taiwan (before January 1, 1979, known as the Republic of China) shall be granted appropriate membership in the Fund and that the United States Executive Director of the Fund shall so notify the Fund.".

PALESTINE LIBERATION ORGANIZATION

SEC. 7. The Bretton Woods Agreements Act is further amended by adding at the end thereof the following new section:

"SEC. 37. It is the policy of the United States that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund. The United States Executive Director of the Fund shall promptly notify the Fund of such policy.

22 USC 286w.

"In the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support. Upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.".

Presidential report to Congress.

ASSISTANCE TO THE PRIVATE SECTOR OF EL SALVADOR AND OTHER NATIONS

SEC. 8. The Bretton Woods Agreements Act is further amended by adding at the end thereof the following new section:

"SEC. 38. It is the sense of the Congress that in providing assistance through loans or other means to any nation, in particular El Salvador and Nicaragua, the Fund and the Bank should encourage programs which assist the private sector to create an environment which will stabilize the economy of the nation; and that the United States representatives to the Fund and the Bank shall promote the use of assistance by the Fund and the Bank to encourage such programs.".

22 USC 286x.

SEC. 9. The United States Executive Director to the Fund shall seek to insure (a) that Fund salaries do not exceed those levels endorsed by the Fund Bank Joint Committee on Staff Compensation Issues; and (b) that travel costs are minimized by limiting first class and supersonic travel to instances where no reasonable alternative exists.

International Monetary Fund salaries and travel costs.
22 USC 286a note.

94 STAT. 1555

ROLE OF GOLD IN INTERNATIONAL MONETARY SYSTEMS

SEC. 10. (a) The Secretary of the Treasury shall establish and chair a commission consisting of—

Commission, establishment.
31 USC 822a note.

(1) three members of the Board of Governors of the Federal Reserve System and two members of the Council of Economic Advisors, all of whom shall be designated by the Secretary of the Treasury;

(2) one majority and one minority member each from (A) the Joint Economic Committee of the Congress, (B) the Committee on Banking, Housing, and Urban Affairs of the Senate, and (C) the Committee on Banking, Finance and Urban Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives and the President of the Senate, respectively, upon the recommendations of the majority and minority leaders of the respective Houses; and

(3) four distinguished private citizens with business, finance, or academic backgrounds who shall be designated by the Secretary.

(b) The commission shall conduct a study to assess and make recommendations with regard to the policy of the United States Government concerning the role of gold in domestic and international monetary systems, and shall transmit to the Congress a report containing its findings and recommendations not later than one year after the date of enactment of this Act.

Study and report to Congress.

(c) Sums appropriated pursuant to section 5 of Public Law 95–612 shall be available to the commission to carry out its functions.

92 Stat. 3092.

FULL APPROPRIATIONS REQUIRED

SEC. 11. Section 32 of the Bretton Woods Agreements Act, as added by section 1 of this Act, is amended by striking "to such extent or in such amounts as are provided in appropriations Acts" and inserting in lieu thereof "limited to such amounts as are appropriated in advance in appropriation Acts."

22 USC 286e-1g.

EFFECTIVE DATE

22 USC 286e note.

SEC. 12. This Act shall take effect on its date of enactment, except that funds may not be appropriated under any authorization contained in this Act for any period prior to October 1, 1980.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1018 accompanying H.R. 7244 (Comm. on Banking, Finance and Urban Affairs).
SENATE REPORTS: No. 96-693 (Comm. on Foreign Relations) and No. 96-794 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- June 16, considered and passed Senate.
- Sept. 17, 18, H.R. 7244 considered and passed House; passage vacated and S. 2271, amended, passed in lieu.
- Sept. 23, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 41:
- Oct. 7, Presidential statement.

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94 STAT. 1967

Public Law 96-449
96th Congress

An Act

Oct. 14, 1980
[H.R. 7085]

To provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hostage Relief Act of 1980".

Hostage Relief Act of 1980.
5 USC 5561 note.

TITLE I—SPECIAL PERSONNEL BENEFITS

DEFINITIONS

5 USC 5561 note.

SEC. 101. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe).

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

94 STAT. 1968

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2101 of such title 5.

PAY AND ALLOWANCES MAY BE ALLOTTED TO SPECIAL SAVINGS FUND

Special savings fund, establishment.
5 USC 5561 note.

SEC. 102. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

Interest note.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

Withdrawal procedures.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code, (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

MEDICAL AND HEALTH CARE AND RELATED EXPENSES

5 USC 5561 note.

SEC. 103. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

EDUCATION AND TRAINING

5 USC 5561 note.

SEC. 104. (a)(1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

94 STAT. 1969

(A) after the ninetieth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

Assistance after hostage's death.

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

38 USC 1700 *et seq.*

(b)(1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

Assistance, discontinuance.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

Limitation.

(d) In no event may assistance be provided under this section for any individual for a period in excess of forty-five months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 38, United States Code.

38 USC 1700 *et seq.*, 1770 *et seq.*

EXTENSION OF APPLICABILITY OF CERTAIN BENEFITS OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

5 USC 5561 note.

SEC. 105. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

94 STAT. 1970

Definitions.

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the Armed Forces. 50 USC app. 501.

APPLICABILITY TO COLOMBIAN HOSTAGE

Richard Starr. 5 USC 5561 note.

SEC. 106. Notwithstanding the requirements of section 101(1), for purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

EFFECTIVE DATE

SEC. 107. The preceding provisions of this title shall take effect as of November 4, 1979. 5 USC 5561 note.

TITLE II—TAX PROVISIONS

SEC. 201. COMPENSATION EXCLUDED FROM GROSS INCOME.

5 USC 5561 note.

For purposes of the Internal Revenue Code of 1954, the gross income of an individual who was at any time an American hostage does not include compensation from the United States received for any month during any part of which such individual was— 26 USC 1.

(1) in captive status, or

(2) hospitalized as a result of such individual's captive status.

SEC. 202. INCOME TAXES OF HOSTAGES WHERE DEATH RESULTS FROM CAPTIVE STATUS.

5 USC 5561 note.

(a) GENERAL RULE.—In the case of an individual who was at any time an American hostage and who dies as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status—

(1) any tax imposed by subtitle A of the Internal Revenue Code of 1954 shall not apply with respect to— 26 USC 1.

(A) the taxable year in which falls the date of such individual's death, or

(B) any prior taxable year ending on or after the first day such individual was in captive status, and

(2) any tax imposed under such subtitle A for taxable years preceding those specified in paragraph (1) which is unpaid at the date of such individual's death (including interest, additions to the tax, and additional amounts)—

(A) shall not be assessed,

(B) if assessed, the assessment shall be abated, and

(C) if collected, shall be credited or refunded as an overpayment.

(b) DEATH MUST OCCUR WITHIN 2 YEARS OF CESSATION OF CAPTIVE STATUS.—This section shall not apply unless the death of the individual occurs within 2 years after such individual ceases to be in captive status.

SEC. 203. SPOUSE MAY FILE JOINT RETURN.

5 USC 5561 note.

(a) GENERAL RULE.—If an individual is an American hostage who is in captive status, such individual's spouse may elect to file a joint return under section 6013(a) of the Internal Revenue Code of 1954 for any taxable year— 26 USC 6013.

(1) which begins on or before the day which is 2 years after the date on which the hostage period ends, and

(2) for which such spouse is otherwise entitled to file such a joint return.

(b) Certain Rules Made Applicable.—For purposes of subsection (a), paragraphs (2) and (4) of section 6013(f) of such Code (relating to joint return where individual is in missing status) shall apply as if the election described in subsection (a) of this section were an election described in paragraph (1) of such section 6013(f).

5 USC 5561 note.

SEC. 204. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF CAPTIVE STATUS.

(a) General Rule.—In the case of any individual who was at any time an American hostage, any period during which he was in captive status (and any period during which he was outside the United States and hospitalized as a result of captive status), and the next 180 days thereafter, shall be disregarded in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual—

(1) whether any of the acts specified in paragraph (1) of section 7508(a) of the Internal Revenue Code of 1954 was performed within the time prescribed therefor, and 26 USC 7508.

(2) the amount of any credit or refund (including interest).

(b) Application to Spouse.—The provisions of this section shall apply to the spouse of any individual entitled to the benefits of subsection (a). The preceding sentence shall not cause this section to apply to any spouse for any taxable year beginning more than 2 years after the date on which the hostage period ends.

(c) Section 7508(d) Made Applicable.—Subsection (d) of section 7508 of the Internal Revenue Code of 1954 shall apply to subsection (a) in the same manner as if the benefits of subsection (a) were provided by subsection (a) of such section 7508.

5 USC 5561 note.

SEC. 205. DEFINITIONS AND SPECIAL RULES.

(a) American Hostage.—For purposes of this title, the term "American hostage" means any individual who, while—

(1) in the civil service or the uniformed services of the United States, or

(2) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

94 STAT. 1972

(b) Hostage Period.—For purposes of this title, the term "hostage period" means the period beginning on November 4, 1979, and ending on whichever of the following dates is the earlier:

(1) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(2) December 31, 1981.

(c) Captive Status.—For purposes of this title—

(1) In general.—The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period, and

(B) which is identified by the Secretary of State in the Federal Register.

(2) Missing status defined.—The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code,

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code, and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

For purposes of the preceding sentence, the term "employee" has the meaning given to such term by section 5561(2) of title 5, United States Code.

(d) Hospitalized as a Result of Captive Status.—

(1) In general.—For purposes of this title, an individual shall be treated as hospitalized as a result of captive status if such individual is hospitalized as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status.

(2) 2-year limit.—Hospitalization shall be taken into account for purposes of paragraph (1) only if it is hospitalization—

(A) occurring on or before the day which is 2 years after the date on which the individual's captive status ends (or, if earlier, the date on which the hostage period ends), or

(B) which is part of a continuous period of hospitalization which began on or before the day determined under subparagraph (A).

(e) Civil Service; Uniformed Services.—For purposes of this section, the terms "civil service" and "uniformed services" have the meanings given to such terms by section 2101 of title 5, United States Code.

Tehran hostages.

(f) Application of Title to All Tehran Hostages.—In the case of any citizen or resident alien of the United States who is determined by the Secretary of State to have been held hostage in Tehran at any time during November 1979, for purposes of this title—

(1) such individual shall be treated as an American hostage whether or not such individual meets the requirements of paragraph (1) or (2) of subsection (a), and

(2) if such individual was not in the civil service or the uniformed services of the United States—

Ante, p. 1970.

26 USC 911.

(A) section 201 shall be applied by substituting "earned income (as defined in section 911(b) of the Internal Revenue Code of 1954) attributable to" for "compensation from the United States received for", and

94 STAT. 1973

Ante, p. 1970.

5 USC 5332 note.

(B) the amount excluded from gross income under section 201 for any month shall not exceed the monthly equivalent of the annual rate of basic pay payable for level V of the Executive Schedule.

Richard Starr.

(g) Application of Title to Individual Held Captive in Colombia.—For purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia, shall be treated as an American hostage who was in captive status beginning on November 4, 1979, and ending on February 10, 1980.

(h) Special Rules.—

(1) Compensation.—For purposes of this title, the term "compensation" shall not include any amount received as an annuity or as retirement pay.

Ante, p. 1970.

26 USC 3401 *et seq.*

(2) Wage withholding.—Any amount excluded from gross income under section 201 shall not be treated as wages for purposes of chapter 24 of the Internal Revenue Code of 1954.

5 USC 5561 note.

SEC. 206. STUDY OF TAX TREATMENT OF HOSTAGES.

(a) Study.—The Chief of Staff of the Joint Committee on Taxation shall study all aspects of the tax treatment of citizens and resident aliens of the United States who are taken hostage or are otherwise placed in a missing status.

Report to congressional committees.

(b) Report.—The Chief of Staff of the Joint Committee on Taxation shall, before July 1, 1981, report the results of the study made pursuant to subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

VISITS BY THE INTERNATIONAL RED CROSS

5 USC 5561 note.

SEC. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

94 STAT. 1974

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Approved October 14, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1349 Pt. 1 (Comm. on Post Office and Civil Service), No. 96-1349, Pt. 2 (Comm. on Foreign Affairs), and No. 96-1349, Pt. 3 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 22, considered and passed House.
Sept. 30, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
Oct. 14, Presidential statement.

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94 STAT. 2071

Public Law 96-465
96th Congress

An Act

Oct. 17, 1980
[H.R. 6790]

To promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Service Act of 1980.
22 USC 3901 note.

SECTION 1. SHORT TITLE.—This Act may be cited as the "Foreign Service Act of 1980".

SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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Sec. 103. Members of the Service.
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CHAPTER 2—MANAGEMENT OF THE SERVICE

Sec. 201. The Secretary of State.
Sec. 202. Other agencies utilizing the Foreign Service personnel system.
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94 STAT. 2072

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94 STAT. 2074

Public Law 96-525
96th Congress

94 STAT. 3043

An Act

To amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

Dec. 12, 1980
[H.R. 8388]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 495B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

Italian earthquake victims.
International disaster assistance.
22 USC 2292h.
Appropriation authorization.

"(d)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from the earthquakes in southern Italy in late 1980. Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise available for such purpose, $50,000,000 for the fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the victims of those earthquakes. Such assistance shall be provided in accordance with the policies and general authorities of section 491 and on such terms and conditions as the President may determine.

22 USC 2292.

"(2) Amounts appropriated under this subsection are authorized to remain available until expended.

"(3) Obligations incurred against other appropriations or accounts for the purpose of providing relief, rehabilitation, and reconstruction assistance for the victims of the late 1980 earthquakes in southern Italy may be charged to appropriations, enacted after those obligations were incurred, for assistance for that purpose under this chapter.".

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 1, considered and passed House.
Dec. 3, considered and passed Senate.

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94 STAT. 3131

Public Law 96-533
96th Congress

An Act

Dec. 16, 1980
[H.R. 6942]

To authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Security and Development Cooperation Act of 1980.
22 USC 2151 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1980".

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS

THIRD COUNTRY TRANSFERS

22 USC 2753.

SEC. 101. (a)(1) Section 3(d) of the Arms Export Control Act is amended—

(A) by redesignating existing paragraph (3) as paragraph (4); and

(B) by inserting the following new paragraph (3) immediately after paragraph (2):

Report to Congress.
22 USC 2778.

"(3) The President may not give his consent to the transfer to a third country of a defense article or a defense service valued (in terms of its original acquisition costs) at $25,000,000 or more, or of major defense equipment valued (in terms of its original acquisition costs) at $7,000,000 or more, the export of which has been licensed or approved under section 38 of this Act, unless at least 30 calendar days before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report containing the information specified in subparagraphs (A) through (E) of paragraph (1).".

(2) Such section is further amended—

(A) in the last sentence of paragraph (1) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(B) in paragraph (2) by inserting "paragraph (1) of" immediately before "this subsection".

(b) Paragraph (4) of section 3(d) of such Act, as so redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of clause (ii) of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) to transfers to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, of any major defense equipment valued (in terms of its original acquisition cost) at less than $7,000,000 or of any

94 STAT. 3132

defense article or related training or other defense service valued (in terms of its original acquisition cost) at less than $25,000,000.".

PERFORMANCE OF DEFENSE SERVICES

22 USC 2761.

SEC. 102. Section 21(c) of the Arms Export Control Act is amended—

(1) by striking out "training, advising, or otherwise providing assistance regarding combat activities" and inserting in lieu thereof "training and advising that may engage United States personnel in combat activities";

(2) by inserting "(1)" immediately after "(c)"; and

(3) by adding at the end thereof the following:

Report to Congress.

22 USC 2151 note.

"(2) Within 48 hours after the outbreak of significant hostilities involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

"(A) the identity of such country and a description of such hostilities; and

"(B) the number of members of the United States Armed Forces and the number of United States civilian personnel performing defense services related to such hostilities in such country, their location, the precise nature of their activities, and the likelihood of their becoming engaged in or endangered by hostilities.".

RECIPROCAL TRAINING AGREEMENTS

22 USC 2761.

10 USC 2451 note.

SEC. 103. Section 21(g) of the Arms Export Control Act is amended by striking out "In carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), the President may enter into North Atlantic Treaty Organization standardization agreements" and inserting in lieu thereof "The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), and may enter into similar agreements with Japan, Australia, and New Zealand,".

GUARANTY RESERVE

22 USC 2764.

SEC. 104. (a) Section 24(c) of the Arms Export Control Act is amended to read as follows:

Report to Congress.

"(c) Funds obligated under this section before the date of enactment of the International Security and Development Cooperation Act of 1980 which constitute a single reserve for the payment of claims under guaranties issued under this section shall remain available for expenditure for the purposes of this section on and after that date. The President shall report promptly to the Congress whenever the payment of a claim under any such guaranty reduces the total amount of funds in the single reserve under this subsection to an amount less than $750,000,000, together with his recommendations for the authorization of appropriations of additional funds for such reserve. For purposes of any provision in this Act or any other Act relating to a prohibition or limitation on the availability of funds under this Act, whenever a guaranty is issued under this section, the principal amount of the loan so guaranteed shall be deemed to be funds made available for use under this Act. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.".

22 USC 2777.

(b) Section 37 of such Act is amended by adding at the end thereof the following:

Ante, p. 3132.

"(c) Notwithstanding the provisions of subsection (b), to the extent that any of the funds constituting the reserve under section 24(c) are paid out for a claim arising out of a loan guaranteed under section 24, amounts received from a foreign government or international organization after the date of such payment, with respect to such claim, shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available.".

22 USC 2765.

(c) Section 25(a) of such Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following:

Ante, p. 3132.

"(3) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;".

22 USC 2394.
22 USC 2771.
22 USC 2763.
22 USC 2764.

(d) Section 31(a) of such Act is amended by inserting immediately after the first sentence the following new sentence: "Credits may not be extended under section 23 of this Act in an amount, and loans may not be guaranteed under section 24(a) of this Act in a principal amount, which exceeds any maximum amount which may be established with respect to such credits or such loan guarantees in legislation appropriating funds to carry out this Act.".

MILITARY CONSTRUCTION

Sec. 105. (a) The Arms Export Control Act is amended by inserting immediately after chapter 2 the following new chapter:

"Chapter 2A—Foreign Military Construction Sales

22 USC 2769.

Contracts.

"Sec. 29. Foreign Military Construction Sales.—The President may sell design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay in United States dollars not less than the full cost to the United States Government of furnishing such services. Payment shall be made to the United States Government in advance of the performance of such services by officers or employees of the United States Government. The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of design and construction services for sale under this section if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such time as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due.".

22 USC 2761.

(b)(1) Section 21(h) of such Act is amended by striking out "defense articles or defense services" both places it appears and inserting in lieu thereof "defense articles, defense services, or design and construction services".

22 USC 2762.
50 USC app. 1211 note.
Ante, p. 3133.

(2) Section 22(c) of such Act is amended to read as follows: "(c) The provisions of the Renegotiation Act of 1951 do not apply to procurement contracts heretofore or hereafter entered into under this section, section 29, or predecessor provisions of law.".

22 USC 2763, 2764, 2771.

(3) Sections 23, 24(a), and 31(c) of such Act are each amended by striking out "defense articles and defense services" each place it appears and inserting in lieu thereof "defense articles, defense services, and design and construction services".

22 USC 2776.

(c) Section 36(a) of such Act is amended—

(1) by striking out "and" immediately after the semicolon at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

Ante, p. 3133.

"(9) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale; and".

22 USC 2776. (d)(1) Section 36(b)(1) of such Act is amended in the first sentence by inserting "any design and construction services for $200,000,000 or more," immediately after "$25,000,000 or more,".

(2) Such section is further amended—

(A) in the first sentence by inserting ", or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a)," immediately after "subsection (a)" the first place it appears;

(B) in the second sentence by striking out "or defense services" and inserting in lieu thereof ", defense services, or design and construction services,"; and

(C) in the third sentence—

(i) in subparagraph (A) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(ii) in subparagraph (C) by striking out "or defense service" and inserting in lieu thereof ", defense service, or design and construction service";

(iii) in subparagraph (E) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(iv) in subparagraph (I) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(v) in subparagraph (J) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vi) in subparagraph (K) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

94 STAT. 3135 (vii) in subparagraph (L) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(viii) in subparagraph (M) by striking out "services, or" the first place it appears and inserting in lieu thereof "defense services, design and construction services, or defense"; and

(ix) in subparagraph (N) by inserting ", defense services, or design and construction services" immediately after "defense articles".

22 USC 2777. (e)(1) Section 37(a) of such Act is amended by striking out "sections 21 and 22" and inserting in lieu thereof "sections 21, 22, and 29".

22 USC 2779. (2) Section 39 of such Act is amended—

(A) in subsection (a) by inserting ", or of design and construction services under section 29," immediately after "section 22"; and

(B) in subsection (c) by inserting "or section 29" immediately after "section 22".

22 USC 2791. (3) Section 42 of such Act is amended—

(A) in subsection (d) by striking out "and 24" and inserting in lieu thereof "24, and 29"; and

(B) in subsection (e) by striking out "and 22" both places that it appears and inserting in lieu thereof ", 22, and 29".

22 USC 2794. (f) Section 47 of such Act is amended—

(1) in paragraph (4) by inserting ", but does not include design and construction services under section [illegible] of this Act" immediately after "military sales";

(2) in paragraph (6) by striking out "and" immediately after the semicolon;

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and"; and

"Design and construction services." *Ante*, p. 3133.

(4) by adding at the end thereof the following new paragraph:

"(8) 'design and construction services' means, with respect to sales under section 29 of this Act, the design and construction of real property facilities, including necessary construction equipment and materials, engineering services, construction contract management services relating thereto, and technical advisory assistance in the operation and maintenance of real property facilities provided or performed by any department or agency of the Department of Defense or by a contractor pursuant to a contract with such department or agency.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

22 USC 2771.

SEC. 106. (a) Section 31(a) of the Arms Export Control Act is amended by striking out "$673,500,000 for the fiscal year 1980" and inserting in lieu thereof "$500,000,000 for the fiscal year 1981".

(b) Section 31(b) of such Act is amended to read as follows:

22 USC 2763.

"(b)(1) The total amount of credits, or participations in credits, extended pursuant to section 23 of this Act for the fiscal year 1981 shall not exceed $500,000,000.

22 USC 2764.

"(2) The total principal amount of loans guaranteed pursuant to section 24(a) of this Act for the fiscal year 1981 shall not exceed $2,616,000,000.

"(3) Of the aggregate total of such credits, or participations in credits, and of the total principal amount of such loans guaranteed, not less than $1,400,000,000 for the fiscal year 1981 shall be available only for Israel, of which $200,000,000 shall be available only for costs associated with the relocation of Israeli forces from the Sinai.".

22 USC 2771.

(c) Section 31(c) of such Act is amended—

(1) in the first sentence by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

94 STAT. 3136

(2) in the last sentence by striking out "one-half" and inserting in lieu thereof "$500,000,000".

22 USC 2764.

(d) The principal amount of the loans guaranteed under section 24(a) of such Act for the fiscal year 1981 with respect to Egypt, the Sudan, Greece, and Turkey shall be repaid, and with respect to Somalia may be repaid, in not less than twenty years, following a grace period of ten years on repayment of principal.

COMMERCIAL EXPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES

22 USC 2778.

SEC. 107. (a) Section 38(b)(3) of the Arms Export Control Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$100,000,000".

22 USC 2776.

(b) Section 36(c) of such Act is amended—

(1) in the first sentence by striking out "not less than 30 days";

(2) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (B)" and by striking out "paragraph (3)" and inserting in lieu thereof "clause (C)";

(4) by inserting "(1)" immediately after "(c)"; and

(5) by adding at the end thereof the following:

Export license.

"(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

"(A) shall not be issued until at least 30 calendar days after the Congress receives such certification; and

"(B) shall not be issued then if the Congress, within such 30-day period, adopts a concurrent resolution stating that it objects to the proposed export, except that this subparagraph does not apply with respect to a license issued for an export to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.

"(3)(A) Any resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. 90 Stat. 765.

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.".

(c) Section 38(a) of such Act is amended by adding at the end thereof the following new paragraph: 22 USC 2778.

"(3) In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations.".

(d) Section 25(d)(1) of such Act is amended— 22 USC 2765.

(1) in the first sentence by inserting "and licensed commercial exports" immediately after "sales" both places it appears; and

(2) in the second sentence—

(A) by inserting "and licensed commercial exports" immediately after "Sales", and

(B) by inserting "or of an export license" immediately after "letter of offer".

EXPORT CONTROLS ON CERTAIN ITEMS ON THE MUNITIONS LIST

SEC. 108. (a) The President shall review the categories of defense articles and defense services on the United States Munitions List in order to determine which of such articles and services, if any, should be removed from such List. The President shall report to the Congress concerning the results of this review not later than 120 days after the date of enactment of this Act. With respect to this review, it is the sense of the Congress that defense articles and services should not be removed from the United States Munitions List— Review. Report to Congress.

(1) if they are specifically designed, modified, adapted, or equipped for military application or use;

(2) if they do contain sensitive technology used for military, security, intelligence, or cryptographic purposes;

(3) if they are related to nuclear weapons development, production, or testing, or to systems capable of delivering nuclear weapons, or to spacecraft; or

(4) if they are otherwise of such a particular nature as to warrant continued export control under section 38 of the Arms Export Control Act. 22 USC 2778.

(b) In addition, the President shall study whether section 620B of the Foreign Assistance Act of 1961 should be amended in order to allow the issuance of licenses under section 38 of the Arms Export Control Act for the export of (1) communications and electronics equipment with a direct civilian application; (2) transport, utility, or training helicopters with a direct civilian application; (3) propeller-driven transport, utility, or training aircraft; (4) trucks and vehicles with a direct civilian application; or (5) defense services related to any of the items described in clauses (1) through (4). The President shall report the results of this study to the Congress within 120 days after the date of enactment of this Act. Study. 22 USC 2372. Report to Congress.

LEASING OF DEFENSE PROPERTY

Notification of Congress.
10 USC 2667 note.

SEC. 109. (a) Not less than thirty days before the Secretary of a military department exercises his authority under section 2667 of title 10, United States Code, in order to lease defense property to a foreign government for a period of more than six months, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a written notification which specifies—

(1) the country to which such defense property is to be leased;

(2) the type, quantity, and value of the defense property to be leased;

(3) the terms and duration of the lease; and

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(4) a justification for the lease.

(b) Each such lease agreement shall be subject to the approval of the Secretary of State.

(c) Each such lease agreement shall be provided to the Congress not later than thirty days after its date of signature.

Waiver; report to Congress.

(d) The President may waive the requirements of subsections (a) and (b) of this section if he determines and immediately reports such determination to the Congress that an emergency exists which requires such lease in the national security interests of the United States.

"Defense property."
22 USC 2794.

(e) As used in this section, the term "defense property" means any major defense equipment (as defined in section 47(6) of the Arms Export Control Act) valued at $7,000,000 or more and any other property valued at $25,000,000 or more.

22 USC 2776.

(f) Section 36(a) of the Arms Export Control Act is amended by inserting the following new paragraph immediately after paragraph (9), as added by section 105(c) of this Act:

"(10) a listing (classified if necessary) of all property valued at $1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than six months under section 2667 of title 10, United States Code.".

EXPORTATION OF URANIUM DEPLETED IN THE ISOTOPE 235

22 USC 2778a.
42 USC 2011 note.
22 USC 3201 note.
22 USC 2751 note.
50 USC app. 2401 note.

SEC. 110. Upon a finding that an export of uranium depleted in the isotope 235 is incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics unrelated to its radioactivity, such exports shall be exempt from the provisions of the Atomic Energy Act of 1954 and of the Nuclear Non-Proliferation Act of 1978 when such exports are subject to the controls established under the Arms Export Control Act or the Export Administration Act of 1979.

NOTIFICATION OF CERTAIN COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

50 USC app. 2405.

SEC. 111. Section 6(i) of the Export Administration Act of 1979 is amended in text preceding paragraph (1) by striking out "of the Senate" and inserting in lieu thereof "and the Committee on Foreign Relations of the Senate at least 30 days".

MILITARY ASSISTANCE

22 USC 2311.

SEC. 112. (a) Section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

Funds, transfer.

(3) by inserting at the end thereof the following new paragraph:

"(3) transferring such of the funds appropriated or otherwise made available under this chapter as the President may determine for assistance to a recipient specified in section 504(a)(1) of

Post, p. 3139.

22 USC 2761, 2762.

this Act, within the dollar limitations of that section, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act.".

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Appropriation authorization.
22 USC 2312.

(b) Section 504(a)(1) of such Act is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $106,100,000 for the fiscal year 1981. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1981:

Portugal	$51,000,000
Spain	3,600,000
The Philippines	25,000,000
The Sudan	1,700,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this chapter.".

22 USC 2318.

(c) Section 506(a) of such Act is amended by striking out "$10,000,000" and inserting in lieu thereof "$50,000,000".

22 USC 2321j.

(d) Section 516(a) of such Act is amended—

(1) by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982"; and

(2) by striking out "three" and inserting in lieu thereof "five".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

22 USC 2321h.

SEC. 113. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$95,000,000 for the fiscal year 1980" and inserting in lieu thereof "$85,000,000 for the fiscal year 1981".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

22 USC 2321i.

SEC. 114. Section 515 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (b)(1)—

(A) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981";

Supra.

(B) by striking out "the countries specified in section 504(a)(1) and in" and inserting in lieu thereof "Portugal, Spain, Jordan, the Philippines,"; and

(C) by striking out "Iran, Kuwait" and inserting in lieu thereof "Egypt";

(2) in subsection (b)(3)—

(A) by striking out "Iran, Kuwait, and";

(B) by striking out "countries" and inserting in lieu thereof "country"; and

(C) by striking out "each"; and

(3) in the last sentence of subsection (f)—

(A) by inserting "six more than" immediately after "may not exceed";

(B) by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1979"; and

(C) by inserting "and countries to which military personnel have been assigned pursuant to subsection (c)" immediately after "such countries".

94 STAT. 3140

INTERNATIONAL MILITARY EDUCATION AND TRAINING

22 USC 2347a.

SEC. 115. (a) The first sentence of section 542 of the Foreign Assistance Act of 1961 is amended by striking out all that follows "the purposes of this chapter" and inserting in lieu thereof "$34,000,000 for the fiscal year 1981.".

22 USC 2403.

(b)(1) Section 644(m) of such Act is amended—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) with respect to military education and training, the additional costs that are incurred by the United States Government in furnishing such assistance.".

22 USC 2761.

22 USC 2347.

(2) Section 21(a)(3) of the Arms Export Control Act is amended by inserting immediately before the period the following: ", except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such training".

PEACEKEEPING OPERATIONS

22 USC 2348a.

SEC. 116. (a) Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "$21,100,000 for the fiscal year 1980" and inserting in lieu thereof "$25,000,000 for the fiscal year 1981".

Repeal.
22 USC 2348b, 2348c.

(b) Section 553 of such Act is repealed and section 554 is redesignated as section 553.

SPECIAL AUTHORITY

22 USC 2364.

SEC. 117. (a) Section 614(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

Notification of Congress.
22 USC 2751 note.

"(a)(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

Notification of Congress.

"(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

Policy justification.

"(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

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22 USC 2751 note.

"(4) The authority of this subsection may not be used to authorize the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act, or the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law, in any fiscal year. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year, unless such country is a victim of active Communist or Communist-supported aggression.

22 USC 2360.

"(5) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act.".

22 USC 2411.

(b) Section 652 of such Act is amended by striking out ", 610(a), or 614(a)" and inserting in lieu thereof "or 610(a)".

MILITARY OR PARAMILITARY OPERATIONS IN ANGOLA

SEC. 118. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until—

22 USC 2293 note.

(1) the President determines that such assistance should be furnished in the national security interests of the United States;

(2) the President submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

Report to congressional committees.

(A) a description of the amounts and categories of assistance which he recommends be furnished and the identity of the proposed recipients of such assistance; and

(B) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement of the reasons supporting such determination; and

(3) the Congress enacts a joint resolution approving the furnishing of such assistance.

Joint resolution.

(b) If introduced within 30 days after the submission of the report required by paragraph (2) of subsection (a), a resolution under paragraph (3) of subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act.

90 Stat. 765.

22 USC 2776.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

(e) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 is repealed.

Repeal.
22 USC 2293 note.

PROHIBITION ON MILITARY ASSISTANCE TO NICARAGUA

SEC. 119. None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

22 USC 2151 note.

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980, $1,935,000,000" and inserting in lieu thereof "fiscal year 1981, $2,065,300,000".

22 USC 2346.

USE OF FUNDS

SEC. 202. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by striking out all that follows section 531 and inserting in lieu thereof the following:

22 USC 2346a-2346e.

"SEC. 532. USE OF FISCAL YEAR 1981 FUNDS.—(a)(1) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $785,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt.

22 USC 2346a.

"(2) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(3) The total amount of funds allocated for Israel under this chapter for the fiscal year 1981 may be made available as a cash transfer. In exercising the authority of this paragraph, the President

Cash transfer.

shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(b) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $200,000,000 shall be available only for Turkey. Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(c) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

"(d)(1) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1981, $12,500,000 may be used for special requirements in the Middle East, including regional programs and development programs on the West Bank and in Gaza.

"(2) The President may obligate or expend funds under this subsection only if—

Report to Congress.

"(A) he has transmitted to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations of the Senate, a report setting forth—

"(i) the name of the proposed recipient of such funds,

"(ii) the amount of funds to be made available to such recipient, and

"(iii) the purpose for which such funds are to be made available;

"(B) a period of 30 calendar days has elapsed since the Congress received such report; and

"(C) the Congress did not adopt, during such 30-day period, a concurrent resolution stating in substance that the Congress does not approve the proposed use of funds described in such report.

Emergency use.

"(e)(1) Up to $50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1981 may be made available for emergency use under this chapter when the national interests of the United

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States urgently require economic support to promote economic or political stability.

"(2) Notwithstanding subsections (a)(1), (b), (c), and (d)(1) of this section, up to 5 percent of the funds available for any country or region pursuant to such subsections may be used under paragraph (1) of this subsection.

"(f) None of the funds appropriated to carry out this chapter for fiscal year 1981 may be made available for Syria.

"(g) Funds available to carry out this chapter for the fiscal year 1981 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that use of funds for such purpose is indispensable to the achievement of nonproliferation objectives which are uniquely significant and of paramount importance to the United States.

Nicaragua, assistance.
22 USC 2346b.

"Sec. 533. Central American Economic Support.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

"(b) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

"(c) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

22 USC 2304.

22 USC 2151n.

"(d) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of the goal, assistance to Nicaragua for the fiscal year 1981 under this chapter shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

Report to Congress.

"(e) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each 6-month period in which funds are expended under this chapter for Nicaragua for the fiscal year 1981. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

Certification, transmittal to Congress.

"(f) Prior to releasing any assistance to the Government of Nicaragua under this chapter, the President shall transmit a certification to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Nicaragua has not cooperated with or harbored any international terrorist organization and is not aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter, and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

94 STAT. 3144

"(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States, including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras, against terrorism and external subversion.

"(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

Private sector, assistance.

Post, p. 3158.

"(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 percent of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of this Act. The President shall report on the implementation of this subsection in the reports required under subsection (e) of this section.

"(j) The President shall terminate assistance to the Government of

Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

"(k) The President shall terminate assistance to Nicaragua under this chapter for the fiscal year 1981 if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.

Elections.

"(l) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

"(m) None of the funds made available for Nicaragua under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ, or be made available to Cuban personnel.

94 STAT. 3145

"(n) The President shall terminate assistance to Nicaragua under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press.

"(o) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of United States origin.

Report to Congress.

"(p) Up to one percent of the funds made available to Nicaragua under this chapter for the fiscal year 1981 shall be used to make publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection.".

CONSTRUCTION OF PRODUCTIVE ENTERPRISE IN EGYPT

22 USC 2370

SEC. 203. The first sentence of section 620(k) of the Foreign Assistance Act of 1961 is amended by inserting ", fiscal year 1980, or fiscal year 1981" immediately after "fiscal year 1977".

TITLE III—DEVELOPMENT ASSISTANCE PROGRAMS

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

22 USC 2151a.

SEC. 301. The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $713,500,000 for the fiscal year 1981.".

POPULATION AND HEALTH

22 USC 2151b.

SEC. 302. (a) Section 104(b) of the Foreign Assistance Act of 1961 is amended by inserting after "information and services" in the second sentence the following: ", including also information and services which relate to and support natural family planning methods,".

(b) The first sentence of section 104(g) of such Act is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $238,000,000 for the fiscal year 1981 to carry out subsection (b) of this section, of which not less than $3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction; and

"(2) $145,300,000 for the fiscal year 1981 to carry out subsection (c) of this section.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 303. The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $101,000,000 for the fiscal year 1981, which are authorized to remain available until expended.".

22 USC 2151c.

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 304. (a) The section caption of section 106 of the Foreign Assistance Act of 1961 is amended by striking out "technical assistance, energy, research, reconstruction, and selected development problems" and inserting in lieu thereof "energy, private voluntary organizations, and selected development activities".

22 USC 2151d.

(b) Subsection (a) of such section is amended—

(1) by inserting "(A)" immediately after "(a)(1)";

(2) by striking out "(2)", "(3)", and "(4)" and inserting in lieu thereof "(B)", "(C)", and "(D)", respectively;

(3) by striking out "(A)", "(B)", and "(C)" in paragraph (3) and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2) The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.".

Findings.

(c) Subsection (b) of such section is amended—

(1) by inserting "(A)" immediately after "(b)(1)";

(2) by striking out "(2)" and inserting in lieu thereof "(B)"; and

(3) by striking out "fiscal year 1980 shall be used for purposes of paragraph (1)" and inserting in lieu thereof "fiscal year 1981 shall be used for purposes of subparagraph (A)".

(d) Such section is further amended by inserting at the end of subsection (b) the following:

"(2) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

Cooperative programs.

22 USC 2151a.

"(c) The agency primarily responsible for administering this part and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this chapter.".

Agency coordination.

(e) Existing subsection (c) of such section is redesignated as subsection (d).

(f) Existing subsection (d) of such section is amended to read as follows:

Appropriation authorization.

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $140,000,000 for the fiscal year 1981.

94 STAT. 3147

"(2) Amounts appropriated under this section are authorized to remain available until expended.".

Repeal.
22 USC 2151q.

(g) Section 119 of such Act is repealed.

HUMAN RIGHTS IN DEVELOPING COUNTRIES

22 USC 2151m.

SEC. 305. Section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

SAHEL DEVELOPMENT PROGRAM

22 USC 2151s.

SEC. 306. Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the second sentence the following new sentence: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $88,442,000 for the fiscal year 1981.".

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES

22 USC 2151u.

SEC. 307. Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by inserting before the period at the end of the fourth sentence the following: "and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities";

(2) in subsection (a) by inserting before the period at the end of the fifth sentence the following: "and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities"; and

(3) by adding at the end thereof the following new subsection:

"(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than thirty days after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.".

Report to Congress.

RELATIVELY LEAST DEVELOPED COUNTRIES

22 USC 2151v.

SEC. 308. The last sentence of section 124(c)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1980" and inserting in lieu thereof "1981"; and

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(2) by striking out "$18,800,000" and inserting in lieu thereof "$10,845,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 USC 2222.

SEC. 309. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $233,350,000 for the fiscal year 1981.".

PARTICIPANT TRAINING

SEC. 310. Section 617 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.". 22 USC 2367.

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 311. Section 661 of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "$3,800,000 of the funds made available for the purposes of this Act for the fiscal year 1980" and inserting in lieu thereof "$4,000,000 of the funds made available for the fiscal year 1981 for the purposes of this Act". 22 USC 2421.

INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

SEC. 312. The first sentence of section 410 of the International Development Cooperation Act of 1979 is amended by striking out "$23,750,000 for the fiscal year 1980" and inserting in lieu thereof "$12,000,000 for the fiscal year 1981". 22 USC 3510.

ASSISTANCE TO THE EASTERN CARIBBEAN

SEC. 313. (a) The Congress urges the President to use up to $7,000,000 for the fiscal year 1981 for bilateral development assistance for the countries of the eastern Caribbean.

(b) Not later than February 1, 1981, the President shall report to the Congress on the implementation of this section. Report to Congress.

ASSISTANCE FOR EQUATORIAL GUINEA

SEC. 314. The President is urged to provide up to $3,000,000 of the funds authorized to be appropriated for the fiscal year 1981 by this title for assistance to Equatorial Guinea if he deems that conditions in that country warrant such assistance.

CARIBBEAN DEVELOPMENT BANK

SEC. 315. Notwithstanding section 620(r) of the Foreign Assistance Act of 1961, the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act. 22 USC 2370 note.

WORLD HUNGER

SEC. 316. (a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961, the Director of the United States International Development Cooperation Agency shall encourage the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty. 22 USC 2151a.

(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.

REDUCTION OF POSTHARVEST LOSSES OF FOOD

22 USC 21 note.

SEC. 317. It is the sense of the Congress that—

(1) the President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

22 USC 2151 note.

(2) the President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.

TITLE IV—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

22 USC 2174.

SEC. 401. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1980" and inserting in lieu thereof "$30,000,000 for the fiscal year 1981".

INTERNATIONAL NARCOTICS CONTROL

22 USC 229.

SEC. 402. (a) Section 482(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2291.

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $38,573,000 for the fiscal year 1981.

U.N. drug abuse control fund.

"(2) Funds appropriated under this subsection for the fiscal year 1981 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of $3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 482 of such Act is amended by adding at the end thereof the following new subsection:

Pakistan.
31 USC 724.
75 Stat. 283.
7 USC 1705.
22 USC 2291.

"(c) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.".

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Colombia.
22 USC 2291a note.
22 USC 2291.

(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

INTERNATIONAL DISASTER ASSISTANCE

SEC. 403. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out "$21,800,000 for the fiscal year 1980" and inserting in lieu thereof "$25,000,000 for the fiscal year 1981". 22 USC 2292a.

DISASTER ASSISTANCE BORROWING AUTHORITY

SEC. 404. (a) Section 492 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "There is"; and

(2) by adding at the end thereof the following new subsection:

"(b) In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations under this part (other than this chapter) for use in providing assistance in accordance with the authorities and general policies of section 491. Amounts subsequently appropriated under this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.". 22 USC 2292.

(b) Section 491(b) of such Act is amended by striking out "limitation on appropriations" and inserting in lieu thereof "limitations". 22 USC 2292.

AFRICAN REHABILITATION AND RESETTLEMENT

SEC. 405. Section 495F of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 495F. AFRICAN REHABILITATION AND RESETTLEMENT.—(a) The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in providing semipermanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies. 22 USC 2292*l*.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $15,000,000 for the fiscal year 1981. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.". 22 USC 2292.

MIGRATION AND REFUGEE ASSISTANCE

SEC. 406. Section 102(a)(4) of the Department of State Authorization Act, Fiscal Years 1980 and 1981, is amended by striking out "$457,798,000" and inserting in lieu thereof "$517,209,000". 93 Stat. 395, 843.

PUBLIC LAW 480 TRANSFER AUTHORITY

SEC. 407. Section 403 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following: 7 USC 1733.

"(c) Notwithstanding any other provision of this Act or any other Act, if the President determines it to be necessary for the purposes of this Act, he may direct that not to exceed 15 percent of the funds available in any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act.".

EAST TIMOR

SEC. 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

African Development Foundation Act.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

SHORT TITLE

22 USC 290h note.

SEC. 501. This title may be cited as the "African Development Foundation Act".

FINDINGS

22 USC 290h.

SEC. 502. The Congress finds that—

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

22 USC 2218.

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(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961, and recent amendments to that Act, the Congress has sought to enable the poor to participate in the process of development;

22 USC 2151 note.

(4) the Inter-American Foundation, established by Congress in the Foreign Assistance Act of 1969 to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

ESTABLISHMENT

22 USC 290h-1.

SEC. 503. (a) There is established a body corporate to be known as the "African Development Foundation" (hereafter in this title referred to as the "Foundation").

(b) The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

PURPOSES

22 USC 290h-2.

SEC. 504. (a) In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives, the purposes of the Foundation shall be—

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation of Africans in their development process; and

(4) to encourage the establishment and growth of development institutions which are indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) The Foundation shall carry out the purposes specified in subsection (a) in cooperation with, and in response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

FUNCTIONS

SEC. 505. (a)(1) In order to carry out the purposes set forth in section 504, the Foundation may make grants, loans, and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities for—

Grants and loans.
22 USC 290h-3.

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

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(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this title; and

(E) other projects that would carry out the purposes set forth in section 504.

(2) The total amount of grants, loans, and loan guarantees that may be made under this section for a project may not exceed $250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this title.

(b) In making grants, loans, and loan guarantees under subsection (a), the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this title, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this title.

POWERS

SEC. 506. (a) The Foundation, as a corporation—

22 USC 290h-4.

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold,

improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this title;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

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(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this title; and

(12) shall have such other powers as may be necessary and incident to carrying out this title.

(b) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this title. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(c) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

MANAGEMENT

Board of directors. 22 USC 290h-5.

SEC. 507. (a)(1) The management of the Foundation shall be vested in a board of directors (hereafter in this title referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes.

Terms.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

Expenses.

(b) Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

Quorum.

(c) A majority of the Board shall constitute a quorum.

President.

(d)(1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. 45 FR 69206.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5, United States Code. **Experts and consultants.**

(e)(1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this title. **Advisory council.**

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(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, United States Code, which are incurred by them in the performance of their functions under this subsection. Expenses.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 508. The Foundation shall be subject to title I of the Government Corporation Control Act. 22 USC 290h-6. 31 USC 846.

LIMITATION ON SPENDING AUTHORITY

SEC. 509. Any authority provided by this title involving the expenditure of funds (other than the funds made available pursuant to section 510) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. 22 USC 290h-7.

USE OF CERTAIN FUNDS

SEC. 510. Of the funds appropriated for the fiscal year 1981 to carry out part I of the Foreign Assistance Act of 1961, other than funds appropriated for the Economic Support Fund, $2,000,000 shall be used to carry out this title. 22 USC 290h-8. 22 USC 2151.

EXPIRATION OF AUTHORITIES

SEC. 511. The authority of the Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of this title shall expire on September 30, 1985, except that this section shall not preclude the Foundation from acquiring obligations prior to that date which mature subsequent to that date or from assuming liability prior to that date as a guarantor of obligations which mature subsequent to that date or from continuing as a body corporate and exercising any of its powers subsequent to that date for purposes of the orderly liquidation of its activities. 22 USC 290h-9.

TITLE VI—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 601. (a) Section 3(b) of the Peace Corps Act is amended by striking out "fiscal year 1980 not to exceed $105,404,000" and inserting in lieu thereof "fiscal year 1981 not to exceed $118,000,000". 22 USC 2502.

(b) Section 3(c) of such Act is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

(c) Section 15(d)(7) of such Act is amended by striking out "$5,000" and inserting in lieu thereof "$20,000". 22 USC 2514.

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

SEC. 602. (a) Section 401 of the Domestic Volunteer Service Act of 1973 is amended— 42 USC 5041.

(1) by striking out "two Associate Directors" in the fifth sentence and inserting in lieu thereof "one Associate Director";

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(2) by striking out "One such" and by inserting in lieu thereof "Such"; and

(3) by striking out ", and the other such Associate Director" and all that follows through "(22 U.S.C. 2501 et seq.)".

42 USC 5045. (b) Section 405 of such Act is amended—

(1) in subsection (a) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)";

(2) in subsection (b)(1) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)"; and

(3) in subsection (b)(2)—

(A) by striking out "and the Peace Corps Act", and

(B) by striking out "Acts" both places it appears and inserting in lieu thereof "Act".

UTILIZATION OF RETURNED PEACE CORPS VOLUNTEERS

Report to Congress. SEC. 603. The Director of the Peace Corps shall develop a plan providing for more effective utilization of returned Peace Corps volunteers in order to promote a better understanding of other peoples and cultures on the part of the American people. The Director shall report to the Congress no later than January 15, 1981, on the plan and necessary procedures for implementing the plan.

TITLE VII—MISCELLANEOUS PROVISIONS

HUMAN RIGHTS

22 USC 2151m. SEC. 701. (a) Section 116(a) of the Foreign Assistance Act of 1961 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

22 USC 2304. (b) Section 502B(d)(1) of such Act is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "trial,".

7 USC 1712. (c) Section 112(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

AUDITING OF INTERNATIONAL PROGRAMS

Report to President and Congress. 22 USC 2221. SEC. 702. (a) Section 301(d) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection.".

(b) Section 301(e) of such Act is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking out "a single professionally qualified group" and inserting in lieu thereof "of external, professionally qualified groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(2) in the second sentence of paragraph (1)—

(A) by striking out "group" both places it appears and inserting in lieu thereof "groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit";

(3) in the third sentence of paragraph (1) by striking out "group" and inserting in lieu thereof "groups";

(4) in the first sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(5) in the second sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit"; and

(6) in the second sentence of paragraph (3) by inserting "his evaluation of such reports and related information," immediately after "to the President".

REPORTS ON INTERNATIONAL ORGANIZATIONS

SEC. 703. Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2226.

"SEC. 306. REPORTS ON INTERNATIONAL ORGANIZATIONS.—(a) The annual reports to the Congress under section 2 of the Act of September 21, 1950 (64 Stat. 902; 22 U.S.C. 262a), shall be submitted within nine months after the end of the fiscal year to which they relate.

Submittal to Congress.

"(b)(1) The President shall submit semiannual reports to the Congress listing all voluntary contributions by the United States Government to international organizations. One of the semiannual reports shall be submitted no later than July 1 and shall list all contributions made during the first six months of the then current fiscal year. The other semiannual report shall be submitted no later than January 1 and shall list all contributions made during the last six months of the preceding fiscal year. Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

Report to OMB Director.

"(2) In order to facilitate the preparation of the reports required by paragraph (1), the head of any Government agency which makes a voluntary contribution to any international organization shall promptly report that contribution to the Director of the Office of Management and Budget.

"Contribution."

"(3) As used in this subsection, the term 'contribution' means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel), or commodities, equipment, supplies, or other materiel.".

TECHNICAL AMENDMENT CORRECTING CROSS REFERENCE

22 USC 2304.

SEC. 704. Section 502B(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out "Export Administration Act of 1969" and inserting in lieu thereof "Export Administration Act of 1979".

PROCUREMENT

22 USC 2354.

SEC. 705. (a) Section 604(e) of the Foreign Assistance Act of 1961 is amended by inserting the following immediately before the period at the end thereof: ", unless the commodity to be financed could not reasonably be procured in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed".

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22 USC 2354.

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(g) None of the funds authorized to be appropriated or made available for obligation or expenditure under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services.".

INSPECTOR GENERAL

22 USC 2384.

SEC. 706. Section 624(g) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Auditor General" each place it appears and inserting in lieu thereof "Inspector General";

(2) in paragraph (3)—

(A) by striking out "and investigative" and inserting in lieu thereof ", investigative, and security"; and

(B) by adding at the end thereof the following: "In addition, to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator), the Inspector General shall with respect to the duties and responsibilities of that Agency supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.";

(3) in paragraph (4) by inserting "and the Director" immediately after "Administrator"; and

(4) by adding at the end thereof the following:

Subpena.

"(6) The Inspector General shall have the authority to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions under this subsection. Any such subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court. Procedures other than subpenas shall be used to obtain documents and information from agencies of the United States Government.

Auditing activities.

"(7) In carrying out the responsibilities specified in paragraph (3), the Inspector General shall—

"(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(B) establish guidelines for determining when it is appropriate to use non-Federal auditors; and

"(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in subparagraph (A).

Administrative assistance.

22 USC 2151.

"(8) The Administrator shall provide the Inspector General with appropriate and adequate office space at central and field office locations of the agency primarily responsible for administering part I of this Act, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices and the equipment and facilities located in such offices. In establishing and staffing such field offices, the

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Administrator shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

Complaints or information.

"(9)(A) The Inspector General may receive and investigate complaints or information from any employee of or under the United States International Development Cooperation Agency concerning the possible existence of an activity constituting a violation of law, rules, or regulations, constituting mismanagement, gross waste of funds, abuse of authority, or constituting a substantial and specific danger to the public health and safety.

"(B) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(C) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not exercise or threaten to exercise such authority in order to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.".

ANNUAL REPORT

22 USC 2394.

SEC. 707. Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

"(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6); and".

SHIPPING DIFFERENTIAL

SEC. 708. Section 640C of the Foreign Assistance Act of 1961 is amended by striking out "Part V" and inserting in lieu thereof "chapter 4 of part II". 22 USC 2399d.

OPERATING EXPENSES

SEC. 709. Section 667(a) of the Foreign Assistance Act of 1961 is amended— 22 USC 2427.

(1) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in paragraph (1) by striking out "$263,000,000" and inserting in lieu thereof "$293,800,000".

INTERAGENCY GROUP ON HUMAN RIGHTS AND FOREIGN ASSISTANCE

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SEC. 710. It is the sense of the Congress that—

(1) the Interagency Group on Human Rights and Foreign Assistance has been an effective mechanism for coordinating and implementing United States human rights policies;

(2) the President should consider establishing the Interagency Group on a more permanent basis;

(3) the Interagency Group should examine proposals for not only economic assistance but also for security assistance; and

(4) the President should report his recommendations for strengthening the Interagency Group to the Congress no later than July 1, 1981.

PEACE IN THE MIDDLE EAST

SEC. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not currently involved in the peace process to become active participants in peace efforts. 22 USC 3401 note.

(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Governments of Israel and Egypt should maintain and strengthen their commitment to the process of normalization of relations and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process.

ASSISTANCE FOR JORDAN

SEC. 712. It is the sense of the Congress that for Jordan to receive any funds authorized to be appropriated by this Act, it should be 22 USC 2151 note.

judged by the President that Jordan is acting in good faith to achieve peace in the Middle East and that the expenditure of such funds for Jordan will serve to further peace in the Middle East.

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

SEC. 713. The Congress finds that the Governments of Egypt, Israel, Portugal, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, no later than January 15, 1981, a report regarding economic conditions prevailing in Egypt, Israel, Portugal, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

Report to Congress.

94 STAT. 3162

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

Reports to Congress. 22 USC 2370 note.

SEC. 714. (a) At intervals of 90 days during the first year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report identifying the military capabilities and deployment of Soviet military personnel in Cuba, together with his appraisal of the mission performed by such personnel.

(b) At intervals of one year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report setting forth the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding year and the military capabilities of those armed forces.

CUBAN REFUGEES

22 USC 2151 note.

SEC. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

(5) the United States has sought to negotiate with the Government of Cuba to establish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b)(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries

which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

94 STAT. 3162

SEC. 716. The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

8 USC 1522 note.

PROHIBITION ON ASSISTANCE TO THE GOVERNMENTS OF CUBA, VIETNAM, AND CAMBODIA

SEC. 717. None of the funds authorized to be appropriated by this Act may be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. Nothing in this section shall be construed to prohibit food assistance or humanitarian assistance which is distributed directly to the people of Cambodia.

22 USC 2151 note.

COOPERATION OF OTHER GOVERNMENTS IN THE BOYCOTT OF THE 1980 SUMMER OLYMPIC GAMES IN MOSCOW

SEC. 718. In determining the levels of assistance to be provided to a foreign government with funds authorized to be appropriated by this Act, the President shall take into account the position of that government with respect to the United States-proposed boycott of the 1980 summer Olympic games in Moscow.

ELECTIONS IN UGANDA

SEC. 719. The President shall encourage the holding of free, open elections in Uganda and shall, in considering assistance for Uganda with funds authorized to be appropriated by this Act, take into account whether such elections are held.

REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE LANCASTER HOUSE DECLARATION OF RIGHTS IN ZIMBABWE

SEC. 720. If Zimbabwe receives assistance from funds authorized to be appropriated by this Act, the President shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives every sixty days after the obligation of such funds on the internal situation in Zimbabwe, particularly upon the implementation of the Declaration of Rights contained in Annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 22, 1979.

RESTRICTION ON ASSISTANCE TO EL SALVADOR

94 STAT. 3163

SEC. 721. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-884, pt. 1 (Comm. on Foreign Affairs), No. 96-884, pt. 2, (Permanent Select Comm. on Intelligence), and No. 96-1471 (Comm. of Conference).
SENATE REPORT No. 96-732 accompanying S. 2714 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 22, 28, 20, June 5, considered and passed House.
  June 17, considered and passed Senate, amended, in lieu of S. 2714.
  Dec. 2, House agreed to conference report.
  Dec. 3, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 16, Presidential statement.

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94 STAT. 3534

Public Law 96-606
96th Congress

An Act

Dec. 28, 1980
[H.R. 5737]

To amend the International Claims Settlement Act of 1949 to allow recovery by United States nationals for losses incurred in Vietnam.

International Claims Settlement Act of 1949, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VII

"PURPOSE OF TITLE

22 USC 1645.

"SEC. 701. It is the purpose of this title to provide for the determination of the validity and amounts of outstanding claims against Vietnam which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property of nationals of the United States. This title shall not be construed as authorizing or as any intention to authorize an appropriation by the United States for the purpose of paying such claims.

"DEFINITIONS

22 USC 1645a.

"SEC. 702. As used in this title—

"(1) the term 'national of the United States' means—

"(A) a natural person who is a citizen of the United States; and

"(B) a corporation or other legal entity which is organized under the laws of the United States or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity;

"(2) the term 'Commission' means the Foreign Claims Settlement Commission of the United States;

"(3) the term 'property' means—

"(A) any property, right, or interest, including any leasehold interest,

"(B) any debt owed by Vietnam or by any enterprise which has been nationalized, expropriated, or otherwise taken by Vietnam, and

"(C) any debt which is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam;

"(4) the term 'Vietnam' means—

"(A) the Government of the Socialist Republic of Vietnam,

"(B) any predecessor governing authority operating in South Vietnam on or after April 29, 1975, including the Provisional Revolutionary Government of South Vietnam,

94 STAT. 3535

"(C) the Government of the former Democratic Republic of Vietnam, and

"(D) any political subdivision, agency, or instrumentality of any of the entities referred to in subparagraphs (A), (B), and (C); and

"(5) the term 'Claims Fund' means the special fund established in the Treasury of the United States composed of such sums as may be paid to or realized by the United States pursuant to the terms of any agreement settling those claims described in section 703 that may be entered into between the Governments of the United States and Vietnam.

Infra.

"RECEIPT AND DETERMINATION OF CLAIMS

22 USC 1645b.

"SEC. 703. The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against Vietnam arising on or after April 29, 1975, for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property which, at the time of such nationalization, expropriation, or other taking, was owned wholly or partially, directly or indirectly, by nationals of the United States to whom no restoration or adequate compensation for such property has been made. Such claims must be submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than a period of two years beginning on the date of such publication) within sixty days after the date of the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

Notice; publication in Federal Register.

"OWNERSHIP OF CLAIMS

22 USC 1645c.
Supra.

"SEC. 704. A claim may be favorably considered under section 703 of this Act only if the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss and only to the extent that the claim has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission.

"CORPORATE CLAIMS

22 USC 1645d.
Supra.

"SEC. 705. (a) A claim under section 703 of this Act based upon an ownership interest in any corporation, association, or other entity which is a national of the United States may not be considered. A claim under section 703 based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico may be considered only if such debt or other obligation is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam.

"(b) A claim under section 703 based upon a direct ownership interest in a corporation, association, or other entity may be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

Ante, p. 3535.

"(c) A claim under section 703 based upon an indirect ownership interest in a corporation, association, or other entity may be considered, subject to the other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof, at the time of such loss, was vested in nationals of the United States or if, at the time of the loss, nationals of the United States in fact controlled the corporation, association, or entity, as determined by the Commission.

94 STAT. 3536

"(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by the corporation, association, or other entity, with respect to which the claim is made, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

"OFFSETS

22 USC 1645e.

"SEC. 706. In determining the amount of any claim under this title, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses for which the claim is filed.

"CERTIFICATION; ASSIGNED CLAIMS

22 USC 1645f.

"SEC. 707. (a) The Commission shall certify to each claimant who files a claim under this title the amount determined by the Commission to be the loss suffered by the claimant which is covered by this title. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in making that determination.

"(b) In any case in which a claim under this title is assigned by purchase before the Commission determines the amount due on that claim, the amount so determined shall not exceed the amount of actual consideration paid by the last such assignee.

"CONSOLIDATED AWARDS

22 USC 1645g.

"SEC. 708. With respect to any claim under section 703 of this Act which, at the time of the award, is vested in persons other than the person by whom the original loss was sustained, the Commission shall issue a consolidated award in favor of all claimants then entitled to the award, which award shall indicate the respective interests of such claimants in the award, and all such claimants shall participate, in proportion to their indicated interests, in any payments that may be made under this title in all respects as if the award had been in favor of a single person.

"CLAIMS FUND

22 USC 1645h.
Establishment.

"SEC. 709. (a) The Secretary of the Treasury may establish in the Treasury of the United States the Claims Fund for the payment of unsatisfied claims of nationals of the United States against Vietnam, as authorized by this title.

"(b) The Secretary of the Treasury shall deduct from any amounts covered into the Claims Fund an amount equal to 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amounts so deducted shall be covered into the Treasury as miscellaneous receipts.

94 STAT. 3537

"AWARD PAYMENT PROCEDURES

22 USC 1645i.
Ante, p. 3535.

"SEC. 710. (a) The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to section 703 of this Act.

"(b)(1) Upon certification of each award made pursuant to section 703, the Secretary of the Treasury shall, out of the sums covered into the Claims Fund, make payments on account of such awards as follows, and in the following order of priority:

"(A) Payment in the amount of $2,500 or the principal amount of the award, whichever is less.

"(B) Thereafter, payments from time to time, in ratable proportions, on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the Claims

Fund available for distribution at the time such payments are made.

"(2) After payment has been made in full of the principal amounts of all awards pursuant to paragraph (1), pro rata payments may be made on account of any interest that may be allowed on such awards.

"(c) Payments or applications for payments under subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"SETTLEMENT PERIOD

"SEC. 711. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than three years after the final date for the filing of claims as provided in section 703 of this Act. 22 USC 1645j.

"TRANSFER OF RECORDS

"SEC. 712. The Secretary of State, the Secretary of the Treasury, and the Secretary of Defense shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title. 22 USC 1645k.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 713. There are authorized to be appropriated for any fiscal year beginning on or after October 1, 1980, such sums as may be necessary to enable the Commission and the Treasury Department to pay their respective administrative expenses incurred in carrying out their functions under this title. Amounts appropriated under this section may remain available until expended. 22 USC 1645*l*.

"FEES FOR SERVICES

"SEC. 714. No remuneration on account of services rendered on behalf of any claimant, in connection with any claim filed with the Commission under this title, shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both. 22 USC 1645m.

Violation penalty.

94 STAT. 3538

"APPLICATION OF OTHER PROVISIONS OF THE ACT

"SEC. 715. (a) To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: subsections (b), (c), (d), (e), and (h) of section 4 and subsections (c), (d), (e), and (f) of section 7. Any reference in such provisions to 'this title' shall be deemed to be a reference to those provisions and to this title. 22 USC 1645n. 22 USC 1621. 22 USC 1623, 1626.

"(b) Except as otherwise provided in this title and in those provisions of title I referred to in subsection (a), the Commission shall comply with the provisions of subchapter II of chapter 5, and the provisions of chapter 7, of title 5, United States Code. 5 USC 551 *et seq.* 5 USC 201 *et seq.*

"SEPARABILITY

"SEC. 716. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of this title or the application of such provision to other persons or circumstances shall not be affected.". 22 USC 1645*o*.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-915 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 5, considered and passed House.
Dec. 15, considered and passed Senate.

GENERAL GOVERNMENT ACTS

Public Law 96-253
96th Congress

94 STAT. 398

An Act

To authorize appropriations for the Federal Election Commission for fiscal year 1981.

May 29, 1980
[S. 2648]

Federal Election Campaign Act of 1971, amendment.

2 USC 437d.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the second sentence of section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1977," and by inserting after "1978" the following: ", and $9,400,000 (of which not more than $400,000 are authorized to be appropriated for the national clearinghouse function described in section 311(a)(10)) for the fiscal year ending September 30, 1981".**

Approved May 29, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-929 accompanying H.R. 7281 (Comm. on House Administration).
SENATE REPORT No. 96-679 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 8, considered and passed Senate.
May 12, H.R. 7281 considered and passed House; passage vacated and S. 2648, amended, passed in lieu.
May 16, Senate concurred in House amendments.

Public Law 96-317
96th Congress

94 STAT. 964

An Act

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

July 31, 1980
[S. 1647]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Commission on Wartime Relocation and Internment of Civilians Act.
50 USC app. 1981 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on Wartime Relocation and Internment of Civilians Act".

FINDINGS AND PURPOSE

50 USC app. 1981 note

3 CFR, 1938-1943 Comp., p. 1092.

SEC. 2. (a) The Congress finds that—

(1) approximately one hundred and twenty thousand civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, issued February 19, 1942, and other associated actions of the Federal Government;

(2) approximately one thousand Aleut civilian American citizens were relocated and, in some cases, detained in internment camps pursuant to directives of United States military forces during World War II and other associated actions of the Federal Government; and

(3) no sufficient inquiry has been made into the matters described in paragraphs (1) and (2).

(b) It is the purpose of this Act to establish a commission to—

(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;

(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and

(3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

50 USC app. 1981 note.

SEC. 3. (a) There is established the Commission on Wartime Relocation and Internment of Civilians (hereinafter referred to as the "Commission").

Membership.

(b) The Commission shall be composed of seven members, who shall be appointed within ninety days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives.

94 STAT. 965

(3) Two members shall be appointed by the President pro tempore of the Senate.

Term.

(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

Meetings.

(d) The first meeting of the Commission shall be called by the President within one hundred and twenty days after the date of enactment of this Act, or within thirty days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

Quorum.

(e) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

Compensation.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

50 USC app. 1981 note.
Review.
3 CFR 1938–1943. Comp., p. 1092.

SEC. 4. (a) It shall be the duty of the Commission to—

(1) review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens;

(2) review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps

of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and

(3) recommend appropriate remedies.

Hearings.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

Report to Congress.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is one year after the date of the first meeting called pursuant to section 3(d) of this Act.

POWERS OF THE COMMISSION

50 USC app. 1981 note.

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

94 STAT. 966

(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

SEC. 6. The Commission is authorized to—

50 USC app. 1981 note.

5 USC 5101 *et seq.*, 5331.

5 USC 5332.

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–18 of the General Schedule under section 5332 of such title;

5 USC 3109.

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(4) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

94 STAT. 967

TERMINATION

50 USC app. 1981 note.

SEC. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATIONS

50 USC app. 1981 note.

SEC. 8. To carry out the provisions of this Act, there are authorized to be appropriated $1,500,000.

Approved July 31, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1146 accompanying H.R. 5499 (Comm. on the Judiciary).
SENATE REPORT No. 96-751 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 22, considered and passed Senate.
  July 21, H.R. 5499 passed House; passage vacatd and S. 1647, amended, passed in lieu.
  July 24, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, No. 31:
  July 31, Presidential statement.

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94 STAT. 1148

Public Law 96-346
96th Congress

An Act

Sept. 10, 1980
[H.R. 7072]

To amend sections 5702 and 5704 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses and mileage allowances of Government employees on official travel, and for other purposes.

Government travel expense allowances, increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5702 of title 5, United States Code, is amended—

(1) by striking out "$35" in subsection (a) and inserting in lieu thereof "$50";

(2) by striking out "$50" in subsection (c) and inserting in lieu thereof "$75"; and

(3) by striking out "$21" in subsection (d) and inserting in lieu thereof "$33".

SEC. 2. Section 5704 of title 5, United States Code, is amended—

(1) by striking out "11 cents" in subsection (a)(1) and inserting in lieu thereof "20 cents";

(2) by striking out "20 cents" in subsection (a)(2) and inserting in lieu thereof "25 cents"; and

(3) by striking out "24 cents" in subsection (a)(3) and inserting in lieu thereof "45 cents".

5 USC 5702 note.

SEC. 3. To make available to Congress information in order that it may evaluate and reduce excessive per diem and mileage allowance payments:

GSA-conducted travel survey.

(a) The Administrator of General Services shall, based upon a sampling survey, collect by fiscal year the following information (compiled separately for payments made under sections 5702 and 5704 of title 5, United States Code, and for each agency evaluated) with respect to agencies spending more than $5,000,000 annually on transportation of people:

(1) identification of the general causes and purposes of travel, both foreign and domestic, estimates of total payments, average cost and duration of trip, and an explanation of how these estimates were determined; and

(2) identification by specific agency of travel practices which appear to be inefficient from a travel management or program management standpoint and recommendations to the Congress on the applicability of alternatives to travel as well as other techniques to improve the use of travel in carrying out program objectives by relating travel to mission.

Report to Congress.

(b)(1) The Administrator shall report the information required by subsection (a) to the Congress for fiscal year 1979 by February 1, 1981; for fiscal year 1980 by June 1, 1981; and for fiscal year 1981 by June 1, 1982.

Rules and regulations.

94 STAT. 1149

(2) The Administrator is empowered to issue such rules and regulations as are necessary to ensure that the information is submitted by the various agencies to him in a manner that permits comparisons among the agencies and to permit him to compile the information required to be included in the annual report.

Approved September 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1021 (Comm. on Government Operations).
SENATE REPORT No. 96-904 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 9, considered and passed House.
Aug. 27, considered and passed Senate.

Public Law 96-388
96th Congress

94 STAT. 1547

An Act

To establish the United States Holocaust Memorial Council.

Oct. 7, 1980
[H.R. 8081]

U.S. Holocaust Memorial Council. Establishment. 36 USC 1401. Commemoration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the United States Holocaust Memorial Council (hereinafter in this Act referred to as the "Council"). The Council shall—

(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the holocaust, and shall encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

Memorial museum.

(2) plan, construct, and oversee the operation of, a permanent living memorial museum to the victims of the holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 5; and

President's Commission on the Holocaust. GPO Stock No. 052-003-007-07-0.

(3) develop a plan for carrying out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this Act.

Membership; appointment. 36 USC 1402.

SEC. 2. (a) The Council shall consist of sixty voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

(1) one appointed by the Secretary of the Interior;
(2) one appointed by the Secretary of State, and
(3) one appointed by the Secretary of Education.

Of the sixty voting members, five shall be appointed by the Speaker of the United States House of Representatives from among members of the United States House of Representatives and five shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

Initial members.

Terms.

(b) The members of the United States Holocaust Memorial Council, as in effect immediately before the date of the enactment of this Act, are hereby designated as the initial members of the Council. Such initial members (other than the initial members appointed from the United States Senate or the United States House of Representatives) shall serve terms as follows:

(1) All initial members shall serve until January 15, 1986.

(2) On January 15, 1986, the terms of ten of such initial members, as designated in the bylaws of the Council, shall terminate.

(3) On January 15 of each year thereafter through 1990 the terms of ten other initial members, as designated in the bylaws of the Council, shall terminate.

The terms of the initial members appointed from the United States Senate or the United States House of Representatives shall expire

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upon the expiration of the term of Congress in session at the time of the enactment of this Act.

Terms.

(c)(1) Except as provided in subsection (b) with respect to the initial members of the Council and except as otherwise provided in this subsection, Council members shall serve for five-year terms.

(2) The terms of the five members of the United States House of Representatives and the five members of the United States Senate appointed during any term of Congress shall each expire at the end of such term of Congress.

Vacancies.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

Officers.

(d)(1) Except as provided in paragraph (2), the Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of five years. Vacancies in the offices of Chairperson and Vice Chairperson shall be filled, as they arise, by appointment of the President.

Initial officers.

(2) The Chairperson and Vice Chairperson of the United States Holocaust Memorial Council, as in effect immediately before the date of the enactment of this Act, are hereby designated respectively as the initial Chairperson and Vice Chairperson of the Council. Such initial Chairperson and Vice Chairperson shall serve until January 15, 1986.

Reappointments.

(e) Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

Pay.
36 USC 1403.

5 USC 5332 note.

Travel expenses.

SEC. 3. (a) Except as provided in subsection (b), members of the Council are each authorized to be paid the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(b) Members of the Council who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay by reason of their service on the Council.

Bylaws; quorum.
36 USC 1404.

SEC. 4. (a) The Council shall adopt bylaws to carry out its functions under this Act. One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

Experts and consultants.

5 USC 5332 note.

(b) The Council may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of the General Schedule.

Contracts.

(c) The Council may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this Act.

Other Federal agencies, assistance.

(d) The Secretary of the Smithsonian Institution, the Library of Congress, and all executive branch departments, agencies, and establishments of the United States may assist the Council in the performance of its functions under this Act.

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Administrative services.

(e) The Secretary of the Interior may provide administrative services and support to the Council on a reimbursable basis.

Executive Director.
36 USC 1465.

SEC. 5. (a) The Council shall, without regard to section 5311(b) of title 5, United States Code, have an Executive Director who shall be appointed by the President upon the recommendation of the Chairperson of the Council and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-18 of the General Schedule.

5 USC 5332 note.

Additional personnel. Appointment.

(b) Without regard to section 5311(b) of title 5, United States Code, the Executive Director may appoint and fix the pay of such additional personnel as he considers appropriate. The Executive Director and staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

Memorial museum, real property transfer.
36 USC 1406.

SEC. 6. (a) For purposes of establishing the memorial museum referred to in paragraph (2) of the first section of this Act, any department, agency, or instrumentality of the United States is authorized to transfer to the administrative jurisdiction of the Council, with the approval of the Secretary of the Interior in consultation with the Commission of Fine Arts and the National Capital Planning Commission, any real property in the District of Columbia which is under the administrative jurisdiction of such department, agency, or instrumentality and which is deemed suitable by the Council for such memorial. With the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission, the Council may purchase, with the consent of the owner thereof, any real property within the District of Columbia which it deems suitable for purposes of establishing such memorial museum.

Real property purchase.

Architectural design, approval.

(b) The architectural design for such memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

Lapse of authority.

(c) The authority conferred pursuant to this Act for the construction and operation of the memorial museum shall lapse on the date five years after the date of the enactment of this Act unless (1) the erection or establishment of such memorial is commenced within such five year period, and (2) prior to the commencement, the Secretary of the Interior certifies that funds are available in an amount sufficient, in the judgment of the Secretary, to ensure completion of the memorial museum.

Gift, bequests, devices of property.
36 USC 1407.

SEC. 7. The Council may solicit, accept, hold, administer, and use gifts, bequests, and devises of property, both real and personal, to aid or facilitate the construction, maintenance, and operation of the memorial. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

Taxes.

Appropriation authorization.
36 USC 1408.

SEC. 8. There is authorized to be appropriated to carry out the purposes of this Act $722,000 for the fiscal year 1981, $800,000 for the fiscal year 1982, and $850,000 for the fiscal year 1983: *Provided, however,* That notwithstanding any other provision of this Act, none of the funds authorized herein may be available for construction. Authority to enter into contracts and to make payments under this

Construction, restriction.

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Act, using funds authorized to be appropriated under this section, shall be effective only to the extent, and in such amounts, as provided in advance in appropriation Acts.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1347, Pt. 1 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 23, considered and passed House.
Sept. 24, considered and passed Senate, amended.
Sept. 25, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 41:
Oct. 7, Presidential statement.

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94 STAT. 2748

Public Law 96-508
96th Congress

An Act

Dec. 8, 1980
[S. 2352]

To increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.

Council on Wage and Price Stability, appropriation authorization and extension.

12 USC 1904 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advise and consent of the Senate.".

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Inflation reduction proposals, review.
12 USC 1904 note.
Report to Congress.

SEC. 2. Section 3(c) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review.".

12 USC 1904 note.

SEC. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

12 USC 1904 note.

SEC. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed" and all that follows through the end thereof and inserting in lieu thereof "not to exceed $9,770,000 for the fiscal year ending September 30, 1981.".

12 USC 1904 note.

SEC. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

Price guideline.
12 USC 1904 note.

SEC. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting

the average annual growth in nonfarm output per man-hour in the private sector since 1973, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage.".

Federal regulations review, personnel increase.
12 USC 1904 note.

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SEC. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(e) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a)(8).".

Annual report.
12 USC 1904 note.

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(e), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding.".

Office of Productivity, establishment.
12 USC 1904 note.

SEC. 8. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(h) The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall analyze the effects on United States productivity of the factors cited in section 3(a)(9) of this Act. The Office of Productivity shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectiveness of such Federal programs, and recommendations of new Federal programs and policies to increase private-sector productivity growth.".

12 USC 1904 note.
Report to Congress.

SEC. 9. The Credit Control Act is amended by adding at the end thereof the following:

"Sec. 211. Termination

12 USC 1910.

"The authority conferred by this title expires at the close of June 30, 1982.".

SEC. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

2 USC 60a note.

Approved December 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-972 accompanying H.R. 6777 (Comm. on Banking, Finance, and Urban Affairs).
SENATE REPORT No. 96-729 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 2, considered and passed Senate.
  Sept. 24, H.R. 6777 considered and passed House.
  Sept. 30, H.R. 6777 considered and passed Senate, amended, in lieu of S. 2352.
  Oct. 1, S. 2352 considered and passed House, amended.
  Nov. 20, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
  Dec. 9, Presidential statement.

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Public Law 96-511
96th Congress

An Act

Dec. 11, 1980
[H.R. 6410]

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

Paperwork Reduction Act of 1980.
44 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Paperwork Reduction Act of 1980".

SEC. 2. (a) Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purpose.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities—submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Federal Information Locator System.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

44 USC 3501.

"§ 3501. Purpose

"The purpose of this chapter is—

"(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

"(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

"(3) to maximize the usefulness of information collected by the Federal Government;

"(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) to ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to the Federal Government; and

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"(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

44 USC 3502.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

"(2) the terms 'automatic data processing,' 'automatic data processing equipment,' and 'telecommunications' do not include any data processing or telecommunications system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management;

"(3) the term 'burden' means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

"(4) the term 'collection of information' means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(5) the term 'data element' means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

94 STAT. 2814

"(6) the term 'data element dictionary' means a system containing standard and uniform definitions and cross references for commonly used data elements;

"(7) the term 'data profile' means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a description of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

"(8) the term 'Director' means the Director of the Office of Management and Budget;

"(9) the term 'directory of information resources' means a catalog of information collection requests, containing a data profile for each request;

"(10) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the

Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(11) the term 'information collection request' means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, or other similar method calling for the collection of information;

"(12) the term 'information referral service' means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

"(13) the term 'information systems' means management information systems;

"(14) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(15) the term 'practical utility' means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion; and

"(16) the term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

44 USC 3503.

"§ 3503. Office of Information and Regulatory Affairs

Establishment.

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

Administrator, appointment.

94 STAT. 2815

"(b) There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy.

44 USC 3504.

"§ 3504. Authority and functions of Director

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing telecommunications, and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include—

"(1) developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

"(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

"(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

Paperwork. Control functions.

"(c) The information collection request clearance and other paperwork control functions of the Director shall include—

"(1) reviewing and approving information collection requests proposed by agencies;

"(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests—

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

Post, p. 2819.

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

"(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

Post, p. 2820.

"(5) setting goals for reduction of the burdens of Federal information collection requests;

"(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

"(7) designing and operating, in accordance with section 3511, the Federal Information Locator System.

Post, p. 2822.

"(d) The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.

"(e) The records management functions of the Director shall include—

"(1) providing advice and assistance to the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

44 USC 2901 *et seq.*, 3101 *et seq.*, 3301 *et seq.*

"(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and

"(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

"(f) The privacy functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

"(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

"(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

"(g) The Federal automatic data processing and telecommunications functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949;

40 USC 759.

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(g) of such Act;

40 USC 757, 759.

"(3) providing advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing and telecommunications equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made therein.

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

Post, p. 2821.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) Nothing in this section prevents the Director, in his discretion—

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c). *Post*, 2819.

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

94 STAT. 2818

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

"§ 3505. Assignment of tasks and deadlines 44 USC 3505.

"In carrying out the functions under this chapter, the Director shall—

"(1) upon enactment of this Act—

"(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

"(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

"(2) within one year after the effective date of this Act—

"(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities; 50 USC 401 note.

"(B) establish the Federal Information Locator System;

"(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

"(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

"(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs; and

"(3) within two years after the effective date of this Act—

"(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(B) identify initiatives to improve productivity in Federal operations using information processing technology;

"(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

"(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

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Five-year plan.

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

44 USC 3506.

"§ 3506. Federal agency responsibilities

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

Infra.

Procedures, establishment.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

44 USC 3507.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

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"(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

"(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

"(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission; and

"(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

"(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request and shall make such decisions publicly available. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

"(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under section 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the override authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

Ante, p. 2815; *post*, p. 2821.

"(d) The Director may not approve an information collection request for a period in excess of three years.

"(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

Ante, p. 2819.

5 USC 500 *et seq.*

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"(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

"(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of ninety days after the date on which the Director received the request to authorize such collection.

44 USC 3508.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

44 USC 3509.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter. *Ante*, p. 2819.

44 USC 3510.

"§ 3510. Cooperation of agencies in making information available

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"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law.

"(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

44 USC 3511.

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the authoritative register of all information collection requests.

Functions.

"(b) In designing and operating the System, the Director shall—

"(1) design and operate an indexing system for the System;

"(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

"(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

"(A) agency officials who are planning new information collection activities; and

"(B) on request, members of the general public; and

"(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

"§ 3512. Public protection

44 USC 3512.

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"§ 3513. Director review of agency activities; reporting; agency response

44 USC 3513.

"(a) The Director shall, with the advice and assistance of the Administrator of General Services, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

Ante, p. 2819.

Report to congressional committees.

"(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

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Written statement, submittal to congressional committees.

"(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

"§ 3514. Responsiveness to Congress

44 USC 3514.

Report to President of the Senate and Speaker of the House.

"(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

"(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

"(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

"(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

"(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

"(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

Ante, p. 2819.

"(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

"(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

"(8) with respect to recommendations of the Commission on Federal Paperwork—

"(A) a description of the specific actions taken on or planned for each recommendation;

"(B) a target date for implementing each recommendation accepted but not implemented; and

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"(C) an explanation of the reasons for any delay in completing action on such recommendations.

"(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

44 USC 3515.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

44 USC 3516.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

44 USC 3517.

"§ 3517. Consultation with other agencies and the public

"In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

44 USC 3518.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

5 USC app.; 3 CFR 1978 Comp., p. 158.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

15 USC 1311 note.
Ante, p. 380.

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

50 USC 401 note.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

40 USC 759.

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"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

44 USC 3519.

"Under the conditions and procedures prescribed in section 313 of the Budget and Accounting Act of 1921, as amended, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

Ante, p. 312.

"§ 3520. Authorization of appropriations

44 USC 3520.

"There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed $8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed $8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed $9,000,000 for the fiscal year ending September 30, 1983."

(b) The item relating to chapter 35 in the table of chapters for such title is amended to read as follows:

"35. Coordination of Federal Information Policy.".

(c)(1) Section 2904(10) of such title is amended to read as follows:

44 USC 2904.

"(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Administrator deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations."

(2) Section 2905 of such title is amended by redesignating the text

44 USC 2905.

thereof as subsection (a) and by adding at the end of such section the following new subsection:

Studies.

"(b) The Administrator of General Services shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.".

44 USC 3503 note.

SEC. 3. (a) The President and the Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility under section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b).

(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and

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Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 and Reorganization Plan No. 1 for telecommunications, and under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

3 CFR 1978 Comp., p. 158; 5 USC app.

20 USC 1221-3.

SEC. 4. (a) Section 400A of the General Education Provisions Act is amended by (1) striking out "and" after "institutions" in subsection (a)(1)(A) and inserting in lieu thereof "or", and (2) by amending subsection (a)(3)(B) to read as follows:

"(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act.".

Ante, p. 2812.

Ante, p. 2819.

Repeal.

(b) Section 201(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.

(c) Section 708(f) of the Public Health Service Act (42 U.S.C. 292h(f)) is repealed.

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

Effective date.
44 USC 3501 note.

SEC. 5. This Act shall take effect on April 1, 1981.

Approved December 11, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-835 (Comm. on Government Operations).
SENATE REPORT No. 96-930 accompanying S. 1411 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Mar. 24, considered and passed House.
  Nov. 19, S. 1411 considered and passed Senate; passage vacated and H.R. 6410, amended, passed in lieu.
  Dec. 1, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
  Dec. 11, Presidential statement.

Public Law 96-575
96th Congress

94 STAT. 3353

An Act

To name a dam and reservoir on the San Gabriel River, Texas, as the "North San Gabriel Dam" and "Lake Georgetown", respectively.

Dec. 22, 1980
[H.R. 4941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam on the San Gabriel River near Georgetown, Texas, authorized by section 203 of the Flood Control Act of 1962, shall hereafter be known and designated as the "North San Gabriel Dam", and the reservoir to be created by such dam shall hereafter be known and designated as "Lake Georgetown". Any law, regulation, document, or record of the United States in which such dam or reservoir is referred to shall be held to refer to such dam as the "North San Gabriel Dam" and to such reservoir as "Lake Georgetown".

North San Gabriel Dam; Lake Georgetown. Designations
76 Stat. 1180.

Sec. 2. (a) In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $18,498,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for major repairs and alterations to public buildings, as follows:

Appropriation authorization.

40 USC 490.

(1) United States Post Office and Courthouse, New Haven, Connecticut, $6,800,000;

(2) Old Post Office Building, Washington, District of Columbia, $11,698,000, in addition to that previously authorized, of which not to exceed $2,000,000 is authorized for the purchase and installation of building furnishings and office equipment.

(b) In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $27,060,000 to the Federal Aviation Administration for the lease, at a maximum term of twenty years, of technical support facilities at the Technical Center of the Federal Aviation Administration in Atlantic County, New Jersey: *Provided,* That the authorization contained in this subsection shall be effective only upon the proper delegation of authority to the Federal Aviation Administrator from the Administrator of the General Services Administration.

Appropriation authorization.
40 USC 606.

Sec. 3. In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $12,844,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the construction of a public building in Redding, California: *Provided,* That the Administrator of General Services shall conduct a design competition to select an architect for the building, said competition to be conducted under such procedures that it shall cost no more than one-half of 1 percent of the cost of the building and shall be conducted under such procedures as will assure that fair compensation for work required from the firms participating in the competition does not exceed that amount.

Appropriation authorization.

94 STAT. 3354

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1331 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 29, considered and passed House.
Dec. 8, considered and passed Senate, amended.
Dec. 9, House concurred in Senate amendments.

94 STAT. 3516

Public Law 96-604
96th Congress

An Act

Dec. 28, 1980
[H.R. 7112]

To authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

State and Local Fiscal Assistance Act Amendments of 1980.
31 USC 1221 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

SEC. 2. EXTENSION OF PROGRAM.

31 USC 1224.

(a) AUTHORIZATION OF APPROPRIATIONS FOR LOCAL SHARE.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982.".

(b) STATE SHARE PROVISIONS.—

(1) AUTHORIZATION OF STATE SHARE APPROPRIATIONS.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS TO STATE GOVERNMENTS.—

"(1) IN GENERAL.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

31 USC 1226.

"(2) ENTITLEMENT PERIODS.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

31 USC 1226.

(2) STATE SHARE ALLOCATION.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) ENTITLEMENT ALLOCATIONS.—

"(A) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980; and

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"(ii) no part of such amount for any entitlement period beginning on or after October 1, 1980.

31 USC 1225.

"(B) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State under section 106—

31 USC 1227.

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(ii) for any entitlement period beginning on or after October 1, 1980, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.

31 USC 1224.

31 USC 1225.

"(2) Nonentitlement allocation to states.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b), except that (A) no payment of any such allocation shall be made to any State unless the Secretary determines (in accordance with regulations prescribed by the Secretary) that such State has declined to receive or has refunded to the United States, from funds otherwise available to such State under any Federal categorical grant program (as identified in such regulations), an amount equal to such allocation, and (B) any funds which would otherwise be paid to a State but for clause (A) shall be transferred by the Secretary from the Trust Fund to the general fund of the Treasury in accordance with section 105(d).".

(c) Conforming Amendments.—

31 USC 1221.

(1) Payments.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,".

31 USC 1227.

(2) Adjustment of local government entitlements.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out subparagraph (C) of subsection (b)(7) and inserting in lieu thereof the following:

"(C) Adjustment for application of limitation.—In any case in which the amount allocated to a unit of local government is reduced under paragraph (6)(C) by the Secretary, the amount of that reduction—

"(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the county government of the county area in which it is located, unless (on account of the application of paragraph (6)) that county government may not receive it, in which case the amount of the reduction shall be reallocated in accordance with subparagraph (D); and

"(ii) in the case of a county government, shall be reallocated in accordance with subparagraph (D).

"(D) Reallocation of excess amounts.—Amounts reallocated under this subparagraph shall be added to and increase the entitlements—

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"(i) first, of units of local government within the State, to the extent that such units may (after the application of paragraph (6)) receive such a reallocation, and

"(ii) then, if no unit of local government may receive such an allocation on account of the application of paragraph (6), among all units of local government within the State on a pro rata basis.";

(C) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1983"; and

(D) by adding at the end of subsection (e) the following new paragraph:

31 USC 1224.

"(5) Rule for periods for which there is no State government amount.—For the entitlement period beginning October 1, 1980, and for any entitlement period for which the amounts authorized by section 105(d) are not appropriated, this subsection shall be applied—

"(A) by substituting '13.5 percent' for '15 percent' in the first sentence of paragraph (1),

"(B) by substituting '6.75 percent' for '7.5 percent' in the second sentence of paragraph (1), "(C) without regard to the words 'one half of' in the first sentence of paragraph (2),

"(D) by substituting '6.75 percent' for '3.75 percent' in the second sentence of paragraph (2), and

"(E) without regard to paragraph (3) or (4).".

31 USC 1261.

(3) Definition of entitlement period.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

31 USC 1263.

(4) Judicial review.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

31 USC 1226.

31 USC 1228.

(d) Population Data.—Paragraph (1) of section 109(a) of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(1) Population.—

"(A) In general.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

"(B) Undercount adjustment.—The Secretary shall request the Bureau of the Census to adjust the population data provided under subparagraph (A), as soon as practicable to include a reasonable estimate of the number of resident persons not counted in the 1980 census or subsequent revisions thereof. The Secretary shall use such estimates in the calculation of allocations for the next entitlement period beginning after receipt of such estimates.".

31 USC 1241.

(e) Transition Provision.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

Ante, p. 3516.

94 STAT. 3519

31 USC 1243.

(f) Waiver Provision.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) Waiver.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

31 USC 1243 note.

(g) Modification of Certain Audit Requirements.—In any case in which—

(1) a State had on July 25, 1974, entered into an agreement with the United States to conduct the audits required under section 123(c) of the Act on behalf of the units of local government in such State, and

31 USC 1243.

(2) such audits were not conducted as so required for the entitlement periods beginning after December 31, 1976, and before January 1, 1980,

then any unit of local government of such State may meet the audit requirements of section 123(c) of the Act with respect to such entitlement periods by conducting audits which otherwise meet such requirements, except that, in the aggregate, such audits need cover only those funds of accounts in the financial activity of the local unit of government into which payments under the Act have been deposited.

(h) STATEMENT OF ASSURANCES.—Section 123(a) is amended— 31 USC 1243.

(1) by striking out the semicolon at the end of paragraph (6) and inserting in lieu thereof the following: "; and";

(2) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period; and

(3) by striking out paragraph (8).

SEC. 3. DISCHARGE THE STATES FROM THE OBLIGATION OF REPAYMENT OF CERTAIN MONEY.

(a) IN GENERAL.—The various States with which money was deposited by the Secretary of the Treasury under the provisions of sections 13 and 14 of the Act entitled "An Act to regulate the deposits of the public money", approved June 23, 1836 (5 Stat. 55), are hereby discharged of all obligations for repayment to the United States of the money so deposited.

(b) CREDITING OF ACCOUNTS.—The proper accounting officers of the Government shall credit the various States with the amounts charged to them on the books of the Treasury Department pursuant to the proviso in the paragraph entitled "Credit in accounts of the Treasurer" in the Act of June 25, 1910 (36 Stat. 776).

SEC. 4. ADJUSTMENTS PURSUANT TO SECTION 118 OF PUBLIC LAW 96-369.

Section 109 of the Act is amended by adding a new subsection, as follows: 31 USC 1228.

"(h) The allocations to States and local jurisdictions shall reflect any adjustments made pursuant to section 118 of Public Law 96-369, and nothing in this Act shall be construed so as to preclude such adjustments being used for the purpose of allocation.". *Ante*, p. 1357.

SEC. 5. EFFECTIVE DATE.

The amendments made by sections 1, 2, and 4 of this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980. 31 USC 1221 note. 31 USC 1261.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1277 (Comm. on Government Operations).
SENATE REPORT No. 96-1009 accompanying S. 2574 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 24, Nov. 12, 13, considered and passed House.
- Dec. 9, considered and passed Senate, amended.
- Dec. 10, House agreed to certain Senate amendments, to others with amendments, and disagreed to remaining Senate amendments.
- Dec. 12, Senate receded from certain Senate amendments and agreed to remaining House amendments.

HOUSING ACTS

Public Law 96-399
96th Congress

94 STAT. 1614

An Act

To amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Oct. 8, 1980
[S.2719]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Act of 1980"

Housing and Community Development Act of 1980.
42 U.S.C. 5301 note.

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

ADMINISTRATION OF COMMUNITY DEVELOPMENT PROGRAM

SEC. 101. (a) Section 102(b) of the Housing and Community Development Act of 1974 is amended by adding the following new sentence at the end thereof: "Notwithstanding any other provision of law, for the fiscal years 1981, 1982, and 1983, (1) no data derived from the 1980 Decennial Census, as provided for in subchapter II of title 13, United States Code, except those relating to population and poverty, shall be taken into account for purposes of section 119 or the allocation of amounts under section 106, and (2) no revision to the criteria for establishing a metropolitan area or defining a central city of such an area published after January 1, 1980, shall be taken into account for purposes of this title, except that any area or city which would newly qualify as a metropolitan area or a central city of such an area by reason of any such revision shall be so considered.".

42 USC 5302.
13 USC 21.
42 USC 5318.
42 USC 5306.

(b)(1) Section 102 of such Act is amended by striking out subsection (d) and inserting in lieu thereof the following:

42 USC 5302.

"(d) With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 1982 under section 103(a)(1), the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(6)(B) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant under section 106 as a separate entity, unless the application by the urban county is disapproved or withdrawn prior to or during such three-year period. During any such three-year period, the population of any unit of general local government which is not included in that of the urban county for the first year shall not be eligible for such inclusion in the second or third year.".

Post, p. 1618.
42 USC 5306

(2) The amendment made by paragraph (1) shall take effect on October 1, 1981.

Effective date.
42 USC 5302 note.

(c) Section 102 of such Act is amended by adding at the end thereof the following:

42 USC 5302.
Urban county.

"(e) Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population

94 STAT. 1615

excluded from that of an urban county under subsection (a)(6)(B)(i), of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).".

42 USC 5304. (d) Section 104 of such Act is amended by adding the following new subsection at the end thereof:

"(j) In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of planning a joint community development program, meeting the application requirements of this section, and implementing such program.".

PRO RATA REDUCTION OF GRANTS

42 USC 5306. SEC. 102. Section 106(g) of the Housing and Community Development Act of 1974, as redesignated by section 111(d) of this Act, is amended—

(1) by striking out "fiscal year 1978, fiscal year 1979, or fiscal year 1980" and inserting in lieu thereof "any fiscal year";

(2) by striking out "and hold-harmless" wherever it appears; and

(3) by striking out "(d)(2)" and "(f)(1)(B)" and inserting in lieu thereof "(c)" and "(e)", respectively.

INCLUSION OF CERTAIN INDEPENDENT CITIES IN DETERMINING COMMUNITY DEVELOPMENT GRANT AMOUNTS FOR URBAN COUNTIES

42 USC 5306. SEC. 103. Section 106(b)(4) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(4) In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations of which are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

"(A) is not part of any county;

"(B) is not eligible for a grant pursuant to subsection (b)(1);

"(C) is contiguous to the urban county;

"(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

"(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city which is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible for a grant under subsection (c) or (e) with respect to such fiscal year.".

94 STAT. 1616

ENERGY AND ELIGIBLE ACTIVITIES

42 USC 5301. SEC. 104. (a) Section 101 of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" at the end of paragraph (1) of subsection (a);

(2) by striking out the period at the end of paragraph (2) of subsection (a) and inserting in lieu thereof "; and ";

(3) by adding the following new paragraph at the end of subsection (a):

"(3) increasing energy costs which have seriously undermined the quality and overall effectiveness of local community and housing development activities.";

(4) by striking out "and" at the end of paragraph (2) of subsection (b);

(5) by striking out the period at the end of paragraph (3) of subsection (b) and inserting in lieu thereof "; and";

(6) by adding the following new paragraph at the end of subsection (b):

"(4) concerted action by Federal, State, and local governments to address the economic and social hardships borne by communities as a consequence of scarce fuel supplies.";

(7) by striking out "and" at the end of paragraph (7) of subsection (c);

(8) by striking out the period at the end of paragraph (8) of subsection (c) and inserting in lieu thereof "; and"; and

(9) by adding the following new paragraph after paragraph (8) of subsection (c):

"(9) the conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources of supply.".

42 USC 5304.

(b) Section 104(a) of such Act is amended by adding the following new sentence at the end thereof: "The applicant may, at the discretion of the applicant, include (as part of the program summary, formulation, and description requirements described in paragraphs (1), (2), and (3) of this subsection) comparable information with respect to the applicant's energy conservation and renewable energy resource needs and objectives.".

42 USC 5305.

(c) Section 105(a) of such Act is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation which promote energy efficiency) of public works, facilities and site or other improvements—including neighborhood facilities, centers for the handicapped, senior centers, historic properties, utilities (including power generation and distribution facilities using renewable resource energy systems), streets, street lights, water and sewer facilities, foundations and platforms for air rights sites, pedestrian malls and walkways, and parks, playgrounds, and recreation facilities (including parks, playgrounds, and recreational facilities established as a result of reclamation and other construction activities carried out in connection with a river and land adjacent thereto where assistance under other Federal laws or programs is determined to be unavailable), flood and drainage facilities in cases where assistance for such facilities under other Federal laws or programs is determined to be unavailable, and parking facilities, solid waste disposal facilities, recycling or conversion facilities, and fire protection services and facilities which are located in or which serve designated community development areas;";

94 STAT. 1617

(2) by inserting after "rehabilitation" the first time it appears in paragraph (4) the following: "(including rehabilitation which promotes energy efficiency)";

(3) by inserting after "education," in paragraph (8) the following: "energy conservation,";

(4) by inserting after "community economic development" in paragraph (15) the following: "or energy conservation"; and

(5) by striking out "and" at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and by adding the following new paragraph at the end thereof:

Comprehensive community-wide energy use strategy.

"(16) activities necessary to the development of a comprehensive community-wide energy use strategy, which may include items such as—

"(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

"(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

"(C) an analysis of the manner in, and extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

"(D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions;

"(E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

"(F) appropriate provisions for energy emergencies;

"(G) identification of the local governmental unit responsible for administering the energy use strategy;

"(H) provision of a schedule for implementation of each element in the strategy; and

"(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy.".

42 USC 5305.

(d) Section 105(a)(4) of such Act is amended by inserting ", and including the renovation of closed school buildings" after "privately owned properties".

(e) Section 105(a) of such Act is amended—

94 STAT. 1618

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42 USC 5304.

(1) by inserting after "activities" the first time it appears in paragraph (14) the following: "(as specifically described in the application submitted pursuant to section 104)"; and

(2) by inserting after "project" in paragraph (15) the following: "(as specifically described in the application submitted pursuant to section 104)".

DISPLACEMENT

SEC. 105. (a) Section 104(a)(2) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "including activities," in clause (B) and inserting in lieu thereof "activities, and objectives, including activities";

(2) by striking out "and objectives," in clause (B); and

(3) by striking out clause (C) and inserting in lieu thereof the following: "(C) takes into account the effect of such activities on the involuntary displacement of low- and moderate-income persons and takes into account appropriate environmental factors;".

Study and report to Congress

42 USC 5313 note.

(b) The Secretary of Housing and Urban Development shall continue the study on involuntary displacement conducted under section 902 of the Housing and Community Development Amendments of 1978 and shall transmit, not later than March 30, 1981, a report to the Congress which shall contain (1) data collected since the initial report submitted under such section 902, and (2) further recommendations on minimizing involuntary displacement and alleviating problems caused by such displacement.

AUTHORIZATIONS

42 USC 5303.

SEC. 106. (a) The second sentence of section 103(a)(1) of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for these purposes not to exceed $3,810,000,000 for the fiscal year 1981, not to exceed $3,960,000,000 for the fiscal year 1982, and not to exceed $4,110,000,000 for the fiscal year 1983.".

(b) Section 103(a)(2) of such Act is amended to read as follows: "(2) Of the amounts approved in appropriation Acts pursuant to paragraph (1), $275,000,000 for the fiscal year 1981 shall be added to the amount available for allocation under section 106(c) and shall not be subject to the provisions of section 107.".

Post, p. 1621.
42 USC 5307.

(c) Section 103(c) of such Act is amended to read as follows: "(c) There are authorized to be appropriated for supplemental grant assistance under section 119 amounts aggregating not to exceed $1,475,000,000 for fiscal years prior to the fiscal year 1981, and an additional amount not to exceed $675,000,000 for each of the fiscal years 1981, 1982, and 1983.".

42 USC 5303.

SECTION 107 DISCRETIONARY FUND

SEC. 107. Section 107(a) of the Housing and Community Development Act of 1974 is amended by striking out "of authority to enter into contracts approved in appropriation Acts under section 103(a)(1) for each of the fiscal years 1975, 1976, 1977, 1978, 1979, and 1980, an amount equal to 3 per centum thereof shall" and inserting in lieu thereof "approved in appropriation Acts under section 103(a)(1) for each of the fiscal years 1981, 1982, and 1983, not more than $104,000,000 for fiscal year 1981, not more than $104,000,000 for fiscal year 1982, and not more than $107,000,000 for fiscal year 1983, may".

42 USC 5307.
42 USC 5303.

LIMITATION ON COMMUNITY DEVELOPMENT GUARANTEES

94 STAT. 1619

SEC. 108. Section 108 of the Housing and Community Development Act of 1974 is amended—

42 USC 5308.

(1) by inserting after "commitments to guarantee" in the first sentence of subsection (a) the following: ", only to such extent or in such amounts as provided in appropriation Acts,";

(2) by adding the following new sentence at the end of subsection (a): "During fiscal year 1981, the Secretary may not enter into commitments to guarantee under this section notes and other obligations with an aggregate principal amount in excess of $300,000,000."; and

(3) by striking out "Notwithstanding any other provision of this section, the" in subsection (k) and inserting in lieu thereof "The".

PERFORMANCE REPORTS FOR CERTAIN NON-ENTITLEMENT COMMUNITIES

SEC. 109. Section 104(d) of the Housing and Community Development Act of 1974 is amended—

42 USC 5304.

(1) by striking out "Prior to the beginning of fiscal year 1977 and each fiscal year thereafter, each" in the first sentence and inserting in lieu thereof "Each";

(2) by inserting after the first sentence the following new sentence: "The performance report shall be submitted annually prior to the beginning of each fiscal year, except that a grantee which receives a grant made pursuant to subsection (c) or (e) of section 106 which the Secretary determines does not fund a comprehensive community development program may submit a report with respect to such grant less frequently than annually as determined by the Secretary."; and

Post, p. 1621.

(3) by inserting "(or less frequently as the Secretary determines appropriate in the case of a grant for which a report is submitted less frequently than annually in accordance with the second sentence of this paragraph)" after "at least on an annual basis" in the third sentence.

HISTORIC PRESERVATION

SEC. 110. (a) Section 119(c) of the Housing and Community Development Act of 1974 is amended by— 42 USC 5318.

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph after paragraph (6):

"(7) include (A) an identification of all properties, if any, which are included on the National Register of Historic Places and which, as determined by the applicant, will be affected by the project for which the application is made; (B) an identification of all other properties, if any, which will be affected by such project and which, as determined by the applicant, may meet the criteria established by the Secretary of the Interior for inclusion on such Register, together with documentation relating to the inclusion of such properties on the Register; and (C) a description of the effect, as determined by the applicant, of the project on the properties identified pursuant to clauses (A) and (B).".

(b) Section 119 of such Act is amended by adding the following new subsection at the end thereof:

94 STAT. 1620

"(n) In the case of any application which identifies any property in accordance with subsection (c)(7)(B), the Secretary may not commit funds with respect to an approved application unless the applicant has certified to the Secretary that the appropriate State historic preservation officer and the Secretary of the Interior have been provided an opportunity to take action in accordance with the provisions of section 121(b).". *Infra.*

(c) Title I of such Act is amended by adding the following new section at the end thereof:

"HISTORIC PRESERVATION REQUIREMENTS

Regulations. 42 USC 5320. 42 USC 5318. "SEC. 121. (a) With respect to applications for assistance under section 119, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 119 and their relationship with—

"(1) 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes', approved October 14, 1966, as amended; and 16 USC 470.

"(2) 'An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam', approved June 27, 1960, as amended. 16 USC 469.

42 USC 5318. "(b) In prescribing and implementing such regulations with respect to applications submitted under section 119 which identify any property pursuant to subsection (c)(7)(B) of such section, the Secretary of the Interior shall provide at least that—

Information submittal. "(1) the appropriate State historic preservation officer (as determined in accordance with regulations prescribed by the Secretary of the Interior) shall, not later than 45 days after receiving information from the applicant relating to the identification of properties which will be affected by the project for which the application is made and which may meet the criteria established by the Secretary of the Interior for inclusion on the National Register of Historic Places (together with documentation relating to such inclusion), submit his or her comments, together with such other information considered necessary by the officer, to the applicant concerning such properties; and

Application determination. "(2) the Secretary of the Interior shall, not later than 45 days after receiving from the applicant the information described in paragraph (1) and the comments submitted to the applicant in accordance with paragraph (1), make a determination as to whether any of the properties affected by the project for which the application is made is eligible for inclusion on the National Register of Historic Places.

Regulations. "(c) The Advisory Council on Historic Preservation shall prescribe regulations providing for expeditious action by the Council in making its comments under section 106 of the Act referred to in subsection (a)(1) in the case of properties which are included on, or eligible for inclusion on, the National Register of Historic Places and which are affected by a project for which an application is made under section 119.". *Post*, p. 1621.

42 USC 5318.

TECHNICAL AMENDMENTS TO THE BLOCK GRANT PROGRAM

SEC. 111. (a) Section 102 of the Housing and Community Development Act of 1974 is amended by striking out "Office of Management and Budget" each place it appears in paragraphs (3), (4), and (8) of subsection (a) and in subsection (b) and inserting in lieu thereof "Department of Commerce". 42 USC 5302.

(b) Section 103 of such Act is amended by striking out subsection (e). 42 USC 5303.

(c) Section 104 of such Act is amended— 42 USC 5304.

(1) by striking out "106(a)" in the first sentence of subsection (c) and inserting in lieu thereof "106(b)"; and

(2) by striking out "(d)(2)" and "(f)(1)(B)" wherever they appear in subsections (d) and (e) and inserting in lieu thereof "(c)" and "(e)", respectively.

(d) Section 106 of such Act is amended by striking out subsections (c), (g), (h), (i), (j), and (l) and redesignating subsections (d), (e), (f), (k), and (m) as subsections (c), (d), (e), (f), and (g), respectively. 42 USC 5306.

(e) The second sentence of section 106(a) of such Act is amended—

(1) by striking out "subsections (c) and (e)" and inserting in lieu thereof "subsection (d)"; and

(2) by striking out "aggregate", "the greater of" and "or its hold-harmless amount computed pursuant to subsection (g)".

(f) Section 106(c) of such Act, as redesignated by subsection (d) of this section, is amended—

(1) by striking out "allocated by the Secretary, first, for grants to metropolitan cities, urban counties, and other units of general local government within metropolitan areas to meet their hold-harmless needs as determined under subsections (g) and (h), and second, in accordance with the provisions of paragraph (2).

"(2) Any portion of such amounts which remains after applying the provisions of paragraph (1) shall be";

(2) by redesignating paragraph (3) as paragraph (2);

(3) by striking out "paragraph (2)" wherever it appears in paragraph (2), as redesignated by paragraph (2) of this subsection, and inserting in lieu thereof "paragraph (1)";

(4) by striking out the second sentence of paragraph (2), as redesignated; and

(5) by striking out in the final sentence of paragraph (2), as redesignated, ", Indian tribes, and units of general local government which are entitled to hold-harmless grants pursuant to subsection (h)" and inserting in lieu thereof "and Indian tribes".

(g) Section 106(e) of such Act, as redesignated by subsection (d) of this section, is amended—

(1) by striking out in the first sentence of paragraph (1) the following: "allocated by the Secretary—

"(A) first, for grants to units of general local government outside of metropolitan areas to meet their hold-harmless needs as determined under subsection (h); and

"(B) second, any portion of such amount which remains after applying the provisions of subparagraph (A) shall be";

(2) by striking out "(i)" and "(ii)" in the first sentence of paragraph (1) and inserting in lieu thereof "(A)" and "(B)", respectively, and by striking out "(I)", "(II)", and "(III)" wherever they appear in such sentence and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively;

(3) by striking out "clause (i) of subparagraph (B)" and "clause (ii) of subparagraph (B)" in the second sentence of paragraph (1) and inserting in lieu thereof "subparagraph (A)", and "subparagraph (B)", respectively;

(4) by striking out "subparagraph (B)" in the third sentence of paragraph (1) and inserting in lieu thereof "this paragraph", and

by striking out "such subparagraph" wherever it appears in such sentence and inserting in lieu thereof "such paragraph";

94 STAT. 1622

(5) by striking out the second sentence of paragraph (2);

(6) by striking out "paragraph (1)(B)" wherever it appears in paragraph (2) and inserting in lieu thereof "paragraph (1)";

(7) by striking out "units of general local government which are entitled to hold-harmless grants pursuant to subsection (h) and" in the last sentence of paragraph (2); and

(8) by striking out "paragraph (1)(B)" in the first sentence of paragraph (3) and inserting in lieu thereof "paragraph (1)".

42 USC 5316.

(h) Section 116 of such Act is amended—

(1) by striking out subsections (b), (f), and (h), and by redesignating subsection (g) as subsection (b); and

(2) by striking out in subsection (b), as redesignated, "or from a unit a general local government for a grant pursuant to section 106(h)".

REALLOCATION OF FUNDS

SEC. 112. Section 106(d) of the Housing and Community Development Act of 1974, as redesignated by section 111(d) of this Act, is amended by striking out "first," and all that follows through the period at the end of the first sentence and inserting in lieu thereof the following: "first, in any metropolitan area in the same State, with a preference for units of general local government in the same metropolitan area to which such funds were originally allocated, and second, in any other metropolitan area.".

REPORT ON COMMUNITY DEVELOPMENT GRANT FORMULA

Report to Congress.
42 USC 5313 note.
42 USC 5301.

SEC. 113. The Secretary of Housing and Urban Development shall, not later than January 1, 1983, report to the Congress with respect to the adequacy, effectiveness, and equity of the formula used for allocation of funds under title I of the Housing and Community Development Act of 1974, with specific analysis and recommendations concerning the manner in which such formula is or could be affected by the data derived from the 1980 decennial census.

REHABILITATION LOANS

42 USC 1452b.

SEC. 114. (a) Section 312(c)(4) of the Housing Act of 1964 is amended—

(1) by striking out in subparagraph (A) "$27,000" and inserting in lieu thereof "$33,500";

(2) by inserting "(i)" after "secured by such property" in subparagraph (A);

(3) by inserting ", and (ii) if the Secretary determines that such refinancing is necessary and appropriate" before the semicolon at the end of subparagraph (A);

(4) by striking out "and" at the end of subparagraph (A);

(5) by redesignating subparagraph (B) as subparagraph (D); and

(6) by inserting after subparagraph (A) the following:

"(B) in the case of residential property in which some or all of the dwelling units do not contain kitchen facilities and to which there is connected a central dining facility where meals can be served to the occupants of such residential property, $25,000 per dwelling unit;

"(C) in the case of residential property in which some or all of the dwelling units do not contain bathroom or kitchen facilities, $15,000 per dwelling unit; and".

(b) Section 312(d) of such Act is amended—

94 STAT. 1623

(1) by striking out "and not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979" in the first sentence and inserting in lieu thereof "not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979, not to exceed $144,000,000 for the fiscal year beginning on October 1, 1980, and not to exceed $129,000,000 for the fiscal year beginning on October 1, 1981";

(2) by inserting the following before the period at the end of the

third sentence thereof: ", and not more than $210,000,000 may be approved in appropriation Acts for such loans with respect to the fiscal year beginning on October 1, 1980"; and

(3) by striking out the fourth and fifth sentences and inserting in lieu thereof the following: "Of the amount available for loans under this section during any fiscal year beginning on or after October 1, 1980, the Secretary may utilize not more than one-third for rehabilitation loans for multifamily properties.".

(c) Section 312(f) of such Act is amended by inserting before the period at the end thereof the following: ", except that the Secretary may not delegate to any agency or organization outside the Department of Housing and Urban Development the authority to determine whether to permit refinancing of existing indebtedness under subsection (c)(4)(A)". 42 USC 1452b.

(d) Section 312(h) of such Act is amended—

(1) by striking out "October 15, 1980" and inserting in lieu thereof "September 30, 1982"; and

(2) by striking out "October 16, 1980" and inserting in lieu thereof "October 1, 1982".

NEIGHBORHOOD SELF-HELP DEVELOPMENT

SEC. 115. The first sentence of section 705 of the Housing and Community Development Amendments of 1978 is amended by inserting after "1980" the following: ", and not to exceed $10,000,000 for the fiscal year 1981". 42 USC 8124.

URBAN HOMESTEADING

SEC. 116. The first sentence of section 810(h) of the Housing and Community Development Act of 1974 is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (c) and (g)". 12 USC 1706e.

UDAG AMENDMENTS RELATING TO GUAM, THE VIRGIN ISLANDS, AND INDIAN TRIBES

SEC. 117. (a) Section 119 of the Housing and Community Development Act of 1974 is amended by adding the following new subsection at the end thereof: 42 USC 5318.

"(o)(1) For the purpose of carrying out this section, the term 'city' includes Guam, the Virgin Islands, and Indian tribes. "City."

"(2) The application requirements— Application requirements. 42 USC 5304.

"(A) of section 104, and

"(B) of subsection (c)(2) of this section, to the extent such subsection requires a concentrated urban development action program to be consistent with the program and plan described in paragraphs (2) and (4) of section 104(a),

shall not apply to applications by Guam, the Virgin Islands, or Indian tribes for assistance under this section.

"(3) Grants may be made under this section to Guam, the Virgin Islands, or an Indian tribe only with respect to fiscal years for which Guam, the Virgin Islands, or such Indian tribe, as the case may be, has submitted an application meeting requirements prescribed pursuant to section 107. Grants. 42 USC 5307.

94 STAT. 1624

"(4) The Secretary may not approve a grant to an Indian tribe unless such Indian tribe—

"(A) is located on a reservation or in an Alaskan Native Village; and

"(B) is an eligible recipient under the State and Local Fiscal Assistance Act of 1972.". 31 USC 1221 note.

(b) Section 107(d) of such Act is amended by inserting "under this title" after "Indian tribe" in the first sentence.

TITLE II—HOUSING ASSISTANCE PROGRAMS

LOW INCOME HOUSING

42 USC 1437c.

SEC. 201. (a) Section 5(c) of the United States Housing Act of 1937 is amended to read as follows:

Contracts.

"(c)(1) The Secretary may enter into contracts for annual contributions aggregating not more than $7,875,049,000 per annum, which amount shall be increased by $1,494,400,000 on October 1, 1980. The additional authority to enter into such contracts provided on or after October 1, 1980, shall be effective only in such amounts as may be approved in appropriation Acts; in addition, the aggregate amount which may be obligated, with respect to the additional authority provided on October 1, 1980, over the duration of the contracts may not exceed $31,200,000,000. The Secretary, in utilizing the additional authority to enter into such contracts provided on and after October 1, 1980, shall administer the programs authorized by this Act to provide assistance, to the maximum extent practicable, consistent with section 213(d) of the Housing and Community Development Act of 1974.

Post, p. 1629.

"(2)(A) Of the additional authority approved in appropriation Acts and made available on October 1, 1980, the Secretary shall enter into contracts aggregating at least $100,000,000 for assistance to projects under section 14.

Post, p. 1625.

"(B) Of the balance of such additional authority approved in appropriation Acts and made available on October 1, 1980, which remains after deducting the amount to be provided for assistance to projects under section 14, the Secretary may not enter into contracts aggregating—

42 USC 1437f.

"(i) more than 37.5 per centum of such balance for existing units assisted under section 8, including assistance provided under subsection (j) of such section; and

"(ii) more than 62.5 per centum of such balance for newly constructed and substantially rehabilitated units assisted under this Act, of which not more than $265,800,000 shall be made available for such units assisted under this Act other than section 8.

"(3) The Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into.

Appropriation authorization.

"(4) The full faith and credit of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there are hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments.

94 STAT. 1625

42 USC 1437b.

"(5) All payments of annual contributions pursuant to this section shall be made out of any funds available for purposes of this Act when such payments are due, except that funds obtained through the issuance of obligations pursuant to section 4(b) (including repayments or other realizations of the principal of loans made out of such funds) shall not be available for the payment of such annual contributions.".

42 USC 1437g.

(b) Section 9(c) of such Act is amended—

(1) by striking out "and" immediately after "on or after October 1, 1978,"; and

(2) by inserting immediately before the period at the end thereof the following: ", and not to exceed $826,000,000 on or after October 1, 1980".

42 USC 1437d.

(c) Section 6(b) of such Act is amended—

(1) by inserting the following before the period at the end of the second sentence: "; except that, for projects to be constructed as a result of assistance provided under this Act and which are to be located on Indian reservations or in Alaskan Native villages, the Secretary shall determine and make the prototype costs available within a reasonable time prior to the beginning of each

construction season as is determined to be appropriate for the area in which the project is to be located"; and

(2) by striking out "and" at the end of clause (6) of the third sentence, and by adding the following before the period at the end of such sentence: ", and (8) with respect to remote areas such as may be found in connection with projects developed under the Indian and Alaskan Native housing program assisted under this Act, the extensive transportation required to provide the necessary labor, materials, and equipment to the project site and any additional conditions that the Secretary determines should be taken into consideration under clauses (1) through (7) for such projects".

42 USC 1437g.

(d) Section 9(a)(1) of such Act is amended by striking out "and" before "(B)" in the second sentence, and by inserting the following before the period at the end of the second sentence: ", and (C) with respect to housing projects developed under the Indian and Alaskan Native housing program assisted under this Act, to provide funds (in addition to any other operating costs contributions approved by the Secretary under this section) as determined by the Secretary to be required to cover the administrative costs to an Indian housing authority during the development period of a project approved pursuant to section 5 and until such time as the project is occupied".

42 USC 1437c.

42 USC 1437d.

(e) Section 6(c)(4)(A) of such Act is amended by inserting immediately after "(A)" the following: "except for projects or portions of projects specifically designated for elderly families with respect to which the Secretary has determined that application of this clause would result in excessive delays in meeting the housing needs of such families,".

PUBLIC HOUSING COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

SEC. 202. (a) The United States Housing Act of 1937 is amended by adding the following new section at the end thereof:

"COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

42 USC 1437l.

"SEC. 14. (a) It is the purpose of this section to provide assistance—

"(1) to improve the physical condition of existing public housing projects, and

"(2) to upgrade the management and operation of such projects,

94 STAT. 1626

in order to assure that such projects continue to be available to serve low-income families.

Ante, p. 1624.

"(b) The Secretary may make available and contract to make available financial assistance (in such amounts as are authorized pursuant to section 5(c) and as may be approved in appropriations Acts) to public housing agencies for the purpose of improving the physical condition of existing low-rent public housing projects and for upgrading the management and operation of such projects to the extent necessary to maintain such physical improvements.

Eligibility requirements.

"(c) Assistance under subsection (b) may be made available only for low-rent housing projects which—

"(1) are owned by public housing agencies;

"(2) are operated as rental housing projects and receive assistance under section 5(c) or section 9 of this Act;

Ante, p. 1624.
42 USC 1437g.
42 USC 1437f.

"(3) are not assisted under section 8 of this Act; and

"(4) meet such other requirements consistent with the purposes of this section as the Secretary may prescribe.

Applications.

"(d) Except as provided in subsection (e)(4), no assistance may be made available under subsection (b) unless the Secretary has approved an application from the public housing agency which has been developed in consultation with appropriate local officials and with tenants of the housing projects for which assistance is requested. Such application shall contain at least—

"(1) a comprehensive assessment of (A) the current physical condition of each project for which assistance is requested, and (B) the physical improvements necessary for each such project to meet the standards established by the Secretary pursuant to subsection (j);

"(2) an identification, for each such project, of the equipment systems or structural elements which would normally be replaced (assuming routine and timely maintenance is performed) over the remaining period of the annual contributions contract or during the 30-year period beginning on the date of submission of the application, whichever period is longer;

"(3) a comprehensive assessment of the improvements needed to upgrade the management and operation of each such project so that decent, safe, and sanitary living conditions will be provided in such projects; such assessment shall include at least an identification of needs related to—

"(A) the management, financial, and accounting control systems of the public housing agency which are related to each project eligible for assistance under this section;

"(B) the adequacy and qualifications of personnel employed by such public housing agency (in the management and operation of such projects) for each category of employment; and

"(C) the adequacy and efficacy of—

"(i) tenant programs and services in such projects;

"(ii) the security of each such project and its tenants;

"(iii) policies and procedures of the public housing agency for the selection and eviction of tenants in such projects; and

"(iv) other policies and procedures of such agency relating to such projects, as specified by the Secretary; and

94 STAT. 1627 "(4) a plan for making the improvements and replacements, and for meeting the needs, described in paragraphs (1), (2), and (3); such plan shall include at least—

"(A) a schedule of those actions which are to be completed, over a period of not greater than 5 years from the date of approval of such application by the Secretary, within each 12-month period covered by such plan and which are necessary—

"(i) to make the improvements, described in paragraph (1)(B), for each project for which assistance is requested, and

"(ii) to upgrade the management and operation of such projects as described in paragraph (3);

"(B) the estimated cost of each of the actions described in subparagraph (A);

"(C) an estimate of the total costs of the replacement of the items identified for each such project pursuant to paragraph (2) over the remaining period of the annual contributions contract or during the 30-year period beginning on the date of submission of the application, whichever period is longer, including an estimate of the amount of funds necessary to fund the costs which have accrued for the period which ends upon the date on which the application is made, and an estimate of the costs which will accrue during each 12-month period subsequent to such application;

"(D) an operating budget for each such project for each 12-month period covered by such plan, excluding costs described in subparagraphs (B) and (C); and

"(E) an estimate of the financial resources which will be available from all sources to each such project and to the public housing agency (to the extent the resources of the agency relate to such project), and the amounts of assistance which are being requested pursuant to subsection (b) for each 12-month period covered by the plan.

"(e) The amount of financial assistance made available under subsection (b) to any public housing agency with respect to any year may not exceed the sum of—

Financial assistance, limitation.

"(1) an amount determined by the Secretary to be necessary to undertake the actions specified for such year in the schedule submitted pursuant to subsection (d)(4)(A);

"(2) the amount determined necessary by the Secretary to fund the replacement costs which have been identified pursuant to subsection (d)(4)(C) for each project, which have accrued for the period ending at the beginning of such year, and for which payment under subsection (b) has not been made previously;

"(3) the amount determined necessary by the Secretary to reimburse the public housing agency for the cost of developing the plan described pursuant to subsection (d)(4), less any amount which has been provided such public housing agency with respect to such year under paragraph (4); and

"(4) in the case of a public housing agency which meets such criteria of financial distress as are established by the Secretary and which has submitted the information described in paragraphs (1), (2), and (3) of subsection (d), the amount determined necessary by the Secretary to enable such agency to develop the plan described pursuant to subsection (d)(4);

except that not more than 5 per centum of the total amount utilized for annual contributions contracts under subsection (b) in any year shall be made available for the purposes described in paragraphs (3) and (4).

94 STAT. 1628

"(f) Where an application made pursuant to this section proposes demolition of any low-rent housing project or any portion of such a project, the Secretary may not approve such application unless the Secretary determines that—

Low-rent housing project, demolition.

"(1) timely replacement of the units in such project will be undertaken by the public housing agency;

"(2) the total cost of providing such replacement housing is less than the total cost of rehabilitation of such project, except that the Secretary may waive such requirement where the Secretary determines that the demolition is necessary to meet the purposes of this section; and

"(3) low-income families displaced by such proposed demolition will be provided with decent, safe, sanitary, and affordable housing.

"(g) No assistance shall be made available to a public housing agency pursuant to subsection (b) for any year subsequent to the first year for which such assistance is made available to such agency unless the Secretary has determined that such agency has made substantial efforts to meet the objectives for the preceding year under the plan described in subsection (d)(4) and approved by the Secretary.

"(h) In making assistance available under subsection (b), the Secretary shall give preference to public housing agencies—

"(1) which request assistance for projects (A) having conditions which threaten the health or safety of the tenants, or (B) having a significant number of vacant, substandard units; and

"(2) which have demonstrated a capability of carrying out the activities proposed in the plan submitted by the agency pursuant to subsection (d)(4) and approved by the Secretary.

"(i)(1) In addition to assistance made available under subsection (b), the Secretary may, without regard to the requirements of subsections (c), (d), (e), (g), and (h), make available and contract to make available financial assistance (in such amounts as are authorized pursuant to section 5(c) and as approved in appropriation Acts) to any public housing agency in an amount which the Secretary determines is necessary to meet emergency or special purpose needs. Such needs shall be limited to—

Ante, p. 1624.

"(A) correcting conditions which threaten the health or safety of the tenants of any project (i) which is described in subsection (c), and (ii) with respect to which an application for assistance pursuant to subsection (d) has not been approved by the Secretary;

"(B) correcting conditions (i) which threaten the health or safety of the tenants of any project with respect to which an application for assistance pursuant to subsection (d) has been approved, and (ii) which were unanticipated at the time of the development of such application;

"(C) correcting conditions which threaten the health or safety of the occupants of any low-income housing project not described in subsection (c) and not assisted pursuant to section 8; or

42 USC 1437f.

"(D) physical improvements needs which (i) would not otherwise be eligible for assistance under this section, and (ii) pertain to any low-income housing project other than a project assisted under section 8.

Regulations.

"(2) The Secretary may issue such rules and regulations as may be necessary to carry out this subsection.

Regulations.

"(j)(1) The Secretary may issue such rules and regulations as may be necessary to carry out the provisions and purposes of this section.

94 STAT. 1629

"(2) The Secretary shall issue rules and regulations establishing standards which provide for decent, safe, and sanitary living conditions in low-rent public housing projects and for energy conserving improvements in such projects and which, to the extent practicable, are consistent with the Minimum Property Standards for Multi-Family Housing as they reasonably would be applied to existing housing, except that the Secretary may establish higher standards on a project-by-project basis in such cases where the Secretary deems such higher standards appropriate for furthering the purposes of this section.".

93 Stat. 1109.
42 USC 1437k.

(b) Section 13 of such Act is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b)" in subsection (b).

42 USC 1437d.

(c) Section 6(f) of such Act is amended by inserting "pursuant to section 14" after "modifications" in the first and second sentences thereof.

42 USC 1439.

(d) Section 213(d)(1) of the Housing and Community Development Act of 1974 is amended by striking out "modernization of low-income housing projects" and inserting in lieu thereof "carrying out section 14 of such Act".

Ante, p. 1625.

SECTION 8 AMENDMENTS

42 USC 1437f.

SEC. 203. (a) Section 8(c)(1) of the United States Housing Act of 1937 is amended by adding the following new sentence after the second sentence: "In the case of newly constructed and substantially rehabilitated units, the exception in the preceding sentence shall not apply to more than 20 per centum of the total amount of authority to enter into annual contributions contracts for such units which is allocated to an area and obligated with respect to any fiscal year beginning on or after October 1, 1980.".

(b) Section 8(e)(5) of such Act is amended by inserting the following new sentence after the second sentence thereof: "Notwithstanding subsection (c)(1) of this section, the Secretary may, in carrying out the preceding sentence, establish a maximum monthly rent (for units upgraded pursuant to this paragraph) which exceeds the fair market rental by not more than 20 per centum if such units are located in an area where the Secretary finds cost levels so require, except that the Secretary may approve maximum monthly rents which exceed the fair market rentals by more than 20 but not more than 30 per centum where the Secretary determines that special circumstances warrant such higher rent or where necessary to the implementation of a local housing assistance plan.".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

12 USC
1715z-1a.

SEC. 204. (a) The first sentence of section 201(h) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" after "the fiscal year 1979,"; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $31,100,000 for the fiscal year 1981".

(b) Section 236(f)(3)(B) of the National Housing Act is amended— 12 USC 1715z-1.

(1) by striking out "October 15, 1980" in the third sentence and inserting in lieu thereof "September 30, 1981"; and

(2) by striking out "on or after October 1, 1978," in the first sentence and all that follows through "October 31, 1978,". 94 STAT. 1630

RENT SUPPLEMENTS

SEC. 205. Section 101(1) of the Housing and Urban Development Act of 1965 is amended— 12 USC 1701s.

(1) by striking out "may" the first time it appears in the first sentence and inserting in lieu thereof "shall, not later than 4 years after the date of enactment of the Housing and Community Development Act of 1980,";

(2) by inserting the following new sentence after the first sentence thereof: "In amending such contracts, the Secretary shall provide that the housing with respect to which payments are made under this section be maintained as low- and moderate-income housing during the term of the original contract."; and

(3) by striking out "preceding" in the second sentence and inserting in lieu thereof "the first sentence of this paragraph".

SECTION 235 STANDARD PROGRAM

SEC. 206. (a) Section 235 of the National Housing Act is amended— 12 USC 1715z.

(1) by striking out "$32,000", "$38,000", "$38,000", and "$44,000" in the last proviso in subsection (b)(2) and inserting in lieu thereof "$40,000", "$47,500", and "$47,500", and "$55,000", respectively;

(2) by striking out "$32,000", "$38,000", "$38,000", and "$44,000", wherever they appear in subsections (i)(3)(B) and (i)(3)(C), and inserting in lieu thereof "$40,000", "$47,500", "$47,500", and "$55,000", respectively;

(3) by striking out "$44,000", and "$49,000" in subsection (i)(3)(D) and inserting in lieu thereof "$55,000", and "$61,250", respectively;

(4) by adding at the end thereof the following new subsection:

"(p) The Secretary may insure a mortgage under this section involving a principal obligation which exceeds, by not more than 10 per centum, the maximum limits specified under subsection (b)(2) or (i)(3) of this section, or, if applicable, the maximum principal obligation insurable pursuant to subsection (o) of this section, if the mortgage relates to a dwelling to be occupied by a physically handicapped person and the Secretary determines that such action is necessary to reflect the cost of making such dwelling accessible to and usable by such person.". Mortgage insurance.

(b)(1) Subsection (c) of such section is amended—

(A) by inserting "(1)" after "(c)";

(B) by redesignating paragraphs (1) and (2) of such subsection as subparagraphs (A) and (B), respectively; and

(C) by adding the following new paragraph at the end of such subsection:

"(2)(A) Upon disposition by the homeowner of any property assisted pursuant to this section or where the homeowner ceases for a period of 90 continuous days or more making payments required under the mortgage, loan, or advance of credit secured by such a property, or rents such a property (or the owner's unit in the case of a two- to four-family property) for a period longer than one year, the Secretary shall provide for the recapture of an amount equal to the lesser of (i) the amount of assistance actually received under this section, other than any amount provided under subsection (e), or (ii) an amount

94 STAT. 1631

"Net appreciation of the property."

equal to at least 50 per centum of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term 'net appreciation of the property' means any increase in the value of the property over the original purchase price, less the reasonable costs of sale, the reasonable costs of improvements made to the property, and any increase in the mortgage amount as of the time of sale over the original mortgage balance due to the mortgage being insured pursuant to section 245. Notwithstanding any other provision of law, any such assistance shall constitute a debt secured by the property to the extent that the Secretary may provide for such recapture.

12 USC 1715z-10.

"(B) Subparagraph (A) does not apply to any property with respect to which there is assumption in accordance with paragraph (1) of this subsection or to any property which is subject to a mortgage, loan, or other advance of credit insured pursuant to subsection (q).".

12 USC 1715z note.
12 USC 1715z.

(2) The amendment made by paragraph (1) does not apply to any assistance contract under section 235 of the National Housing Act entered into pursuant to a commitment issued within 6 months following the date of enactment of this Act.

Study.
12 USC 1715z note.

(c)(1) The Secretary of Housing and Urban Development shall conduct a study of the effects which the application of subsection (n) of section 235 of the National Housing Act has had or is likely to have on the program established by subsection (a) of such section. If the program established by subsection (q) of such section is implemented, the Secretary shall include in the study an analysis of the effects on the subsection (q) program of the application of subsection (n) to such program.

Report to Congress.

(2) The Secretary shall transmit to the Congress, not later than January 1, 1982, a report containing the findings and conclusions of the study described in paragraph (1).

SECTION 235(q) PROGRAM

12 USC 1715z.

SEC. 207. Section 235 of the National Housing Act is amended by adding at the end thereof the following:

Contracts.

"(q)(1) Notwithstanding any other provision of this section, except subsection (n), if the Secretary determines that there is a substantial need for emergency stimulation of the housing market, the Secretary is authorized to make and enter into contracts to make periodic assistance payments, to the extent of not to exceed 75 per centum of the authority available pursuant to subsection (h)(1), on behalf of homeowners, including owners of manufactured homes, to mortgagees or other lenders holding mortgages, loans, or advances of credit which meet the requirements of this subsection. The Secretary may establish such criteria, terms, and conditions relating to homeowners and mortgages, loans, or advances of credit assisted under this subsection as the Secretary deems appropriate, consistent with the provisions of this subsection. The Secretary is authorized to insure a mortgage which meets the requirements of and is to be assisted under this subsection. The authority to enter into contracts to provide assistance payments and to insure mortgages under this subsection shall terminate on June 1, 1981, or at such earlier date as the Secretary may deem appropriate, upon a determination by the Secretary that the conditions which gave rise to the exercise of authority under this subsection are no longer present, except pursuant to a commitment entered into prior to such date.

Eligibility requirements.

"(2) Payments under this subsection may be made only on behalf of a homeowner who satisfies such eligibility requirements as may be prescribed by the Secretary and who—

94 STAT. 1632

"(A)(i) is a mortgagor under a mortgage which meets the requirements of and is insured under this subsection, or (ii) is the original owner of a new manufactured home consisting of two or more modules and a lot on which the manufactured home is situated, where insurance under section 2 of this Act covering the loan, advance of credit, or purchase of an obligation repre-

12 USC 1703.

senting such loan or advance of credit to finance the purchase of such manufactured home and lot has been granted to the lender making such loan, advance of credit, or purchase of an obligation; and

"(B) has a family income, at the time of initial occupancy, which does not exceed 130 per centum of the area median income for the area (with adjustments for smaller and larger families, unusually high or low median family income, or other factors), as determined by the Secretary.

Assistance payments.

"(3) Assistance payments to a mortgagee or other lender by the Secretary on behalf of a homeowner shall be made only during such time as the homeowner shall continue to occupy the property which secures the mortgage, loan, or advance of credit. The Secretary may, where a mortgage insured under this subsection has been assigned to the Secretary, continue making such assistance payments.

"(4) The amount of the assistance payments in the case of a mortgage shall not at any time exceed the lesser of—

"(A) the balance of the monthly payment for principal, interest, taxes, insurance, and any mortgage insurance premium due under the mortgage remaining unpaid after applying a minimum of 25 per centum of the mortgagor's income, except that the Secretary may reduce such per centum of income to the extent he deems necessary, but not lower than 20 per centum of the mortgagor's income; or

"(B) the difference between the amount of the monthly payment for principal, interest, and any mortgage insurance premium which would be required if the mortgage were a level payment mortgage bearing interest at a rate equal to the maximum interest rate which is applicable to level payment mortgages insured under section 203(b), other than mortgages subject to section 3(a)(2) of Public Law 90-301, and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were a level payment mortgage bearing interest at the rate of at least 9½ per centum per annum.

12 USC 1709.
Post, p. 1652.

"(5) Assistance payments on behalf of the owner of a manufactured home shall not at any time exceed the lesser of—

"(A) the balance of the monthly payment for principal, interest, real and personal property taxes, insurance, and insurance premium chargeable under section 2 of this Act due under the loan or advance of credit remaining unpaid after applying a minimum of 25 per centum of the manufactured homeowner's income, except that the Secretary may reduce such per centum of income to the extent he deems necessary, but not lower than 20 per centum of the mortgagor's income; or

12 USC 1703.

"(B) the difference between the amount of the monthly payment for principal, interest, and insurance premium chargeable under section 2 of this Act which the manufactured homeowner is obligated to pay under the loan or advance of credit and the monthly payment of principal and interest which the owner would be obligated to pay if the loan or advance of credit were to bear an interest rate determined by the Secretary which shall not be less than 12 per centum per annum.

"(6) The Secretary may include in the payment to the mortgagee or other lender such amount, in addition to the amount computed under paragraph (4) or (5), as the Secretary deems appropriate to reimburse the mortgagee or other lender for its reasonable and necessary expenses in handling the mortgage, loan, or advance of credit.

Regulations.

"(7) The Secretary shall prescribe such regulations as the Secretary deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not greater than the appraised value as determined by the Secretary.

"(8) Assistance payments pursuant to paragraph (5) shall not be made with respect to more than 20 per centum of the total number of units with respect to which assistance is approved under this subsection.

Mortgage insurance.

"(9) The Secretary may, in addition to mortgages insured under subsection (i) or (j), insure, upon application by the mortgagee, a mortgage executed by a mortgagor who meets the eligibility requirements for assistance payments prescribed by the Secretary under paragraph (2). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

Eligibility requirements.

"(10) To be eligible for insurance under this subsection, a mortgage shall—

"(A) be a first lien on real estate held in fee simple, or on a leasehold under a lease which meets terms and conditions established by the Secretary;

"(B) have been made to, and be held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(C) involve a one- to four-family dwelling which has been approved by the Secretary prior to the beginning of construction, or if not so approved, has been completed within one year prior to the filing of the application for insurance and which has never been sold other than to the mortgagor;

Post, p. 1654.

"(D) involve a principal residence the sales price of which does not exceed 82 per centum of the applicable maximum principal obligation of a mortgage which may be insured in the area pursuant to section 203(b)(2), determined without regard to the last sentence of such section;

"(E) have maturity and amortization provisions satisfactory to the Secretary;

"(F) bear interest (exclusive of premium charges for insurance, and service charges if any) at not to exceed the applicable maximum rate for mortgages insured pursuant to section 203(b);

"(G) be executed by a mortgagor who shall have paid in cash or its equivalent, on account of the property, at least an amount equal to 3 per centum of the Secretary's estimate of the cost of acquisition; and

"(H) contain such other terms and conditions as the Secretary may prescribe.

Land and energy conservation.

"(11) The Secretary shall, to the extent practicable, insure mortgages under this subsection which are secured by properties which contribute to the conservation of land and energy resources.

Graduated payments.
12 USC 1715z-10.

"(12) A mortgage to be assisted under this subsection shall, where the Secretary deems it appropriate, provide for graduated payments pursuant to section 245.

Allocation system.

94 STAT. 1634

"(13) The Secretary shall develop and utilize a system to allocate assistance under this subsection in a manner which assures a reasonable distribution of such assistance among the various regions of the country and which takes into consideration such factors as population, relative decline in building permits, the need for increased housing production, and other factors he deems appropriate. Assistance provided under this subsection shall not be subject to section 213 of the Housing and Community Development Act of 1974.

42 USC 1439.
Recapture.

"(14) Upon the disposition by the homeowner of any property assisted pursuant to this subsection, or where the homeowner ceases for a period of 90 continuous days or more making payments on the mortgage, loan, or advance of credit secured by the property, or rents the property (or the owner's unit in the case of a two- to four-family residence) for a period longer than one year, the Secretary shall provide for the recapture of an amount equal to the lesser of (A) the amount of assistance actually received under this subsection, other than any amount provided under paragraph (6), or (B) an amount at least equal to 50 per centum of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term 'net appreciation of the property' means any increase in the value of the property over the original purchase price, less the reasonable costs of sale, the reasonable costs of improvements made to the property, and any increase in the mortgage balance as of th

"Net appreciation of property."

time of sale over the original mortgage balance due to the mortgage being insured pursuant to section 245. In providing for such recapture, the Secretary shall include incentives for the homeowner to maintain the property in a marketable condition. Notwithstanding any other provision of law, any such assistance shall constitute a debt secured by the property to the extent that the Secretary may provide for such recapture.

12 USC 1715z-10.

"(15) Procedures shall be adopted by the Secretary for recertification of the homeowner's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in paragraph (4) or (5)."

Income recertification.

CONGREGATE SERVICES PROGRAM AMENDMENTS

SEC. 208. (a) Section 405(c) of the Housing and Community Development Amendments of 1978 is amended by inserting after "for assistance" the following: "to provide congregate services to elderly residents".

42 USC 8004.

(b) Section 405(d) of such Act is amended by inserting after "this title" in the first sentence the following: "for the provision of congregate services to elderly residents".

(c) Section 405(e) of such Act is amended—

(1) by striking out "When" and all that follows through "local agency" in paragraph (1) and inserting in lieu thereof the following: "A public housing agency or nonprofit corporation applying for assistance to provide congregate services to nonelderly handicapped residents shall consult with the appropriate agency"; and

(2) by striking out "local" in the first sentence of paragraph (2).

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SECURITY PROGRAM FOR PUBLIC HOUSING

SEC. 209. (a) This section may be cited as the "Public Housing Anti-Crime Amendments of 1980".

Public Housing Anti-Crime Amendments of 1980
12 USC 1701z-6 note.

(b) The Congress finds that—

(1) public housing and surrounding neighborhoods continue to suffer substantially from rising crime and the fear of crime;

(2) funding to provide more security for public housing can be used to leverage funding from other sources and thereby produce more successful anti-crime efforts;

(3) the effects of inflation and the need for reductions in the budget of the Federal Government result in a need for more co-targeting of Federal and local anti-crime resources;

(4) as authorized by the Public Housing Security Demonstration Act of 1978, the Urban Initiatives Anti-Crime Program has performed in a promising manner; and

12 USC 1701z-6 note.

(5) the First Annual Report to Congress of the Urban Initiatives Anti-Crime Program and the two General Accounting Office reports to Congress on such Program have provided useful suggestions which can now be implemented.

(c) It is, therefore, the purpose of this section to continue the efforts of the Urban Initiatives Anti-Crime Program so that more progress can be made in providing secure, decent, safe, and sanitary dwelling units for low-income and elderly tenants in public housing projects.

12 USC 1701z-6 note.

(d) Section 207 of the Housing and Community Development Amendments of 1978 is amended—

12 USC 1701z-6 note.

(1) by striking out subsection (c)(4) and inserting in lieu thereof the following:

"(4) In carrying out the provisions of this section, the Secretary shall coordinate and jointly target resources with other agencies, particularly the Law Enforcement Assistance Administration, the Department of Health and Human Services, the Department of Labor, the Department of Justice, the Department of the Interior, the Department of Commerce, the Department of Education, ACTION, the Community Services Administration, and State and local agencies.

Crime and vandalism, data collection.

"(5) In order to assess the impact of crime and vandalism in public housing projects, the Secretary may, as part of the Annual Housing Survey conducted by the Department of Housing and Urban Development or by other means, collect data on crime and vandalism and integrate the data collection with the victimization surveys undertaken by the Department of Justice and the Department of Commerce.

Guidelines.

"(6) The Secretary shall, to the maximum extent practicable, utilize information derived from the program authorized by this section for assisting in establishing (A) guidelines to be used by public housing authorities in determining strategies to meet the security needs of tenants of public housing projects assisted under the United States Housing Act of 1937, other than under section 8 of such Act, and (B) guidelines for improvements relating to the security of projects (and the tenants living in such projects) assisted under section 14 of such Act.";

42 USC 1437 note, 1437f.

Ante, p. 1625.

(2) by striking out "this Act" in the first sentence of subsection (e) and inserting in lieu thereof "the Housing and Community Development Act of 1980"; and

Contract authority.

Ante, p. 1624.

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(3) by adding the following new sentence at the end of subsection (f): "Of the authority approved in appropriation Acts for the purpose of entering into annual contributions contracts under section 5(c) of the United States Housing Act of 1937 with respect to the fiscal year beginning on October 1, 1980, the Secretary may enter into contracts to carry out this section, except that the aggregate amount obligated over the duration of such contracts may not exceed $10,000,000.".

SOLAR ENERGY SYSTEMS IN PUBLIC HOUSING PROJECTS

42 USC 1437c.

SEC. 210. Section 5 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

42 USC 1437f.

"(i) In entering into contracts for assistance with respect to newly constructed or substantially rehabilitated projects under this section (other than for projects assisted pursuant to section 8), the Secretary shall require the installation of a passive or active solar energy system in any such project where the Secretary determines that such installation would be cost effective over the estimated life of the system.".

SECTION 236 AMENDMENT

12 USC 1715z-1.

SEC. 211. Section 236 of the National Housing Act is amended by adding the following new subsection at the end thereof:

42 USC 1437f.

Ante, p. 1624.

42 USC 1437f.

"(q) The Secretary may provide assistance under section 8 of the United States Housing Act of 1937 with respect to residents of units in a project assisted under this section. In entering into contracts under section 5(c) of such Act with respect to the additional authority provided on October 1, 1980, the Secretary shall not utilize more than $20,000,000 of such additional authority to provide assistance for elderly or handicapped families which, at the time of applying for assistance under such section 8, are residents of a project assisted under this section and are expending more than 50 percent of their income on rental payments.".

PAYMENT OF NONFEDERAL SHARE

SEC. 212. The United States Housing Act of 1937 is amended by adding at the end thereof the following new section:

"PAYMENT OF NONFEDERAL SHARE

42 USC 1437m.

42 USC 1437f.

"SEC. 15. Any of the following may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the tenants in a project assisted under this Act, other than under section 8:

"(1) annual contributions under this Act for operation of the project; or

"(2) rental or use-value of buildings or facilities paid for, in whole or in part, from development, modernization, or operation cost financed with loans or debt service annual contributions under this Act.".

MANAGEMENT AND PRESERVATION OF HOUSING AND URBAN DEVELOPMENT-OWNED MULTIFAMILY HOUSING PROJECTS

SEC. 213. (a) Section 203(a) of the Housing and Community Development Amendments of 1978 is amended— 12 USC 1701z-11.

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) preserving the housing units so that at least those units which are occupied by low- and moderate-income persons or which are vacant, at the time of acquisition, are available to and affordable by such persons;"; 94 STAT. 1637

(2) by striking out "and" at the end of clause (4);

(3) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(6) maintaining the project for the purpose of providing rental or cooperative housing.".

(b) Section 203(b)(1) of such Act is amended by inserting after "considering the low- and moderate-income character of the project" the following: ", including the number of units in the project occupied by low- and moderate-income persons,". 12 USC 1701z-11.

(c) Section 203(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) of such subsection and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) maintain the project for purposes of providing rental or cooperative housing for the longest feasible period.".

(d) Subparagraphs (B) and (C) of section 203(d)(2) of such Act are amended by inserting "except for tenants of above-moderate income," before "to".

(e) Section 203(f) of such Act is amended to read as follows:

"multifamily housing project."

"(f) For the purpose of this section, the term 'multifamily housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959 or section 312 of the Housing Act of 1964, or which is acquired by the Secretary pursuant to any other provision of law.". 12 USC 1701. 12 USC 1701q. 42 USC 1452b.

RESTRICTION ON USE OF ASSISTED HOUSING

Nonimmigrant student aliens. 42 USC 1436a.

SEC. 214. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any nonimmigrant student-alien.

(b) For purposes of this section— Definitions.

(1) the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965; and 42 USC 1437 note, 12 USC 1715z, 1715z-1. 12 USC 1701s, 42 USC 1451, 1465.

(2) the term "nonimmigrant student-alien" means (A) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the

United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (B) the alien

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"(1) preserving the housing units so that at least those units which are occupied by low- and moderate-income persons or which are vacant, at the time of acquisition, are available to and affordable by such persons;";

(2) by striking out "and" at the end of clause (4);

(3) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(6) maintaining the project for the purpose of providing rental or cooperative housing.".

12 USC 1701z-11.

(b) Section 203(b)(1) of such Act is amended by inserting after "considering the low- and moderate-income character of the project" the following: ", including the number of units in the project occupied by low- and moderate-income persons,".

(c) Section 203(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) of such subsection and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) maintain the project for purposes of providing rental or cooperative housing for the longest feasible period.".

(d) Subparagraphs (B) and (C) of section 203(d)(2) of such Act are amended by inserting "except for tenants of above-moderate income," before "to".

(e) Section 203(f) of such Act is amended to read as follows:

"multifamily housing project."

"(f) For the purpose of this section, the term 'multifamily housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959 or section 312 of the Housing Act of 1964, or which is acquired by the Secretary pursuant to any other provision of law.".

12 USC 1701.
12 USC 1701q,
42 USC 1452b.

RESTRICTION ON USE OF ASSISTED HOUSING

Nonimmigrant student aliens.
42 USC 1436a.

SEC. 214. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any nonimmigrant student-alien.

Definitions.

(b) For purposes of this section—

(1) the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965; and

42 USC 1437 note,
12 USC 1715z,
1715z-1.
12 USC 1701s, 42 USC 1451, 1465.

(2) the term "nonimmigrant student-alien" means (A) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (B) the alien

12 USC 1748h-2.
94 STAT. 1639

(i) Section 810(k) of such Act is amended by striking out "October 15, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

12 USC 1749bb.

(j) Section 1002(a) of such Act is amended by striking out

"October 15, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

12 USC 1749aaa.

(k) Section 1101(a) of such Act is amended by striking out "October 15, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

FLEXIBLE INTEREST RATE AUTHORITY

12 USC 1709-1.

SEC. 302. (a) Section 3(a) of Public Law 90-301 is amended by striking out "October 16, 1980" and inserting in lieu thereof "October 1, 1981".

(b) Section 3(a) of such Public Law is amended—

(1) by inserting after "finds necessary to meet the mortgage market," in the first sentence thereof the following: "taking into consideration the yields on mortgages in the primary and secondary markets,";

(2) by inserting after "finds necessary to meet the loan market" in the second sentence the following: ", taking into consideration the yields on home improvement and manufactured home loans"; and

12 USC 1701.

(3) by adding the following new sentence at the end thereof: "In setting such rates, the Secretary shall seek to minimize uncertainty and speculation in connection with mortgage and loan transactions insured under the National Housing Act, and when effective rates on home mortgages and other such loans are rising, the Secretary shall exercise the authority to set the interest rates for such mortgage and loan insurance programs with sufficient frequency to promote the objective that discount points payable in connection with mortgages and loans insured pursuant to such programs should be minimized.".

RESEARCH AUTHORIZATIONS

12 USC 1701z-1

SEC. 303. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and not to exceed $50,300,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $50,300,000 for the fiscal year 1980, and not to exceed $51,000,000 for the fiscal year 1981".

AUTHORIZATION FOR FLOOD INSURANCE STUDIES

42 USC 4127.

SEC. 304. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by striking out "and not to exceed $74,000,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $74,000,000 for the fiscal year 1980, and not to exceed $61,600,000 for the fiscal year 1981".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

12 USC 1735c.

SEC. 305. Section 519(f) of the National Housing Act is amended by striking out all that follows "General Insurance Fund not to exceed" and inserting in lieu thereof "$1,738,000,000.".

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DEFINITION OF MORTGAGE UNDER THE NATIONAL HOUSING ACT

12 USC 1707.

SEC. 306. Section 201(a) of the National Housing Act is amended by striking out "having a period of not less than fifty years to run from the date the mortgage was executed" and inserting in lieu thereof "having a period of not less than ten years to run beyond the maturity date of the mortgage".

RELIEF OF THE CITY OF SPRINGFIELD, ILLINOIS

42 USC 1500.

SEC. 307. Notwithstanding the provisions of title VII of the Housing Act of 1961 or any other law, the transactions under which land acquired by the city of Springfield, Illinois, in connection with Open-

Space Projects Numbered Ill.-OSC-171 (DL) and Numbered Ill.-OSC-246 (DL) was transferred by such city to the United States Department of the Interior for the Lincoln Home National Historic Site shall be deemed to have been made in accordance with all provisions of title VII of such Act and of any other law and with any regulations or other requirements in implementation thereof.

MANUFACTURED HOUSING

12 USC 1703.

Sec. 308. (a) Section 2(b) of the National Housing Act is amended—

(1) by striking out "$18,000 ($27,000 in the case of a mobile home containing two or more modules)" in the first sentence and inserting in lieu thereof "$20,000 ($30,000 in the case of a manufactured home composed of two or more modules)";

(2) by striking out subparagraph (A) of the second paragraph and inserting in lieu thereof the following:

"(A) involve an amount not exceeding $26,675 ($36,675 in the case of a manufactured home composed of more than two modules); and";

(3) by striking out subparagraph (A) of the third paragraph and inserting in lieu thereof the following:

"(A) involve an amount not exceeding $30,550 ($40,550 in the case of a manufactured home composed of two or more modules); and"; and

(4) by striking out "$6,250 in the case of an undeveloped lot, or (ii) $9,375" in the fourth paragraph and inserting in lieu thereof "$6,950 in the case of an undeveloped lot, or (ii) $10,425".

(b) Section 2(b) of the National Housing Act is amended by adding the following new sentence at the end of the last paragraph: "In other areas where there are high land costs or high set-up costs, the Secretary may, by regulation, increase any such dollar amount limitation to—

"(1) $32,500 (or $43,000 with respect to a manufactured home composed of two or more modules) in the case of a manufactured home and an undeveloped lot;

"(2) $38,100 (or $49,000 with respect to a manufactured home composed of two or more modules) in the case of a manufactured home and a developed lot; and

"(3) $11,750 (or $17,450 with respect to a developed lot) in the case of a lot in which to place a manufactured home.".

12 USC 1701 note.

(c)(1) The National Housing Act is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

12 USC 1715z.

(2) Section 235(a)(2)(B) of such Act is amended by striking out "mobile homeowner" and "mobile homeowner's" and inserting in
94 STAT. 1641
lieu thereof "manufactured homeowner" and "manufactured homeowner's", respectively.

42 USC 1437 note.

(3) The United States Housing Act of 1937 is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

42 USC 5401 note.

(4) Title VI of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" each place it appears, other than in section 601, and inserting in lieu thereof "Manufactured Home" and by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

42 USC 5401 note.

(5) Section 601 of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" and inserting in lieu thereof "Manufactured Housing".

Ante, p. 163.

(6) Section 501(e)(4) of Public Law 96-221 is amended by striking out "mobile home" and inserting in lieu thereof "manufactured home".

42 USC 5424 note.

(7) In adopting regulations and procedures in accordance with this subsection, the Secretary of Housing and Urban Development shall have discretion to take actions in a manner which he deems necessary to insure that the public is fully aware of the distinctions between the various types of factory-built housing.

42 USC 5402.

(d) Section 603(6) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "is eight body feet or more in width and is thirty-two body feet or more in length" and inserting in lieu thereof ", in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet"; and

(B) by inserting the following after the semicolon at the end thereof: "except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title;".

Data collection and reporting.
12 USC 1703 note.

(e) Not later than January 1, 1982, the Secretary of Housing and Urban Development shall develop a procedure for collecting and regularly reporting data on the mean and median sales price for new manufactured homes, and, where available, data on the mean and median sales price for manufactured home lots and combination new manufactured home and lot packages. Such reports shall contain, to the maximum extent feasible, sales price information for the Nation, each census region, each State on an annual basis, and selected standard metropolitan statistical areas having sufficient activity on an annual basis.

ELIMINATION OF SECTION 8 CONDITION OF GNMA PURCHASE OF CERTAIN MULTIFAMILY MORTGAGES

SEC. 309. The second sentence of section 302(b)(1) of the National Housing Act is amended— 12 USC 1717.

(1) by striking out "(1)"; and

(2) by striking out ", and (2)" and all that follows through "1937".

INCREASE IN CERTAIN MAXIMUM MORTGAGE AMOUNTS FOR SOLAR ENERGY SYSTEMS AND ENERGY CONSERVING MEASURES

12 USC 1713.
42 USC 8211.

SEC. 310. (a) The last sentence of section 207(c)(3) of the National Housing Act is amended by striking out "therein" and inserting in lieu thereof "or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein".

94 STAT. 1642

(b) Section 213 of such Act is amended by adding at the end thereof the following: 42 USC 1715e.

"(p) Notwithstanding any other provision of this section, the project mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein.".

12 USC 1703.
42 USC 8211.

(c) Section 220(d)(3)(B)(iii) of such Act is amended by inserting before the semicolon at the end thereof the following: ": *And provided further*, That the Secretary may further increase any of the dollar amount limitations which would otherwise apply for the purpose of this clause by not to exceed 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein".

12 USC 1715k.
12 USC 1703.
42 USC 8211.

12 USC 1715*l*.

42 USC 8211.

(d) Section 221 of such Act is amended by adding at the end thereof the following new subsection:

"(k) With respect to any project insured under subsection (d)(3) or (d)(4), the Secretary may further increase the dollar amount limitations which would otherwise apply for the purpose of those subsections by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein.".

12 USC 1715v.

42 USC 8211.

(e) Section 231(c)(2) of such Act is amended by inserting immediately before the semicolon at the end thereof ": *Provided,* That the Secretary may further increase the dollar amount limitations which would otherwise apply for the purpose of this section by not to exceed 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein".

12 USC 1715w.

(f) Section 232(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated value of the property or project, including—

"(A) equipment to be used in the operation of the home or facility or combined home and facility when the proposed improvements are completed and the equipment is installed; or

12 USC 1703.

42 USC 8211.

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure.".

12 USC 1715y.

12 USC 1703.

42 USC 8211.

(g) Section 234 of such Act is amended by adding at the end thereof the following new subsection:

"(j) The Secretary may further increase the dollar amount limitations which would otherwise apply under subsection (e) by not to exceed 20 per centum if such increase is necessary to account for the increased cost of a project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure therein.".

12 USC 1715z-7.

(h) Section 242(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project including—

"(A) equipment to be used in the operation of the hospital, when the proposed improvements are completed and the equipment is installed; and

12 USC 1703.

42 USC 8211.

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition

> to those required under the minimum property standards and will be cost-effective over the life of the measure.”.

(i) Section 1101(c)(2) of such Act is amended by inserting immediately after “the boundaries of the property,” the following: “a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) in cases where the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure,”.

12 USC 1749aaa.
12 USC 1703.
42 USC 8211.

SECTION 220 MORTGAGE INSURANCE IN AREAS OF CONCENTRATED DEVELOPMENT ACTIVITIES

SEC. 311. (a) Section 220(d)(1)(A) of the National Housing Act is amended by inserting after “pursuant to Section 117 of the Housing Act of 1949” the following: “, or (v) an area, designated by the Secretary, where concentrated housing, physical development, and public service activities are being or will be carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvement, conservation, or preservation”.

12 USC 1715k.
42 USC 1468.

94 STAT. 1644

(b) Section 220(d)(3)(B)(iv) of such Act is amended by inserting after “urban renewal plan” the following: “or, where appropriate, with the locally developed strategy for neighborhood improvement, conservation or preservation”.

12 USC 1715k.

REPORT ON HOUSING PRODUCTION GOALS

SEC. 312. Section 1603 of the Housing and Urban Development Act of 1968 is amended—

42 USC 1441c.

(1) by striking out “January 20 of each year” and inserting in lieu thereof “March 15 of each year beginning with calendar year 1981”;

(2) by inserting after “current year” in paragraph (2) the following: “and sets general objectives for such activity during the next year”;

(3) by striking out “objective” in paragraph (3) and inserting in lieu thereof “objectives”; and

(4) by inserting after “current year” in paragraph (7) the following: “and, as feasible, the next year”.

FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION MORTGAGE AMENDMENTS

SEC. 313. (a) Section 302(b)(2) of the National Housing Act is amended by striking out the last sentence and inserting in lieu thereof the following: “For the purpose of this section, the term ‘conventional mortgages’ shall include a mortgage, lien, or other security interest on the stock or membership certificate issued to a tenant-stockholder or resident-member of a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1954, and on the proprietary lease, occupancy agreement, or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed $93,750 for a mortgage secured by a single-family residence, $120,000 for a mortgage secured by a two-family residence, $145,000 for a mortgage secured by a three-family residence, and $180,000 for a mortgage secured by a four-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase during the twelve-month period ending with the previous October in the national average one-family house price in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board. With respect to mortgages secured by property comprising five or

12 USC 1717.
“Conventional mortgages.”
26 USC 216.
Maximum principle obligation, limitation.

more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of this Act. The foregoing limitations may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii.". *Ante*, p. 1641.

(b) Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed $93,750 for a mortgage secured by a single-family residence, $120,000 for a mortgage secured by a two-family residence, $145,000 for a mortgage secured by a three-family residence, and $180,000 for a mortgage secured by a four-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase during the twelve-month period ending with the previous October in the national average one-family house price in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act. The foregoing limitations may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii.".

12 USC 1454.
Conventional mortgages, maximum principal obligation.
94 STAT. 1645
Ante, p. 1641.

SUPPLEMENTARY LOANS

12 USC 1715z-6.

SEC. 314. Section 241(e)(1) of the National Housing Act is amended by inserting after "multifamily housing project" the following: "if such meters are purchased or installed in connection with other energy conserving improvements or with a solar energy system or the project meets minimum standards of energy conservation established by the Secretary,".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 315. Title VI of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "National" in section 603(a); 42 USC 8102.

(2) by striking out "supervising" in the first sentence of section 606(a)(1) and inserting in lieu thereof the word "monitoring"; and 42 USC 8105.

(3) by striking out "and not to exceed $12,000,000 for fiscal year 1980" in section 608(a) and inserting in lieu thereof the following: "not to exceed $12,000,000 for fiscal year 1980, and not to exceed $13,426,000 for fiscal year 1981". 42 USC 8107.

MUTUAL HOUSING ASSOCIATION DEMONSTRATION

42 USC 8106 note.

SEC. 316. (a) The Congress—

(1) recognizes the significant potential of mutual housing associations for helping make multifamily housing in the United States more affordable; and

(2) commends and encourages the efforts being made in connection with the national demonstration program of mutual housing associations being undertaken by the Neighborhood Reinvestment Corporation and the National Consumer Cooperative Bank with the cooperation of the Department of Housing and Urban Development.

Report to Congress.

(b) The Neighborhood Reinvestment Corporation, in conjunction with the National Consumer Cooperative Bank and the Secretary of Housing and Urban Development, shall transmit a report to the Congress on the findings and conclusions reached as a result of the demonstration program described in subsection (a)(2), together with legislative recommendations, not later than September 30, 1981.

COLLECTION OF DELINQUENCY DATA

Study; report to Congress.

SEC. 317. The Secretary of Housing and Urban Development shall conduct a study to determine the feasibility of collecting data pertaining to all home mortgage delinquencies on an appropriate regional basis, and shall, as soon as practicable, but not later than April 1, 1981, transmit to the Congress a report containing the results of such study.

AMENDMENT TO SECTION 234

SEC. 318. The first sentence of section 234(c) of the National Housing Act is amended by inserting after "Act)" the following: "or the project was approved for a guarantee, insurance, or a direct loan under chapter 37 of title 38, United States Code".

12 USC 1715y.

38 USC 1801 *et seq.*

MODERATE REHABILITATION OF SMALL GROUP HOMES AND SIMILAR FACILITIES FOR THE HANDICAPPED

SEC. 319. Section 202(d)(3) of the Housing Act of 1959 is amended by adding at the end thereof the following: "In the case of housing to meet the needs of handicapped (primarily nonelderly) persons, such term also means the cost of acquiring existing housing and related facilities, the cost of rehabilitation, alteration, conversion, or improvement, including the moderate rehabilitation, thereof, and the cost of the land on which the housing and related facilities are located.".

12 USC 1701q.

TIME OF PAYMENT OF PREMIUM CHARGES

SEC. 320. Title V of the National Housing Act is amended by adding the following new section at the end thereof:

"TIME OF PAYMENT OF PREMIUM CHARGES

"SEC. 530. In carrying out the provisions of titles I, II, IV, VII, VIII, IX, X, and XI pertaining to the payment of loan or mortgage insurance premium charges by a financial institution, other mortgagees, or agent thereof to the Federal Government in connection with a loan or mortgage insurance program established pursuant to any of these titles, the Secretary shall require that payment of such premiums be made promptly upon their receipt from the borrower; except that the Secretary may approve payment of such premiums within twenty-four months of such receipt if the financial institution, mortgagee, or agent thereof pays interest, at a rate specified by the Secretary, to the insurance fund for the period beginning twenty days after receipt from the borrower and ending upon payment of the premiums to the Federal Government.".

12 USC 1735f-8.
12 USC 1702, 1707, 1724, 1747, 1748, 1750, 1749aa, 1749aaa.

FORECLOSURE OF LOANS UNDER THE SECTION 203(k) REHABILITATION LOAN INSURANCE PROGRAM

SEC. 321. Section 203(k)(5) of the National Housing Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Insurance benefits paid with respect to loans secured by a first mortgage and insured under this subsection shall be paid in accordance with section 204, except that all references in section 204 to the Mutual Mortgage Insurance Fund shall be construed as referring to the General Insurance Fund. Insurance benefits paid with respect to loans secured by a mortgage other than a first mortgage and insured under this subsection shall be paid in accordance with paragraphs (6) and (7) of section 220(h), except that reference to 'this subsection' in such paragraphs shall be construed as referring to this subsection.".

12 USC 1709.

12 USC 1710.

94 STAT. 1647

12 USC 1715k.

VALLEY HOMES MUTUAL HOUSING CORPORATION

SEC. 322. (a) Notwithstanding any other provision of law, Valley Homes Mutual Housing Corporation, obligor on a note and mortgage secured by a multifamily housing project located at 972 Medosch

Avenue, Lincoln Heights, Ohio and held by the Government National Mortgage Association, is hereby relieved of all liability to the Government for the outstanding principal balance on the above mentioned mortgage; for the amount of accrued out unpaid interest thereon; and for taxes, insurance, and other charges previously paid by the Government. This release from liability is in full settlement of all present and any future claims Valley Homes Mutual Housing Corporation, its successors and assigns may have against the United States or any of its Agencies concerning the mortgagor's purchase of the mortgaged premises from the Public Housing Administration in 1954.

(b) The President of the Government National Mortgage Association is authorized and directed to release Valley Homes Mutual Housing Corporation from its liability to the Association and to discharge the mortgage note secured by the mortgage on the multifamily housing project located at 972 Medosch Avenue, Lincoln Heights, Ohio.

(c) No amount in excess of ten per centum of the principal and interest due upon the mortgage released under subsection (b) of this provision shall be paid to or received by an attorney or other person in consideration for services rendered in connection with the claims of Valley Homes Mutual Housing Corporation against the United States or any of its Agencies referred to in subsection (a) of this provision. Any person who violates this subsection shall be fined not more than $1,000.

Penalty.

STUDY OF FACTORY-BUILT HOUSING

Study; report to Congress.
12 USC 1715d note.

SEC. 323. The Secretary of Housing and Urban Development shall study the feasibility of utilizing factory-built and other appropriate types of housing (other than the traditional type of site-built housing), to the extent practicable, in carrying out housing programs for Indians and Alaskan Native, and shall, not later than eighteen months after the date of enactment of this Act, transmit a report to the Congress containing the findings and conclusions of such study, including a comparison of the costs and benefits of utilizing the traditional type of site-built housing and of utilizing other types of housing in situations in which either type of housing could be used.

USURY PROVISIONS

Ante, p. 161.

SEC. 324. (a) Section 501(a)(1)(A) of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended—

(1) by striking out "stock" the first place it appears and inserting in lieu thereof "all stock allocated to a dwelling unit"; and

(2) by striking out "where the loan, mortgage, or advance is used to finance the acquisition of such stock".

Ante, p. 164.

(b) Section 511 of such Act is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

Definitions.

94 STAT. 1648

"(b) For the purpose of this part—

"(1) the term 'loan' includes all secured and unsecured loans, credit sales, forbearances, advances, renewals or other extensions of credit made by or to any person or organization for business or agricultural purposes;

"(2) the term 'interest' includes any compensation, however denominated, for a loan;

"(3) the term 'organization' means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, association, or other entity; and

"(4) the term 'person' means a natural person or organization.".

Ante, p. 164.

(c)(1) Section 512 of such Act is amended—

(A) by inserting "(a)" after "SEC. 512."; and

(B) by adding at the end thereof the following:

"(b) A loan shall be deemed to be made during the period described in subsection (a) if such loan—

"(1)(A) is funded or made in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to April 1, 1980;

"(B) was made prior to or on April 1, 1980, and bears or provides for interest during such period on the outstanding amount thereof at a variable or fluctuating rate; or

"(C) is a renewal, extension, or other modification during such period of any loan, if such renewal, extension, or other modification is made with the written consent of any person obligated to repay such loan; and

"(2)(A) is an original principal amount of $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980); or

Ante, p. 1614.

"(B) is part of a series of advances if the aggregate of all sums advanced or agreed or contemplated to be advanced pursuant to a commitment or other agreement therefor is $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980).".

(2) The amendments made by paragraph (1) take effect on April 1, 1980.

Effective date.
12 USC 86a note.

(d) Part B of title V of such Act, other than section 512(b), is amended by striking out "$25,000" wherever it appears and inserting in lieu thereof "$1,000".

Ante, p. 164.

(e) Section 501(a)(1)(C)(vi) of such Act is amended by inserting before the period at the end thereof the following: ", and any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence".

Ante, p. 161.

LIQUID, HIGHLY RATED CORPORATE DEBT OBLIGATIONS

SEC. 325. (a) The first sentence of section 5A(b)(1) of the Federal Home Loan Bank Act is amended—

12 USC 1425a.

(1) by striking out "and" before "(E)";

(2) by redesignating clause (E) as subparagraph (E);

(3) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following:

"(F) to such extent as the Board may approve as liquid, highly

94 STAT. 1649

rated corporate debt obligations with 3 years or less remaining until maturity; and

"(G) to such extent as the board may so approve, highly rated commercial paper with 270 days or less remaining until maturity.".

(b) Section 916 of the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following sentence: "In addition, to such extent as the Federal Home Loan Bank Board may so approve, unpledged deposits in the Savings Banks Trust Company, New York, New York, may be considered assets for the purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)).".

84 Stat. 1816.

EXTENSION OF DEADLINE FOR ENERGY CONSERVATION STANDARDS FOR NEW BUILDINGS

SEC. 326. (a) Paragraphs (1) and (2) of section 304(a) of the Energy Conservation Standards for New buildings Act of 1976 are amended by striking out "within 6 months after the date of publication of the proposed standards" in the last sentence of each such paragraph and inserting in lieu thereof "by April 1, 1983,".

42 USC 6833.

(b) Section 304(a)(1) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new Commercial buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period

Commercial buildings, demonstration project.

Report to Congress.

beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later than 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least an analysis of the effect such standards would have on the design, construction costs, and the estimated total energy savings (including the types of energy) to be realized from utilizing such energy standards in commercial buildings.".

Residential buildings, demonstration project.

Report to Congress.

(c) Section 304(a)(2) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new residential buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later than 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least (A) an analysis of the impact of such standards on builders (especially on small builders) and on the cost of constructing such buildings and the impact of such cost on the ability of low- and moderate-income persons to purchase or rent such buildings, and (B) an analysis of the estimated total energy savings (including the types of energy) to be realized from utilizing such standards in residential

42 USC 6835.

94 STAT. 1650

(d) Section 306 of such Act is amended by striking out "final performance standards" and all that follows and inserting in lieu thereof the following: "interim performance standards promulgated pursuant to section 304(a). Upon the effective date of the final performance standards promulgated pursuant to such section, the head of each such agency shall adopt such procedures as may be necessary to assure that construction of any Federal building meets or exceeds the applicable final performance standards.".

12 USC 1735f-4

42 USC 6801 note.

(e) Section 526 of the National Housing Act is amended by striking out ", until such time as the energy conservation performance standards required under the Energy Conservation Standards for New Buildings Act of 1976 become effective" in the second sentence.

RENTAL HOUSING PRESERVATION

12 USC 1715n.

SEC. 327. Section 223(f) of the National Housing Act is amended—

(1) by inserting "(1)" after "(f)";

(2) by inserting "(2)" at the beginning of the second sentence and redesignating that sentence as a new paragraph;

(3) by inserting "the purchase or" after "In the case of" in paragraph (2) as so redesignated;

12 USC 1720.

(4) by inserting after "located in an older, declining urban area, the Secretary shall" in paragraph (2), as so redesignated, the following: "make available an amount not to exceed $30,000,000 of available purchase authority pursuant to section 305 of this Act to reduce interest rates on low- and moderate-income rental housing in projects having 100 units or less which otherwise could not support refinancing and moderate rehabilitation without causing excessive rent burdens on current tenants due to rent increases. The Secretary shall";

(5) by striking out "(1)" before "the refinancing" in paragraph (2), as so redesignated and inserting in lieu thereof "(A)" and by striking out "and" after the semicolon;

(6) in paragraph (2) as so redesignated, by striking out "(2)" before "during" and inserting in lieu thereof "(B)", by inserting

"and maintain reasonable profit levels" before "approved by the Secretary";

(7) by inserting after subparagraph (B), as so redesignated, the following:

"(3) For all insurance authorized by this subsection and provided pursuant to a commitment entered into after the date of enactment of the Housing and Community Development Act of 1980, the Secretary may not accept an offer to prepay or request refinancing of a mortgage secured by rental housing unless the Secretary takes appropriate action that will obligate the borrower (and successors in interest thereof) to utilize the property as a rental property for a period of five years from the date on which the insurance was provided (twenty years in the case of any such mortgage purchased under section 305) unless the Secretary finds that—

Ante, p 1614.

"(A) the conversion of the property to a cooperative, or condominium form of ownership is sponsored by a bona fide tenants' organization representing a majority of the households in the project;

"(B) continuance of the property as rental housing is clearly unnecessary to assure adequate rental housing opportunities for low- and moderate-income people in the community; or

"(C) continuance of the property as rental housing would have an undesirable and deleterious effect on the surrounding neighborhood."; and

(8) by inserting "(5)" before the sentence beginning "In the case of refinancing of an existing hospital" and redesignating that sentence as paragraph (5).

TITLE INSURANCE RELIEF

SEC. 328. Section 203 of the National Housing Act is amended by adding at the end thereof the following new subsection:

Indian land claims.
12 USC 1709.

"(p)(1) Notwithstanding any other provision of this section or any other section of this title, the Secretary is authorized to insure, and to commit to insure, under subsection (b) of this section as modified by this subsection a mortgage which meets both the requirements of this subsection and such criteria as the Secretary by regulation shall prescribe to further the purpose of this subsection, in any community where the Secretary determines that—

"(A) temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, or nation;

"(B) such ownership claims are reasonably likely to be settled, by court action or otherwise; and

"(C) fifty or more individual homeowners were joined as parties defendant or were members of a defendant class prior to April 1, 1980, in litigation involving claims to ownership of land in the community by an American Indian tribe, band, group, or nation pursuant to a dispute involving the Articles of Confederation, Trade and Intercourse Act of 1790, or any similar State or Federal law.

USC prec. title I, 1 Stat. 137.

"(2) A mortgage shall be eligible for insurance under subsection (b) of this section as modified by this subsection without regard to limitations in this title relating to marketability of title, or any other statutory restriction which the Secretary determines is contrary to the purpose of this subsection, but only if the mortgagor is an owner-occupant of a home in a community specified in paragraph (1). The Secretary, in connection with any mortgage insured under subsection (b) as modified by this subsection, shall have all statutory powers, authority, and responsibilities which the Secretary has with respect to other mortgages insured under subsection (b), except that the Secretary may modify such powers, authority, or responsibilities where the Secretary deems such action to be necessary because of the special nature of the mortgage involved. Notwithstanding section 202 of this title, the insurance of a mortgage under subsection (b) of this section as modified by this subsection shall be the obligation of the

12 USC 1708.

12 USC 1715z-3.

Special Risk Insurance Fund created pursuant to section 238 of this title.".

PARTICIPATION BY LOCAL PERSONS AND FIRMS IN ASSISTED PROJECTS

12 USC 1701u.

SEC. 329. Section 3 of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "residing in the area of such project" in paragraph (1) and inserting in lieu thereof "residing within the unit of local government or the metropolitan area (or nonmetropolitan county), as determined by the Secretary, in which the project is located"; and

94 STAT. 1652

(2) by striking out "residing in the area of such project" in paragraph (2) and inserting in lieu thereof "residing in the same metropolitan area (or nonmetropolitan county) as the project".

MORTGAGE-BACKED SECURITIES PROGRAM

Report to Congress.
12 USC 1723a note.

SEC. 330. If the Federal National Mortgage Association submits to the Secretary of Housing and Urban Development or the Secretary of the Treasury, after the date of enactment of this section, a proposal with respect to undertaking a mortgage-backed securities program, the Secretary of Housing and Urban Development or the Secretary of the Treasury, as the case may be, shall, within 90 days after submission of such proposal, approve the proposal or transmit to the Congress a report explaining why the proposal has not been approved.

EXTENSION OF HUD MINIMUM PROPERTY STANDARDS; LOCAL ACCEPTABLE STANDARDS FOR MASONRY CONSTRUCTION

Thermal requirements.

SEC. 331. (a) Until the Secretary of Housing and Urban Development submits the report required by subsection (b) to the Congress, any final rule published for effect by the Secretary pertaining to increases in thermal requirements for the Department of Housing and Urban Development's minimum property standards shall provide for the continuation of any local acceptable standards exemptions, approved by the Secretary prior to May 31, 1979, which are applicable to masonry construction.

Analysis, report to Congress.

(b) The Secretary shall conduct an analysis and, on August 1, 1981, report to Congress on the cost of constructing, heating, and cooling masonry, frame, log, and other buildings that comply with the increased thermal requirements and on the competitive economic impact of applying such increased thermal standards or permitting any exemptions from them.

Exemption.

(c) If such analysis shows there is an economic justification for any exemption from the thermal standards, an appropriate exemption for a specific construction type in a specific geographical location may be provided by the Secretary.

NEGOTIATED INTEREST RATES UNDER SECTION 203

12 USC 1709-1.

SEC. 332. Section 3(a) of Public Law 90-301 is amended—

(1) by inserting "(1)" after "SEC. 3. (a)";

(2) by inserting ", except those provided for in paragraph (2)," in the first sentence after "for all purposes"; and

(3) by adding the following new paragraph at the end thereof:

Commitment agreement.
12 USC 1709.

"(2)(A) Notwithstanding any other provision of law, the Secretary may provide that the interest rate applicable to mortgages insured under section 203(b) of the National Housing Act shall be an interest rate specified in a commitment agreement which is negotiated between the mortgagor and mortgagee if—

"(i) the mortgagee discloses to the borrower, prior to the commitment, information on the applicable maximum rate established under paragraph (1) and a good faith estimate of the prevailing number of discount points associated with such rate;

"(ii) the agreement commits the mortgagee to such specified interest rate for at least 30 days after the date on which it is entered into; and

"(iii) the agreement contains a commitment with respect to any discount points to be charged which shall be binding during the same period as the commitment period with respect to the specified interest rate. 94 STAT. 1653

"(B) The number of mortgages which are insured in accordance with this paragraph in any fiscal year may not exceed— Mortgages, limitation.

"(i) the number of mortgages which exceeds 10 per centum of all mortgages insured under such section 203 during the preceding fiscal year, or 12 USC 1709.

"(ii) 50,000 mortgages,

whichever is greater.

"(C) The provisions of this paragraph shall not apply with respect to mortgages which are subject to section 245 of the National Housing Act. 12 USC 1715z-10.

"(D) The Secretary shall monitor experience under this paragraph and report to Congress by March 1, 1982, comparing the discount points and effective yields associated with mortgages insured under this paragraph with the discount points and effective yields associated with (i) mortgages in the conventional mortgage market, and (ii) other mortgages insured under section 203(b) of the National Housing Act.". Report to Congress.

DELETION OF REFERENCES TO REMAINING ECONOMIC LIFE

SEC. 333. (a) Section 203(b)(3) of the National Housing Act is amended by striking out the following: "or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements, whichever is the lesser". 12 USC 1709.

(b) Section 220(h)(2)(iv) of such Act is amended by striking out the following: "or three-quarters of the remaining economic life of the structure, whichever is the lesser". 12 USC 1715k.

(c) Section 221(d)(6) of such Act is amended by striking out ": *Provided,* That no mortgage insured under subsection (d)(2) shall have a maturity exceeding three-quarters of the Secretary's estimate of the remaining economic life of the building improvements". 12 USC 1715*l*.

(d) Section 221(i)(2)(A)(iv) of such Act is amended by striking out "the lesser of" and by striking out "or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements".

(e) Section 234(c) of such Act is amended by striking out the following: "or three-fourths of the Secretary's estimate of the remaining economic life of the project, whichever is the lesser". 12 USC 1715y.

(f) Section 240(c)(5) of such Act is amended by striking out the following "or three-quarters of the remaining economic life of the home, whichever is the lesser". 12 USC 1715z-5.

CONGRESSIONAL REVIEW

SEC. 334. (a) Section 7(o)(3) of the Department of Housing and Urban Development Act is amended by striking out "20" each place it appears and inserting in lieu thereof "30". 42 USC 3535.

(b) The amendment made by subsection (a) shall apply only to rules and regulations which are published as final on or after the date of enactment of this Act. 42 USC 3535 note.

94 STAT. 1654

AUTHORITY TO PROTECT FEDERAL GOVERNMENT'S INTERESTS IN CERTAIN SITUATIONS

SEC. 335. Section 306(g) of the Federal National Mortgage Association Charter Act is amended— 12 USC 1721.

(1) by striking out "Any Federal, State, or other law to the contrary notwithstanding, the" in the fourth sentence and inserting in lieu thereof "The"; and

(2) by inserting after the fourth sentence the following new sentence: "No State or local law, and no Federal law (except Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Association of (A) its power to contract with the issuer on the terms stated in the preceding sentence, (B) its rights to enforce any such contract with the issuer, or (C) its ownership rights, as provided in the preceding sentence, in the mortgages constituting the trust or pool against which the guaranteed securities are issued.".

MORTGAGE LIMITS

12 USC 1709.

SEC. 336. (a) Section 203(b)(2) of the National Housing Act is amended by inserting after "four-family residence" the following: "; except that the Secretary may increase the preceding maximum dollar amounts on an area-by-area basis to the extent the Secretary deems necessary, after taking into consideration the extent to which moderate and middle income persons have limited housing opportunities in the area due to high prevailing housing sales prices, but in no case may such limits, as so increased, exceed the lesser of (A) 133⅓ per centum of the dollar amount specified, or (B) in the case of a one-family residence, 95 per centum of the median one-family house price in the area, as determined by the Secretary; in the case of a two-family residence, 107 per centum of such median price; in the case of a three-family residence, 130 per centum of such median price; or in the case of a four-family residence, 150 per centum of such median price".

12 USC 1715k.

(b) Section 220(d)(3)(A)(i) of such Act is amended—

(1) by striking out "$67,500" and all that follows through "four-family residence" and inserting in lieu thereof the following: "the applicable maximum principal obligation which may be insured in the area under section 203(b)";

(2) by striking out "$107,000" the second place it appears and inserting in lieu thereof "the applicable maximum principal obligation secured by a four-family residence which may be insured in the area under section 203(b)"; and

(3) by striking out "$8,250" and inserting in lieu thereof "$9,165".

12 USC 1715m.

(c) Section 222(b)(2) of such Act is amended to read as follows:

"(2) involve a dwelling designed principally for a one-family residence or a one-family unit in a condominium project;".

12 USC 1715y.

(d) Section 234(c) of such Act is amended by inserting after "$67,500," the following: "except that the Secretary may increase such maximum dollar amount on an area-by-area basis to the extent the Secretary deems necessary, after taking into consideration the extent to which moderate and middle income persons have limited housing opportunities in the area due to high prevailing housing sales prices, but in no case may such limit, as so increased, exceed the lesser of 111 per centum of such amount or 95 per centum of the median one-family house price in the area, as determined by the Secretary;".

94 STAT. 1655

Study.

(e) The Secretary of Housing and Urban Development shall conduct a study of the appropriate role of mortgage and loan insurance programs administered by the Federal Housing Administration—

(1) in assisting various income groups to obtain homeownership;

(2) in assuring an adequate level of new home construction;

(3) in assuring an adequate flow of capital into mortgage markets; and

(4) in moderating housing costs.

In conducting such study, the Secretary shall examine the desirability and feasibility of establishing mortgage limits for the mortgage insurance programs on an area-by-area basis and the desirability and feasibility of doing so by relating such limits to housing sales price data or indices. The Secretary shall prepare a report (including such recommendations as the Secretary deems appropriate) based upon such study and transmit it to the Congress by March 1, 1981.

Report to Congress

AMENDMENTS TO THE PROGRAM ESTABLISHED BY THE EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

SEC. 337. (a) Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 16, 1980" and inserting in lieu thereof "October 1, 1981".

12 USC 1723e note.

(b) Section 313 of the National Housing Act is amended—

12 USC 1723e.

(1) by inserting "and if the Secretary determines that the implementation of this section will not significantly worsen inflationary conditions," after "1968," in the first sentence of subsection (a)(1);

(2) by striking out "mortgages" in the first sentence of subsection (a)(1) and inserting in lieu thereof "mortgages and securities";

(3) by striking out "mortgages (1)" in the first sentence of subsection (b) and inserting in lieu thereof "(1) mortgages";

(4) by striking out "or (2)" in the first sentence of subsection (b) and inserting in lieu thereof ", (2) securities guaranteed by the Association and backed by loans and advances of credit insured under title I of the National Housing Act, or guaranteed under chapter 37 of title 38, United States Code, and made for the purchase of a manufactured home and lot, or manufactured home, or (3) mortgages";

12 USC 1702.
38 USC 1801 *et seq.*

(5) by inserting "or guaranteed under title V of the Housing Act of 1949" before "or by qualified" in the first sentence of subsection (b);

42 USC 1471.

(6) by striking out all that follows "such mortgage involves an original principal obligation not to exceed" in clause (B) of the second sentence of subsection (b) and inserting in lieu thereof the following: ", for that part of the property attributable to dwelling use in the case of a more than four-family residence, the per unit limitations under the section of the National Housing Act under which the project mortgage is insured or, in the case of a manufactured home loan or advance of credit, the limitation contained in section 2(b) of this Act;";

12 USC 1701.
12 USC 1703.

(7) by striking out in clause (C) of the second sentence of subsection (b) "such mortgage involves an interest rate not in excess of that which the Secretary may prescribe, taking into account the cost of funds and administrative costs under this section, but in no event shall such rate exceed the lesser of (i) 7½ per centum, or (ii) the rate set by the Secretary applicable to mortgages insured under section 203(b) of the National Housing Act" and inserting in lieu thereof the following: "such mortgage involves an interest rate which the Secretary may prescribe which shall be as high as feasible consistent with meeting the objectives of this section at the lowest feasible cost, but if such mortgage is executed to finance the acquisition of a one-to-four family residence, it may not bear interest at a rate lower than 3 percentage points below the average contract commitment rate for single family, thirty-year conventional mortgages with loan-to-value ratios of 90 per centum in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board which is most recently available at the time that funds are released, and if such mortgage is executed to finance the acquisition of a more than four-family residence, it may not bear interest at a rate lower than 4½ percentage points below such average contract commitment rate";

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12 USC 1709.

(8) by striking out all that follows "such mortgage involves a principal residence the sales price of which does not exceed" in clause (D) of the second sentence of subsection (b) and inserting in lieu thereof the following: "92 per centum of the applicable maximum principal obligation which may be insured in the area under section 203(b).";

(9) by adding the following new sentence at the end of subsection (b):

"A security may be purchased under this section only if all of the loans or advances of credit backing such security (i) finance the purchase of manufactured homes and lots, or manufactured homes, which will be the principal residences of the borrowers, and (ii) involve an interest rate which the Secretary may prescribe which shall be as high as feasible consistent with meeting the objectives of this section at the lowest feasible cost, but in no event shall such rate be lower than 3 percentage points below the rate set by the Secretary and applicable to loans and advances of credit insured under title I of the National Housing Act.";

12 USC 1702.

(10) by inserting "or securities" after "mortgages" the first time it appears in subsection (d)(2);

(11) by striking out "enactment of this section" in subsection (e) and inserting in lieu thereof "the issuance of the commitment to purchase the mortgage";

(12) by inserting "or securities" after "mortgages" in subsection (f)(1);

(13) in subsection (h)—

(A) by inserting "and" at the end of clause (3);

(B) by striking out paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4); and

(14) by adding at the end thereof the following new subsections:

"(i) The Association may not purchase under this section any mortgage or loan which was executed or made (1) to finance the conversion of an existing rental housing project into a condominium or cooperative project, or (2) to finance the purchase of an individual unit in a condominium project or the purchase of a share in a cooperative project, in connection with such a conversion.

"(j) In carrying out the provisions of this section, the Association shall, to the extent practicable, purchase mortgages secured by dwelling units which contribute to the conservation of land and energy resources."

94 STAT. 1657

INCREASE IN GOVERNMENT NATIONAL MORTGAGE ASSOCIATION MORTGAGE PURCHASE AUTHORITY

12 USC 1720.

SEC. 338. Section 305(c) of the Federal National Mortgage Association Charter Act is amended by inserting the following before the period at the end thereof: ", and by $900,000,000 on October 1, 1980".

FEDERAL NATIONAL MORTGAGE ASSOCIATION AUTHORITY

12 USC 1717.

SEC. 339. (a)(1) Section 302(b)(3) of the Federal National Mortgage Association Charter Act is amended to read as follows:

12 USC 1703.
42 USC 8211.
42 USC 8211.
12 USC 1702.

"(3) The corporation is authorized, with the approval of the Secretary of Housing and Urban Development, to purchase, service, sell, lend on the security of, and otherwise deal in loans or advances of credit for the purchase and installation of home improvements, including energy conserving improvements or solar energy systems described in the last paragraph of section 2(a) of the National Housing Act and residential energy conservation measures as described in section 210(11) of the National Energy Conservation Policy Act and financed by a public utility in accordance with the requirements of title II of such Act. To be eligible for purchase, any such loan or advance of credit (other than a loan or advance made with respect to energy conserving improvements or solar energy systems or residential energy conservation measures) not insured under title I of the National Housing Act shall be secured by a lien against the property to be improved.".

Proposal submittal; report to Congress.
12 USC 1717 note.

(2) When the Federal National Mortgage Association submits its proposal to the Secretary of Housing and Urban Development to implement the authority granted by the amendment made by paragraph (1), the Secretary of Housing and Urban Development shall, within 75 days, approve such proposal or transmit to the Congress a report explaining why such proposal has not been approved.

12 USC 1717.

(b)(1) Section 302(b) of such Act is amended by adding at the end thereof the following:

"(4) The corporation is authorized, with the approval of the Secretary of Housing and Urban Development, to purchase, service, sell, lend on the security of, and otherwise deal in loans or advances of credit secured by mortgages or other liens against manufactured homes.".

(2) When the Federal National Mortgage Association submits its proposal to the Secretary of Housing and Urban Development to implement the authority granted by the amendment made by paragraph (1), the Secretary of Housing and Urban Development shall, within 75 days, approve such proposal or transmit to the Congress a report explaining why such proposal has not been approved.

Proposal submittal; report to Congress.
12 USC 1717 note.

HOME MORTGAGE DISCLOSURE ACT AMENDMENTS

SEC. 340. (a) Section 304 of the Home Mortgage Disclosure Act of 1975 is amended—

12 USC 2803.

(1) by striking out "Office of Management and Budget" in subsection (a)(1) and inserting in lieu thereof "Department of Commerce";

(2) by amending subsection (a)(2)(A) to read as follows:

"(A) The number and dollar amount for each item referred to in paragraph (1), by census tracts for mortgage loans secured by property located within any county with a population of more than 30,000, within that standard metropolitan statistical area, otherwise, by county, for mortgage loans secured by property located within any other county within that standard metropolitan statistical area."; and

94 STAT. 1658

(3) by adding at the end thereof the following:

"(d) Notwithstanding the provisions of subsection (a)(1), data required to be disclosed under this section for 1980 and thereafter shall be disclosed for each calendar year. Any depository institution which is required to make disclosures under this section but which has been making disclosures on some basis other than a calendar year basis shall make available a separate disclosure statement containing data for any period prior to calendar year 1980 which is not covered by the last full year report prior to the 1980 calendar year report.

Disclosure.

"(e) The Board shall prescribe a standard format for the dislosures required under this section.

Format.

"(f) The Federal Financial Institutions Examination Council, in consultation with the Secretary, shall implement a system to facilitate access to data required to be disclosed under this section. Such system shall include arrangements for a central depository of data in each standard metropolitan statistical area. Disclosure statements shall be made available to the public for inspection and copying at such central depository of data for all depository institutions which are required to disclose information under this section (or which are exempted pursuant to section 306(b)) and which have a home office or branch office within such standard metropolitan statistical area.".

Data disclosure system.
12 USC 2805.

(b) Section 310 of such Act is repealed.

Repeal.

(c) Such Act is amended by adding at the end thereof the following:

12 USC 2809.

"COMPILATION OF AGGREGATE DATA

"SEC. 310. (a) Beginning with data for calendar year 1980, the Federal Financial Institutions Examination Council shall compile each year, for each standard metropolitan statistical area, aggregate data by census tract for all depository institutions which are required to disclose data under section 304 or which are exempt pursuant to section 306(b). The Council shall also produce tables indicating, for each standard metropolitan statistical area, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and racial characteristics.

12 USC 2809.
12 USC 2803.
12 USC 2805.

"(b) The Board shall provide staff and data processing resources to the Council to enable it to carry out the provisions of subsection (a).

"(c) The data and tables required pursuant to subsection (a) shall be made available to the public by no later than December 31 of the year following the calendar year on which the data is based.

Public availability.

"DISCLOSURE BY THE SECRETARY

12 USC 2810.
12 USC 2805.
12 USC 1702, 1707.
12 USC 2803.

"SEC. 311. Beginning with data for calendar year 1980, the Secretary shall make publicly available data in the Secretary's possession for each mortgagee which is not otherwise subject to the requirements of this title and which is not exempt pursuant to section 306(b), with respect to mortgage loans approved by the Secretary for insurance under title I or II of the National Housing Act. Such data to be disclosed shall consist of data comparable to the data which would be disclosed if such mortgagee were subject to the requirements of section 304. Dislosure statements containing data for each such mortgagee for a standard metropolitan statistical area shall, at a minimum, be publicly available at the central depository of data established pursuant to section 304(f) for such standard metropolitan statistical area. The Secretary shall also compile and make publicly available aggregate data for such mortgagees by census tract, and tables indicating aggregate lending patterns, in a manner comparable to the information required to be made publicly available in accordance with section 310.

94 STAT. 1659

"TERMINATION OF AUTHORITY

12 USC 2811.

"SEC. 312. The authority granted by this title shall expire on October 1, 1985.".

Study.
12 USC 3305 note.
Report to congressional committees.

(d) The Federal Financial Institutions Examination Council, in consultation with the Administrator of the Small Business Administration, shall conduct a study to assess the feasbility and usefulness of requiring depository institutions which make small business loans to compile and publicly disclose information regarding such loans. The Council shall submit a report on the results of such study, together with recommendations, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives not later than March 1, 1981.

Report to Congress.
12 USC 3305 note.
12 USC 2901 note.
12 USC 2801 note.

(e) To promote efficiency and avoid duplication to the maximum extent feasible, the Federal Financial Institutions Examination Council shall transmit a report to the Congress not later than September 30, 1982, on the feasibility and desirability of establishing a unified system for enforcing fair lending laws and regulations, implementing the Community Reinvestment Act of 1977, and satisfying the public disclosure purposes of the Home Mortgage Disclosure Act of 1975. Such report shall evaluate the status and effectiveness of data collection and analysis systems of such agencies involving fair lending and community reinvestment, and shall outline possible specific timetables for implementing such a unified system.

TEMPORARY MORTGAGE ASSISTANCE PAYMENTS

SEC. 341. Section 230 of the National Housing Act is amended to read as follows:

"TEMPORARY MORTGAGE ASSISTANCE PAYMENTS AND ACQUISITION OF MORTGAGES TO AVOID FORECLOSURE

Default.
12 USC 1715u.

"SEC. 230. (a)(1) Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that the Secretary has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance) may make all or part of the monthly payments due under the mortgage directly to the mortgagee on behalf of the mortgagor, if such default was caused by circumstances which are beyond the mortgagor's control and render the mortgagor temporarily unable to correct a mortgage delinquency and to resume full mortgage payments. Payments may be made only in accordance with the provisions of this subsection and shall be subject to any additional requirements the Secretary may prescribe.

94 STAT. 1660

"(2) No payments may be provided under this subsection unless the Secretary has determined that such payments are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able—

"(A) to resume full mortgage payments within thirty-six months after the beginning of the period for which such payments are provided or upon termination of assistance under this subsection;

"(B) to commence repayment of the payments made under this subsection at a time designated by the Secretary; and

"(C) to pay the mortgage in full by its maturity date or by a later date established by the Secretary for completing the mortgage payments.

"(3) Payments under this subsection may be in an amount determined by the Secretary up to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, mortgagee's expenses in connection with payments or repayments under this subsection, and mortgage insurance premiums due under the mortgage, and the initial payment may include an amount necessary to make the payments on the mortgage current. Payments may not exceed amounts which the Secretary determines to be necessary to supplement the amounts, if any, which the mortgagor is capable of contributing toward the mortgage payments.

Payment period, extension.

Mortgagor's financial circumstances, review.

"(4) Payments under this subsection may be provided for a period of not to exceed eighteen months, and any period of default. Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection. The Secretary shall establish procedures for periodic review of the mortgagor's financial circumstances for the purpose of determining the necessity for continuation, termination, or adjustment in the amount of the payments. Payments shall be discontinued at any time when the Secretary determines that, because of changes in the mortgagor's financial circumstances, the payments are no longer necessary to avoid foreclosure or that there is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection.

Lien.

Interest.

12 USC 1709.

"(5) All payments shall be secured by a lien on the property and by such other obligation as the Secretary may require. Payments shall be repayable upon terms and conditions prescribed by the Secretary, and such terms and conditions may include requirements for repayment of any amount paid by the Secretary toward a mortgagee's expenses in connection with the payment or repayments made under this subsection. The Secretary may establish interest charges on payments made under this subsection; except that such charges shall not exceed a rate which is more than the maximum interest rate applicable with respect to level payment mortgages insured pursuant to section 203(b) of this Act at the time assistance under this section is approved by the Secretary. Such charges shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(6) Payments under this subsection may be made without regard to whether the Secretary has previously taken action to avoid mortgage acquisition or foreclosure, except that payments may be provided on behalf of a mortgagor previously assisted under this section only in cases in which full mortgage payments (and any repayments to the Secretary which may have been requested) have been made by such mortgagor for at least 12 months from the time such previous assistance under this section was terminated.

Mortgage acquisition by Secretary.

94 STAT. 1661

Debenture issuance.
12 USC 1710.

"(b)(1) When the Secretary receives notice of a default described in subsection (a)(1) and makes a determination that assistance under subsection (a) would be inappropriate in the case of the mortgagor, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the facts described in the parenthetical material contained in subsection (a)(1) and the fact that payments have been made under subsection (a) with respect to the mortgage) shall, if determined necessary by the Secretary, acquire the mortgage and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the mortgage plus any unpaid mortgage interest and reimbursement for such costs and attorney's fees as the Secretary finds were properly incurred in connection with the defaulted mortgage and its assignment to the Secretary, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Secretary, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto. The provisions of section 204 relating to the issuance of debentures incident to the acquisition of foreclosed properties shall apply with respect to debentures issued under this subsection, and the provisions of section 204 relating to the rights, liabilities, and obligations of a mortgagee shall apply with respect to the Secretary when the Secretary has acquired an insured mortgage under this section, in accordance with and subject to regulations (modifying such provisions to the extent necessary to render their application for such purpose appropriate and effective) which shall be prescribed by the Secretary.

Interest or principal, forebearance.

Assistance repayment.

"(2) The Secretary may provide assistance, to a mortgagor whose mortgage has been acquired under paragraph (1) of this subsection, through forebearance of interest or principal, or both, or through other means, for a period of not more than eighteen months after the acquisition of the mortgage, if the mortgagor has not been assisted under subsection (a) within twelve months of the date of such acquisition and if the Secretary determines that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a)(2). Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a)(2). Such assistance (which may include any expenses of the Secretary incurred in connection with providing such assistance) shall be repayable upon terms and conditions prescribed by the Secretary, except that in no event shall any interest rate charged on such repayments exceed the interest rate chargeable for repayments of assistance made under subsection (a). Such rate shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(3) In carrying out paragraph (1), the Secretary shall, if determined necessary by the Secretary, acquire a mortgage, with respect to which assistance was being provided under subsection (a) immediately prior to such acquisition, for the sole purpose of extending the term of repayment under the mortgage so that the mortgagor will be able to make the full payments on the mortgage.

Insurance fund.

94 STAT. 1662

"(c) All expenditures made under this section shall be made from the insurance fund chargeable for insurance benefits on the mortgage covering the property to which the payments made relate, and any payments received under this section shall be credited to such fund; except that payments made pursuant to subsection (a) of this section may only be made to the extent approved in appropriation Acts.

Homeownership counseling.

"(d) The Secretary shall, to the extent practicable, provide homeownership counseling to persons assisted under this section.".

TITLE IV—PLANNING ASSISTANCE

SEC. 401. Section 701 of the Housing Act of 1954 is amended to read as follows:

"PLANNING ASSISTANCE

"SEC. 701. (a) The Congress finds that— 40 USC 461.

"(1) the general welfare requires the conservation and the orderly and efficient growth and development of the Nation's communities, particularly communities suffering from fiscal, economic, and social distress;

"(2) effective and coordinated planning efforts at all levels of government are necessary in order for such conservation, growth, and development to be effectively and efficiently achieved;

"(3) a major component of such planning effort should be detailed strategies that can guide governmental actions in order to assure that, to the maximum extent practicable, the goals and objectives of such plans will be achieved through the implementation of such planning efforts;

"(4) such planning efforts and strategies should be consistent with National Policy Objectives; and

"(5) Federal actions and programs, to the extent practicable, should be administered in conformance with State, areawide and local plans and strategies.

"(b) The purposes of this section are—

"(1) to provide assistance to encourage State and local governments and areawide planning organizations to develop strategies for implementing comprehensive plans (or components of such plans) and to the extent necessary comprehensive plans or components of such plans, giving particular emphasis to those strategies which are designed to implement those components of the plan which relate to the National Policy Objectives; and

"(2) to encourage, to the maximum extent practicable, the coordination of Federal policy and program decisions with such plans and strategies.

"(c) As used in this section— Definitions.

"(1) the term 'Secretary' means the Secretary of Housing and Urban Development;

"(2) the term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(3) the term 'unit of general local government' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State;

"(4) the term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512); 25 USC 450 note. 31 USC 1221 note.

"(5) the term 'metropolitan area' means a standard metropolitan statistical area, established by the Department of Commerce, 94 STAT. 1663 except that, to the extent the Secretary deems appropriate to carry out the purposes of this section, the Secretary may modify or extend such an area, but such modification or extension shall not affect the boundaries of any standard metropolitan statistical area for any other purpose;

"(6) the term 'areawide planning organization' means any multijurisdictional unit which—

"(A) is established under State law, interstate compact, or interlocal agreement for the purpose of formulating policies and plans for the orderly development of a substate or interstate region;

"(B) is formally charged with carrying out the provisions of section 401 of the Intergovernmental Cooperation Act of 1968; 42 USC 4231.

"(C) in the absence of State law to the contrary, has at least a majority of elected officials from local governments on its governing body; and

"(D) meets such other standards as the Secretary may prescribe by regulation;

"(7) the term 'National Policy Objectives' means—

"(A) the conservation and improvement of existing communities, particularly the improvement of those communities which are characterized by fiscal, economic or social distress;

"(B) an increase in housing and employment opportunities and choices, particularly for lower income, minority persons, women, and persons with special needs such as the elderly and handicapped, and a reduction in the cost of housing; and

"(C) the promotion of orderly and efficient growth and development of communities, regions and States, taking into consideration the necessity of conserving energy;

"(8) the term 'comprehensive plan' means a plan which includes, at least, housing and land use elements which take into account factors prescribed by the Secretary, including those required to achieve the National Policy Objectives;

"(9) the term 'strategy' means a detailed strategy statement designed to identify and describe the actions required to implement such plan, or components of such plan, in order to achieve, to the maximum extent practicable, the goals and objectives of such plan or, in the absence of such plan, the actions which will be required in the course of developing a comprehensive plan; and

"(10) the term 'action program' means a program which includes (A) an identification of specific actions that are necessary for implementing elements included in the strategy statement; (B) an identification of the governmental entity responsible for undertaking each such action; (C) a timetable specifying when each such action may be reasonably expected to be carried out; and (D) to the maximum extent practicable, agreements, by the governmental entities identified as being responsible for undertaking such actions, that they will undertake such actions.

Grants.

"(d)(1) The Secretary may contract to make, and make, grants on an annual basis which are approved in accordance with the provisions of this section to—

"(A) States, for statewide activities;

94 STAT. 1664

"(B) States, for the provision of assistance to (i) nonmetropolitan areawide planning organizations; (ii) units of general local government (except counties) having a population of less than 50,000 according to the latest decennial or mid-decade census, as appropriate; (iii) counties, other than urban counties as defined under title I of the Housing and Community Development Act of 1974; and (iv) any group of adjacent units of general local government having a total population of less than 50,000 (according to the latest decennial or mid-decade census, as appropriate) and having common or related planning needs; except that a grant may not be made under this paragraph where the State would be undertaking the activities described in subsection (e) on behalf of such organization, local government, county, or group of adjacent units of local government unless such organization, local government, county, or group of adjacent units of local government requests the State to undertake such activities;

42 USC 5301.

"(C) metropolitan areawide planning organizations;

"(D) units of general purpose local government having a total population of fifty thousand or more according to the latest decennial or mid-decade census, as appropriate;

"(E) urban counties as defined under title I of the Housing and Community Development Act of 1974;

"(F) Indian tribes; and

"(G) the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(2) In making grants under paragraph (1), the Secretary may make grants to States for the provision of assistance to any entity which is described in subparagraphs (C), (D), or (E) and which does not receive direct funding from the Secretary under paragraph (1), except that such grants may be made only if such entity notifies the Secretary of its desire to receive funding through the State.

"(e) Grants may be made under this section only for those activities determined by the Secretary to be necessary to assist—

"(1) in the development of strategies and action programs to implement a comprehensive plan or a part thereof or related plans or planning and, where such a plan does not exist or is determined by the Secretary to be inadequate, in the development of a comprehensive plan;

"(2) in the development of evaluations or studies related to such plan, strategies, or action programs; or

"(3) in the carrying out of the clearinghouse functions required pursuant to OMB Circular A-95.

Grant recipients, action programs and plans.

"(f)(1) The Secretary shall require that each recipient develop strategies and action programs and, except as provided in paragraph (2), maintain and update a comprehensive plan and a planning process.

"(2) In the case of a recipient that is not covered by or does not have a comprehensive plan and a planning process, the Secretary shall require, with respect to such a plan and process, only that such recipient begin the phased development of such a plan and process in a manner designed to assure that such a plan and process will be completed in a reasonable period of time taking into consideration the nature and scope of the recipient's reasonable planning needs and its financial resources.

"(3) In carrying out this subsection, the Secretary shall require—

"(A) citizen participation pursuant to regulations of the Secretary;

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"(B) the development and subsequent modifications of an implementation strategy and an action program and, to the extent necessary, a comprehensive plan and the review of such strategy, program, and plan, at least triennially for necessary or desirable amendments; and

"(C) procedures, including criteria set forth in advance, for evaluating programs and activities undertaken pursuant to this section to determine whether such programs and activities are meeting the goals and objectives set forth in the strategies.

Grant approval.

"(g) The Secretary may not approve a grant for any year after the first year in which a grant pursuant to this section is made to a recipient unless the Secretary determines that—

"(1) additional funds are required to assist in the development of the strategy, action program, and, to the extent necessary, the comprehensive plan or part thereof; and

"(2) substantial progress has been made in the development and implementation of the strategy.

To assist the Secretary in making such determinations, the applicant shall submit to the Secretary such information as the Secretary may require, including the performance report required pursuant to subsection (l), except that at least triennially the Secretary shall require the applicant to submit a detailed evaluation of the progress it has made during the preceding three-year period toward the development of such strategy and its implementation.

"(h) The Secretary shall encourage the cooperation of all interested States, areawide planning organizations, municipalities, political subdivisions, public agencies, and other parties in the preparation of and in the carrying out of programs developed pursuant to this section. Such parties shall be afforded by the recipient organization or government a reasonable opportunity to comment on such strategies, plans, and programs.

Areawide planning organizations.

"(i) States are authorized, subject to approval of the Secretary, to provide for the administration by areawide planning organizations of assistance provided pursuant to subsection (d), except that responsibility for adherence to the requirements of this section and other applicable laws shall remain with the State.

Terms and conditions.

"(j)(1) Contracts to make grants pursuant to this section shall contain such terms and conditions as the Secretary may prescribe.

"(2) A grant made under subsection (d) shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

"(3) The Secretary is authorized by grant, contract, or otherwise to provide technical assistance directly to the entities referred to in subsection (d) to assist such entities to carry out the purposes of this section.

"(k) In providing assistance to areawide planning organizations under subsection (d), the Secretary (or the State, in the case of assistance provided through the State) shall give preference to, and may provide additional funding for, organizations which provide for voting rights among their members weighted in proportion to the population of the areas represented by such members.

Grant applications evaluation criteria.

"(l)(1) The Secretary shall, by regulation, establish criteria for the evaluation and approval of applications for grants under this section.

Performance reports, reviews, and audits.

"(2) For each year in which activities assisted under this section are being carried out, each entity receiving assistance directly from the Secretary shall submit to the Secretary a performance report concerning activities carried out with such assistance. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a recipient of funds under this section has carried out activities substantially as described in its application, whether such actions and activities conformed to the requirements of this section and other applicable laws, and whether the recipient has a continuing capacity to carry out such actions and activities in a timely manner. The Secretary shall adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with such reviews and audits.

94 STAT. 1666

GAO audits.

"(3) Insofar as they relate to funds provided under this section, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

"(m)(1) Grants made under this section shall only be used to carry out planning and related activities necessary to carry out the purposes of this section.

"(2) Grant assistance under this section shall not be used to defray the cost of the acquisition, construction, repair or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, public works projects, or for financing routine administrative responsibilities of any State or local government.

Communities, grant eligibility.

"(3) Grant assistance under this section may be made available for—

"(A) communities with populations of 25,000 or less; or

"(B) communities with populations above 25,000 but less than 50,000 which meet the criteria set forth in section 119(e) of the Housing and Community Development Act of 1974;

42 USC 5318.

for the preparation of applications for Federal financial assistance, except that there shall be a priority for such assistance to communities with populations of 25,000 or less.

"(n)(1) The Secretary shall utilize, to the maximum extent practicable, the plans and strategies approved by the Secretary under this section to guide policy and funding decisions with respect to the programs and activities of the Department of Housing and Urban Development which affect the geographical areas covered by such plans.

"(2) The Secretary shall encourage other Federal departments and agencies to use the plans and strategies approved by the Secretary, to the maximum extent practicable, to guide policy and funding decisions with respect to their programs and activities which affect the geographical areas covered by such plans and strategies. The Secretary shall encourage other Federal departments and agencies, consistent with their program authority, to adopt approved plans (or components thereof) as all or part of the planning requirements of such departments or agencies.

"(3) A plan and strategy approved by the Secretary under this section shall remain in effect for a maximum of three years following the date of its approval. Any extension of a plan and strategy beyond such three-year term, or any major modification (as approved by the Secretary) of such a plan and strategy during such term, shall meet all of the requirements of this section and must be approved by the Secretary. Any proposed modification shall be submitted to the Secretary prior to its incorporation into the plan or strategy.

Report to Congress.

"(4) The Secretary shall report to the Congress no later than January 15, 1984, and no later than January 15 of every third year thereafter, concerning the progress made in encouraging other Federal departments and agencies to use approved plans and strategies as provided in paragraphs (1) and (2) of this subsection.

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State compacts.

"(o) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

Appropriation authorization.

"(p) There is authorized to be appropriate for purposes of this section an amount not to exceed $40,000,000 for the fiscal year 1981, and not to exceed $40,000,000 for the fiscal year 1982. Any amounts appropriated shall remain available until expended.".

Effective date.
40 USC 461 note.

Sec. 402. This title shall become effective on the effective date of regulations implementing section 401 of this title, but in no event later than May 1, 1981.

TITLE V—RURAL HOUSING

AUTHORIZATIONS

Sec. 501. (a) Section 513 of the Housing Act of 1949 is amended— 42 USC 1483.

(1) by striking out "not to exceed $4,484,000,000 with respect to fiscal year ending October 15, 1980" in subsection (a) and inserting in lieu thereof "not to exceed $3,797,600,000 with respect to the fiscal year ending September 30, 1981";

(2) by striking out "not less than $3,070,000,000" in subsection (a)(1) and inserting in lieu thereof "not less than $3,120,000,000";

(3) by striking out "not more than $38,000,000" in subsection (a)(2) and inserting in lieu thereof "not more than $25,600,000";

(4) by striking out "and" at the end of subsection (a)(2), by striking out the period at the end of subsection (a)(3) and inserting in lieu thereof "; and", and by adding at the end of subsection (a) the following new paragraph:

"(4) not more than $100,000,000 of such amount shall be available for loans guaranteed pursuant to this title on behalf of borrowers who do not receive assistance pursuant to subparagraph (B) or (C) of section 521(a)(1)."; 42 USE 1490a.

(5) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) not to exceed $49,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1981, of which not more than $25,000,000 shall be available for grants;"; 42 USC 1474.

(6) by striking out "not to exceed $30,000,000 for financial assistance pursuant to section 516 for the fiscal year ending October 15, 1980" in subsection (b)(3) and inserting in lieu thereof "not to exceed $25,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1981"; and 42 USC 1486.

(7) by striking out "not to exceed $1,500,000 for the purposes of section 525(a) of which not less than $750,000 shall be used for counseling purchasers and delinquent borrowers and not to exceed $1,000,000 for the purposes of section 525(b) for the fiscal 42 USC 1490e.

year ending September 30, 1980" in subsection (b)(4) and inserting in lieu thereof "not to exceed $2,000,000 for the purposes of section 525(a), of which not less than $1,000,000 shall be used for counseling purchasers and delinquent borrowers, for the fiscal year ending September 30, 1981".

42 USC 1490e.

94 STAT. 1668

42 USC 1485.

(b) Section 515(b)(5) of such Act is amended by striking out "October 15, 1980" and inserting in lieu thereof "September 30, 1981".

42 USC 1487.

(c) Section 517(a)(1) of such Act is amended by striking out "October 15, 1980" and inserting in lieu thereof "September 30, 1981".

42 USC 1490c.

(d) Section 523 of such Act is amended—

(1) by striking out "October 15, 1980" wherever it appears in subsection (f) and inserting in lieu thereof "September 30, 1981"; and

(2) by striking out subsection (g) and inserting in lieu thereof the following:

Appropriation authorization.

"(g) There are authorized to be appropriated for the purposes of subsection (b)(1)(B) not to exceed $2,500,000 for fiscal year 1981. Amounts appropriated under this subsection, together with principal collections from loans made under appropriations in any previous fiscal years, shall be deposited in the Self-Help Housing Land Development Fund, which shall be available as a revolving fund for making loans under subsection (b)(1)(B). Instruments and property acquired by the Secretary in or as a result of making such loans shall be assets of the Self-Help Land Development Fund.".

Rental assistance contracts.
42 USC 1490a.

(e) Section 521(a)(2) of such Act is amended by adding the following new subparagraph at the end thereof:

"(D) The Secretary, to the extent approved in appropriation Acts, may enter into rental assistance contracts aggregating not more than $493,000,000 in carrying out subparagraph (A) with respect to the fiscal year ending on September 30, 1981, except that such amount shall be reduced by any amount approved in appropriation Acts for use pursuant to section 521(a)(1)(C).".

(f) Section 521(a)(1)(C) of such Act is amended—

(1) by striking out the second sentence thereof and inserting in lieu thereof the following: "The amount of such additional assistance which may be approved in appropriation Acts may not exceed an aggregate amount of $100,000,000."; and

(2) by striking out "after October 15, 1980" in the third sentence and inserting in lieu thereof "with respect to any fiscal year beginning on or after October 1, 1981".

REFINANCING FOR CONSUMER COOPERATIVE

42 USC 1485.

SEC. 502. Section 515 of the Housing Act of 1949 is amended by adding at the end thereof the following:

42 USC 1490a.

"(f) Notwithstanding the provisions of subsections (a) and (b) of this section, the Secretary may make and insure loans to consumer cooperatives to enable such cooperatives to finance the transfers of memberships in the cooperatives upon such terms and conditions as low- and moderate-income persons can reasonably afford, except that such loans shall not be made upon terms more favorable than are authorized under section 521(a), and that the total loan to a cooperative under this section shall not exceed the value of the property.".

CONTINUED ELIGIBILITY OF CO-OP MEMBERS

42 USC 1485.

SEC. 503. (a) Section 515(a) of the Housing Act of 1949 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

94 STAT. 1669

(3) by inserting after paragraph (3) the following:

"(4) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that any person who is admitted as an eligible member and tenant of the cooperative may not subsequently be deprived of his membership or tenancy by reason of his no longer meeting the income eligibility requirements established by the Secretary.".

(b) Section 515(b) of such Act is amended— 42 USC 1485.

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that any person who is admitted as an eligible member and tenant of the cooperative may not subsequently be deprived of his membership or tenancy by reason of his no longer meeting the income eligibility requirements established by the Secretary.".

SURPLUS FEDERAL LAND

SEC. 504. The first sentence of section 414 of the Housing and Urban Development Act of 1969 is amended to read as follows: "Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any Federal surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be transferred to the Secretary of Housing and Urban Development or the Secretary of Agriculture at the request of either such Secretary for sale or lease by either Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low- or moderate-income, assisted under a Federal housing assistance program administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture or under a State or local program found by the appropriate Secretary to have the same general purpose, and for related public commercial or industrial facilities approved by the appropriate Secretary.".

Low- or moderate-income housing.
40 USC 484b.
40 USC 471 note.

INTEREST CREDITS

SEC. 505. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by striking out "may" and inserting in lieu thereof "shall". 42 USC 1490a.

DEFINITIONS

SEC. 506. Section 501(b) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraphs: 42 USC 1471.

"(6) For the purposes of this title, the term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512).

25 USC 450 note.
31 USC 1221 note.

"(7) For the purposes of this title, the term 'rural resident' shall include a family or a person who is a renter of a dwelling unit in a rural area.

"(8) For the purposes of this title, the term 'adequate dwelling' means a decent, safe, and sanitary dwelling unit.".

94 STAT. 1670

ASSISTANCE TO INDIANS AND ALASKAN NATIVES AND TO OTHER PERSONS RESIDING IN RESERVATIONS OR VILLAGES

SEC. 507. (a) Section 501 of the Housing Act of 1949 is amended by inserting the following after "residents" in subsection (a)(2): ", including persons who reside in reservations or villages of Indian tribes,". 42 USC 1471.

(b) Section 514 of such Act is amended by inserting "or to any Indian tribe for such purpose," before "or to any State" in subsection (a). 42 USC 1484.

(c) Section 515 of such Act is amended— 42 USC 1485.

(1) by inserting "and Indian tribes" after "consumer cooperatives" in subsection (a); and

(2) by inserting "Indian tribe," after "trust," in subsection (b).

42 USC 1486. (d) Section 516 of such Act is amended by inserting "or any Indian tribe," after "or political subdivision thereof" in subsection (a).

42 USC 1490c. (e) Section 523 of such Act is amended—

(1) by inserting "Indian tribes," after "organizations," in subsection (b)(1)(A);

(2) by inserting "and to Indian tribes" after "private nonprofit organizations" in subsection (b)(1)(B); and

(3) by inserting ", including Indian tribes," after "other associations" in subsection (b)(2).

42 USC 1490d. (f) Section 524(a) of such Act is amended by inserting "and to Indian tribes" after "nonprofit organizations" the first time it appears in the first sentence.

42 USC 1490e. (g) Section 525 of such Act is amended by inserting "Indian tribes," after "organizations," in the first sentences of subsections (a) and (b).

42 USC 1471. (h) The second sentence of section 501(c) of such Act is amended by inserting "or Indian tribe" after "local public agency".

APPLICABILITY OF ENERGY CONSERVATON STANDARDS TO HOMES ACQUIRED AND SOLD BY THE FARMERS' HOME ADMINISTRATION

42 USC 1480. SEC. 508. Section 510(e) of the Housing Act of 1949 is amended by inserting after "standards," in clause (1) the following: "including cost-effective energy conservation standards prescribed under section 509(a),". 42 USC 1479.

CONDITION ON RENT INCREASES IN 514, 515, AND 517 PROJECTS

SEC. 509. Title V of the Housing Act of 1949 is amended by adding the following new section at the end thereof:

"CONDITION ON RENT INCREASES IN 514, 515, AND 517 PROJECTS

42 USC 1490j. "SEC. 530. The Secretary may not approve any increase in rental payments, with respect to units in which the tenants are paying rentals in excess of 25 per centum of their incomes, in any project which is assisted under section 514, 515, or 517 and under section 521(a)(1)(B) unless the project owner is receiving, or has applied for (within the most recent period of 180 days prior to the effective date of such increase), rental assistance payments with respect to such project under section 521(a)(2)(A) of this title or section 8 of the United States Housing Act of 1937.". 42 USC 1484, 1485, 1487. 42 USC 1490a. 42 USC 1437f.

94 STAT. 1671

SUBSEQUENT LOANS IN INELIGIBLE AREAS

42 USC 1480. SEC. 510. Section 510 of the Housing Act of 1949 is amended by inserting the following after "available" in subsection (h): "for subsequent loans to permit necessary dwelling repairs and rehabilitation and".

GUARANTEED LOANS

42 USC 1487. SEC. 511. Section 517(n) of the Housing Act of 1949 is amended by inserting "moderate or" after "borrowers with".

DISPLACEMENT

42 USC 1471. SEC. 512. Section 501 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(g) The programs authorized by this title shall be carried out, consistent with program goals and objectives, so that the involuntary displacement of families and businesses is avoided.".

STUDY

SEC. 513. (a) The Secretary of Agriculture shall study the legislative and administrative changes which would be required—

(1) to conform the procedures of the Farmers Home Administration for reporting budget and accounting information with the reporting principles established by the Presidential Commission on Budget Concepts;

(2) to establish procedures to reflect fully in the Federal Budget the budget authority and budget outlays of the programs administered by the Farmers Home Administration;

(3) to remove budget and accounting practices which are inconsistent with the practices for recording debt transactions as provided in the current policy of the Office of Management and Budget; and

(4) to simplify the authorities provided in title V of the Housing Act of 1949.

42 USC 1471.

(b) In carrying out this study, the Secretary shall consult with the appropriate committees of the Congress, the Comptroller General of the United States, and the Office of Management and Budget.

(c) The Secretary shall report to the Congress the results of such study with recommendations for legislative and administrative changes for each of the matters described in paragraphs (1) through (4) of subsection (a), no later than the date on which the President's Budget for Fiscal Year 1982 is submitted to the Congress.

Report to Congress.

PREPAYMENT AND REFINANCING OF LOANS UNDER SECTIONS 514 AND 515

SEC. 514. (a) Section 502(c) of the Housing Act of 1949 is amended—

42 USC 1472.

(1) by striking out "Except as provided in paragraph (2), the" in paragraph (1) and inserting in lieu thereof "The";

(2) by striking out "entered into before or after" each time it appears in paragraph (1) and inserting in lieu thereof "entered into after"; and

(3) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) If any loan which was made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, is prepaid or refinanced on or after the date of enactment of the Housing and Community Development Act of 1980, and tenants of the housing and related facilities financed with such loan are displaced due to a change in the use of the housing, or to an increase in rental or other charges, as a result of such prepayment or refinancing, the Secretary shall provide such tenants a priority for relocation in alternative housing assisted pursuant to this title.".

Relocation priority.

42 USC 1484, 1485.

94 STAT. 1672

(b) The Secretary of Agriculture shall conduct a study of, and report to the Congress not later than 6 months after the date of enactment of this Act on, any adverse effects the amendments made by subsection (a) may have on housing, particularly for the elderly and persons of low income.

Study, report to Congress.

42 USC 1472 note.

TITLE VI—CONDOMINIUM AND COOPERATIVE CONVERSION PROTECTION AND ABUSE RELIEF

Condominium and Cooperative Abuse Relief Act of 1980.

SHORT TITLE

SEC. 601. This title may be cited as the "Condominium and Cooperative Abuse Relief Act of 1980".

15 USC 3601 note.

FINDINGS AND PURPOSE

SEC. 602. (a) The Congress finds and declares that—

15 USC 3601.

(1) there is a shortage of adequate and affordable housing throughout the Nation, especially for low- and moderate-income and elderly and handicapped persons;

(2) the number of conversions of rental housing to condominiums and cooperatives is accelerating, which in some communities may restrict the shelter options of low- and moderate-income and elderly and handicapped persons;

(3) certain long-term leasing arrangements for recreation and

other condominium- or cooperative-related facilities which have been used in the formation of cooperative and condominium projects may be unconscionable; in certain situations State governments are unable to provide appropriate relief; as a result of these leases, economic and social hardships may have been imposed upon cooperative and condominium owners, which may threaten the continued use and acceptability of these forms of ownership and interfere with the interstate sale of cooperatives and condominiums; appropriate relief from these abuses requires Federal action; and

(4) there is a Federal involvement with the cooperative and condominium housing markets through the operation of Federal tax, housing, and community development laws, through the operation of federally chartered and insured financial institutions, and through other Federal activities; that the creation of many condominiums and cooperatives is undertaken by entities operating on an interstate basis.

(b) The purposes of this title are to seek to minimize the adverse impacts of condominium and cooperative conversions particularly on the housing opportunities of low- and moderate-income and elderly and handicapped persons, to assure fair and equitable principles are followed in the establishment of condominium and cooperative opportunities, and to provide appropriate relief where long-term leases of recreation and other cooperative- and condominium-related facilities are determined to be unconscionable.

94 STAT. 1673

CONVERSION LENDING

15 USC 3602.

SEC. 603. It is the sense of the Congress that lending by federally insured lending institutions for the conversion of rental housing to condominiums and cooperative housing should be discouraged where there are adverse impacts on housing opportunities of the low- and moderate-income and elderly and handicapped tenants involved.

DEFINITIONS

15 USC 3603.

SEC. 604. For the purpose of this title—

(1) "affiliate of a developer" means any person who controls, is controlled by, or is under common control with a developer. A person "controls" a developer if the person (A) is a general partner, officer, director, or employer of the developer, (B) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 per centum of the voting interests of the developer, (C) controls in any manner the election of a majority of the directors of the developer, or (D) has contributed more than 20 per centum of the capital of the developer. A person "is controlled by" a developer if the developer (i) is a general partner, officer, director or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 per centum of the voting interests of the person, (iii) controls in any manner the election of a majority of the directors, or (iv) has contributed more than 20 per centum of the capital of the person;

(2) "automatic rent increase clause" means a provision in a lease permitting periodic increases in the fee under the lease which is effective automatically or at the sole option of the lessor, and which provides that the fee shall increase at the rate of an economic, commodity, or consumer price index or at a percentage rate such that the actual increases in the rental payment over the lease term cannot be established with specificity at the time the lease is entered into;

(3) "common elements" means all portions of the cooperative or condominium project, other than the units designated for separate ownership or for exclusive possession or use;

(4) "condominium association" means the organization, whose membership consists exclusively of all the unit owners in the condominium project, which is, or will be, responsible for the operation, administration, and management of the condominium project;

(5) "condominium project" means real estate (A) which has five or more residential condominium units, in each residential structure, and the remaining portions of the real estate are designated for common ownership solely by the owners of those units, each owner having an undivided interest in the common elements, and (B) where such units are or have been offered for sale or sold, directly or indirectly, through the use of any means or instruments of transportation or communication of interstate commerce, or the mails;

(6) "condominium unit" means a portion of a condominium project designated for separate ownership;

(7) "conversion project" means a project, which has five or more residential units, which was used primarily for residential rental purposes immediately prior to being converted to a condominium or cooperative project;

94 STAT. 1674

(8) "convey or conveyance" means (A) a transfer to a purchaser of legal title in a unit at settlement, other than as security for an obligation, or (B) the acquisition by a purchaser of a leasehold interest for more than five years;

(9) "cooperative association" means an organization that owns the record interest in the residential cooperative property or a leasehold of the residential property of a cooperative project and that is responsible for the operation of the cooperative project;

(10) "cooperative project" means real estate (A) which has five or more residential cooperative units, in each residential structure, subject to separate use and possession by one or more individual cooperative unit owners whose interest in such units and in the undivided assets of the cooperative association which are appurtenant to the unit are evidenced by a membership or share interest in a cooperative association and a lease or other muniment of title or possession granted by the cooperative association as the owner of all the cooperative property, and (B) an interest in which is or has been offered for sale or lease or sold, or leased directly or indirectly, through use of any means or instruments of transportation or communication in interstate commerce or of the mails;

(11) "cooperative property" means the real estate and personal property subject to cooperative ownership and all other property owned by the cooperative association;

(12) "cooperative unit" means a part of the cooperative property which is subject to exclusive use and possession by a cooperative unit owner. A unit may be improvements, land, or land and improvements together, as specified in the cooperative documents;

(13) "cooperative unit owner" means the person having a membership or share interest in the cooperative association and holding a lease, or other muniment of title or possession, of a cooperative unit that is granted by the cooperative association as the owner of the cooperative property;

(14) "developer" means (A) any person who offers to sell or sells his interest in a cooperative or condominium unit not previously conveyed, or (B) any successor of such person who offers to sell or sells his interests in units in a cooperative or condominium project and who has the authority to exercise special developer control in the project including the right to: add, convert, or withdraw real estate from the cooperative or condominium project, and maintain sales offices, management offices and rental units; exercise easements through common elements for the purpose of making improvements within the cooperative or condominium; or exercise control of the owners' association;

(15) "interstate commerce" means trade, traffic, transportation, communication, or exchange among the States, or between

any foreign country and a State, or any transaction which affects such trade, traffic, transportation, communication, or exchange;

(16) "lease" includes any agreement or arrangement containing a condominium or cooperative unit owner's obligation, individually, collectively, or through an association to make payments for a leasehold interest or for other rights to use or possess real estate, or personal property (which rights may include the right to receive services with respect to such real estate or personal property), except a lease does not include mortgages or other such agreements for the purchase of real estate;

94 STAT. 1675

(17) "person" means a natural person, corporation, partnership, association, trust or other entity, or any combination thereof;

(18) "purchaser" means any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a unit, other than (A) a leasehold interest (including renewal options) of less than five years, or (B) as security for an obligation;

(19) "real estate" means any leasehold or other estate or interest in, over or under land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water;

(20) "residential" means used as a dwelling;

(21) "sale", "sale of a cooperative unit" or "sale of a condominium unit" means any obligation or arrangement for consideration for conveyance to a purchaser of a cooperative or condominium unit, excluding options or reservations not binding on the purchaser;

(22) "special developer control" means any right arising under State law, cooperative or condominium instruments, the association's bylaws, charter or articles of association or incorporation, or power of attorney or similar agreement, through which the developer may control or direct the unit owners' association or its executive board. A developer's right to exercise the voting share allocated to any condominium or cooperative unit which he owns is not deemed a right of special developer control if the voting share allocated to that condominium or cooperative unit is the same voting share as would be allocated to the same condominium or cooperative unit were that unit owned by any other unit owner at that time;

(23) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(24) "tenants' organization" means a bona fide organization of tenants who represent a majority of the occupied rental units in a rental housing project.

EXEMPTIONS

15 USC 3604.

SEC. 605. The provisions of this title shall not apply to—

(1) a cooperative or condominium unit sold or offered for sale by the Federal Government, by any State or local government, by any corporate instrumentality of the United States, or by any agency thereof;

(2) a cooperative or condominium project in which all units are restricted to nonresidential purposes or uses; or

(3) any lease or portion thereof—

(A) which establishes any leasehold or other estate or interest in, over or under land on or in which one or more residential condominium or cooperative units are located, the termination of which will terminate the condominium or cooperative project, or reduce the number of units in such project, or

94 STAT. 1676

(B) which establishes a leasehold interest in, or other rights to use, possess, or gain access to, a condominium or cooperative unit.

CONDOMINIUM AND COOPERATIVE CONVERSIONS

15 USC 3605.

SEC. 606. It is the sense of the Congress that, when multifamily rental housing projects are converted to condominium or cooperative use, tenants in those projects are entitled to adequate notice of the pending conversion and to receive the first opportunity to purchase units in the converted projects and that State and local governments which have not already provided for such notice and opportunity for purchase should move toward that end. The Congress believes it is the responsibility of State and local governments to provide for such notice and opportunity to purchase in a prompt manner. The Congress has decided not to intervene and therefore leaves this responsibility to State and local governments to be carried out.

FEDERAL HOUSING ADMINISTRATION INSURANCE

15 USC 3606.

SEC. 607. Where an application for mortgage or loan insurance in connection with a conversion or purchase of a rental housing project being undertaken by a tenants' organization is submitted, the Secretary of Housing and Urban Development shall expedite the processing of the application in every way and shall make a final decision on such application at the earliest practicable time.

OPTIONAL TERMINATION OF SELF-DEALING CONTRACTS

15 USC 3607.

SEC. 608. (a) Any contract or portion thereof which is entered into after the effective date of this title, and which—

(1) provides for operation, maintenance, or management of a condominium or cooperative association in a conversion project, or of property serving the condominium or cooperative unit owners in such project;

(2) is between such unit owners or such association and the developer or an affiliate of the developer;

(3) was entered into while such association was controlled by the developer through special developer control or because the developer held a majority of the votes in such association; and

(4) is for a period of more than three years, including any automatic renewal provisions which are exercisable at the sole option of the developer or an affiliate of the developer,

may be terminated without penalty by such unit owners or such association.

(b) Any termination under this section may occur only during the two-year period beginning on the date on which—

(1) special developer control over the association is terminated; or

(2) the developer owns 25 per centum or less of the units in the conversion project,

whichever occurs first.

(c) A termination under this section shall be by a vote of owners of not less than two-thirds of the units other than the units owned by the developer or an affiliate of the developer.

Effective date.

(d) Following the unit owners' vote, the termination shall be effective ninety days after hand delivering notice or mailing notice by prepaid United States mail to the parties to the contract.

94 STAT. 1677

CIVIL ACTION; UNCONSCIONABLE LEASES

15 USC 3608.

SEC. 609. (a) Cooperative and condominium unit owners through the unit owners' association may bring an action seeking a judicial determination that a lease or leases, or portions thereof, were unconscionable at the time they were made. An action may be brought under this section if each such lease has all of the following characteristics:

(1) it was made in connection with a cooperative or condominium project;

(2) it was entered into while the cooperative or condominium owners' association was controlled by the developer either through special developer control or because the developer held a majority of the votes in the owners' association;

(3) it had to be accepted or ratified by purchasers or through the unit owners' association as a condition of purchase of a unit in the cooperative or condominium project;

(4) it is for a period of more than twenty-one years or is for a period of less than twenty-one years but contains automatic renewal provisions for a period of more than twenty-one years;

(5) it contains an automatic rent increase clause; and

(6) it was entered into prior to June 4, 1975.

Unit owners authorization.

Such action must be authorized by the cooperative or condominium unit owners through a vote of not less than two-thirds of the owners of the units other than units owned by the developer or an affiliate of the developer, and may be brought by the cooperative or condominium unit owners through the units owners' association. Prior to instituting such action, the cooperative or condominium unit owners must, through a vote of not less than two-thirds of the owners of the units other than units owned by the developer or an affiliate of the developer, agree to enter into negotiation with the lessor and must seek through such negotiation to eliminate or modify any lease terms that are alleged to be unconscionable; if an agreement is not reached in ninety days from the date on which the authorizing vote was taken, the unit owners may authorize an action after following the procedure specified in the preceding sentence.

Unconscionability, rebuttable presumption.

(b) A rebuttable presumption of unconscionability exists if it is established that, in addition to the characteristics set forth in subsection (a) of this section, the lease—

(1) creates a lien subjecting any unit to foreclosure for failure to make payments;

(2) contains provisions requiring either the cooperative or condominium unit owners or the cooperative or condominium association as lessees to assume all or substantially all obligations and liabilities associated with the maintenance, management and use of the leased property, in addition to the obligation to make lease payments;

(3) contains an automatic rent increase clause without establishing a specific maximum lease payment; and

"Annual rental."

"Appraised value."

(4) requires an annual rental which exceeds 25 per centum of the appraised value of the leased property as improved: *Provided*, That, for purposes of this paragraph "annual rental" means the amount due during the first twelve months of the lease for all units, regardless of whether such units were occupied or sold during that period, and "appraised value" means the appraised value placed upon the leased property the first tax year after the sale of a unit in the condominium or after the sale of a membership or share interest in the cooperative association to a party who is not an affiliate of the developer.

Once the rebuttable presumption is established, the court, in making its finding, shall consider the lease or portion of the lease to be unconscionable unless proven otherwise by a preponderance of the evidence to the contrary.

Evidence presentation.

(c) Whenever it is claimed, or appears to the court, that a lease or any portion thereof is, or may have been, unconscionable at the time it was made, the parties shall be afforded a reasonable opportunity to present evidence at least as to—

(1) the commercial setting of the negotiations;

(2) whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his interests;

(3) the effect and purpose of the lease or portion thereof, including its relationship to other contracts between the association, the unit owners and the developer or an affiliate of the developer; and

(4) the disparity between the amount charged under the lease

and the value of the real estate subject to the lease measured by the price at which similar real estate was readily obtainable in similar transactions.

Remedial relief.

(d) Upon finding that any lease, or portion thereof, is unconscionable, the court shall exercise its authority to grant remedial relief as necessary to avoid an unconscionable result, taking into consideration the economic value of the lease. Such relief may include, but shall not be limited to rescission, reformation, restitution, the award of damages and reasonable attorney fees and court costs. A defendant may recover reasonable attorneys' fees if the court determines that the cause of action filed by the plantiff is frivolous, malicious, or lacking in substantial merit.

(e) Nothing in this section may be construed to authorize the bringing of an action by cooperative and condominium unit owners' association, seeking a judicial determination that a lease or leases, or portions thereof, are unconscionable, where such unit owners or a unit owners' association representing them has, after the termination of special developer control, reached an agreement with a holder of such lease or leases which either—

(1) sets forth the terms and conditions under which such lease or leases is or shall be purchased by such unit owners or associations; or

(2) reforms any clause in the lease which contained an automatic rent increase clause, unless such agreement was entered into when the leaseholder or his affiliate held a majority of the votes in the owners' association.

PROHIBITIONS

Developer, reimbursement.
15 USC 3609.

SEC. 610. Any provision in any lease or contract requiring unit owners or the owners' association, in any conversion project involving a contract meeting the requirements of section 608 of this title or in any project involving a lease meeting the requirements of section 609 of this title, to reimburse, regardless of outcome, the developer, his successor, or affiliate of the developer for attorneys' fees or money judgments, in a suit between unit owners or the owners' association and the developer arising under the lease or agreement, is against public policy and void.

STATE AND LOCAL JURISDICTION

15 USC 3610.

SEC. 611. Nothing in this title may be construed to prevent or limit the authority of any State or local government to enact and enforce any law, ordinance, or code with regard to any condominium, cooperative, or conversion project, if such law, ordinance, or code does not abridge, deny, or contravene any standard for consumer protection established under this title. Notwithstanding the preceding sentence, the provisions of this title, except for the application of section 609 and the prohibition included in section 610 as it relates to a lease with respect to which a cause of action may be established under section 609, shall not apply in the case of any State or local government which has the authority to enact and enforce such a law, ordinance, or code, if, during the three-year period following the date of enactment of this title, such State or local government enacts a law, ordinance, or code, or amendments thereto, stating in substance that such provisions of this title shall not apply in that State or local government jurisdiction.

ADDITIONAL REMEDIES

15 USC 3611.

SEC. 612. (a) Unless otherwise limited as in section 608 or 609 of this title, any person aggrieved by a violation of this title may sue at law or in equity.

(b) In any action authorized by this section for a violation of section 608 or 610 where actual damages have been suffered, such damages may be awarded or such other relief granted as deemed fair, just, and equitable.

(c) Every person who becomes liable to make any payment under this section may recover contributions from any person who, if sued separately, would have been liable to make the same payment.

(d) The amounts recoverable under this section may include interest paid, reasonable attorneys' fees, independent engineer and appraisers' fees, and court costs. A defendant may recover reasonable attorneys' fees if the court determines that the cause of action filed by the plaintiff is frivolous, malicious, or lacking in substantial merit.

JURISDICTION

15 USC 3612. SEC. 613. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction under this title and, concurrent with State courts, of actions at law or in equity brought under this title without regard to the amount in controversy. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the sale took place, and process in such cases may be served in other districts of which the defendant is an inhabitant or wherever the defendant may be found. No case arising under this title and brought in any State court of competent jurisdiction shall be removed to any court of the United States, except where any officer or employee of the United States in his official capacity is a party.

94 STAT. 1680

LIMITATION OF ACTIONS

15 USC 3613. **SEC. 614. No action shall be maintained to enforce any right or liability created by this title unless brought within six years after such cause of action accrued, except that an action pursuant to section 609 must be brought within four years after the date of enactment of this title.**

CONTRARY STIPULATIONS VOID

15 USC 3614. **SEC. 615. Any condition, stipulation, or provision binding any person to waive compliance with any provisions of this title shall be void.**

ADDITIONAL REMEDIES

15 USC 3615. **SEC. 616. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist under Federal or State law.**

SEPARABILITY

15 USC 3616. **SEC. 617. If any provisions of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title shall not be affected thereby.**

EFFECTIVE DATE

15 USC 3601 note. **SEC. 618. The provisions of this title shall become effective upon enactment, except that section 609, and the prohibition included in section 610 as it relates to a lease with respect to which a cause of action may be established under section 609, shall become effective one year after enactment.**

Approved October 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-979 and supplemental reports Pts. II and III, all accompanying H.R. 7262 (all from Comm. on Banking, Finance, and Urban Affairs) and No. 96-1420 (Comm. of Conference).

SENATE REPORTS: No. 96-716 accompanying S. 2716, No. 96-724 accompanying S. 2711, and No. 96-736 accompanying S. 2719 (all from Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 126 (1980):

June 20, 21, considered and passed Senate.

Aug. 18, 21, 22, H.R. 7262 considered and passed House; passage vacated and S. 2719, amended, passed in lieu.

Sept. 30, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 41:

Oct. 8, Presidential statement.

INTERIOR ACTS

Public Law 96-199
96th Congress

94 STAT. 67

An Act

To establish the Channel Islands National Park, and for other purposes.

Mar. 5, 1980
[H.R. 3757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Parks and Recreation Act of 1978, amendment.

TITLE I

16 USC 1 note.

SEC. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

Point Reyes National Seashore, area description.
16 USC 459c-1.

(a) Section 318, re: Point Reyes National Seashore is amended by:

(1) in subsection (a), change the period following "May 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments, dated October 25, 1979'.";

16 USC 459c-5.

(2) in subsection (b), changing the word "The" at the beginning of section 5(a) to "Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the";

(3) in subsection (c), after "May 1, 1978", inserting "or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979", and at the end of the subsection, following the word "property", inserting "that were in existence or under construction as of May 1, 1978";

(4) in subsection (d), changing the phrase "subsection (c)" to read "subsections (c), (d), and (e)" and adding the following at the end thereof:

Lands and improvements, acceptance and management.

"(d) The Secretary is authorized to accept and manage in accordance with this Act, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

"(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.";

(5) adding a new subsection (f) as follows:

Appropriation authorization.
16 USC 459c-7.

"(f) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the sums heretofore authorized by this section, there is further authorized to be appropriated $5,000,000 for the acquisition of lands or interests therein.'.".

16 USC 1244.

(b) Section 551, re: the National Trails System Act is amended by:

(1) in paragraph (9), add the following at the end thereof:

North Country National Scenic Trail.

"(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on

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Administration.

file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.";

16 USC 1244.

(2) in paragraph (15), subsection (e), delete the "," after Continental Divide National Scenic Trail, and insert "and the North Country National Scenic Trail,";

(3) in paragraph (15), subsection (f), after the phrase "Continental Divide National Scenic Trail", insert "or the North Country National Scenic Trail";

16 USC 1249.

(4) in paragraph (23), revise subsection (c) to read as follows:

Appropriation authorization.

16 USC 1242.

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.".

16 USC 410y-1a.

(c) Section 320, re: Chesapeake and Ohio Canal National Historical Park, is amended by changing the colon following the word "acres" to a period, and by deleting the proviso in its entirety.

SEC. 102. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended—

16 USC 1276.

(a) in section 5(a) by adding the following new clause at the end thereof:

"(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.".

(b) in section 5(b) by deleting "(75)" and inserting "(76)".

SEC. 103. The Act of October 27, 1972 (86 Stat. 1299), as amended (16 U.S.C. 459), is further amended as follows:

16 USC 460bb.

Revised boundary map.

16 USC 460bb-1.

(a) In subsection 2(a), change the period following "October 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979.'".

16 USC 460bb-5.

(b) In section 6, after "$61,610,000" insert "plus $15,500,000", after "herein", insert "said total development ceiling to be reduced by $10,000,000".

SEC. 104. The Act of August 18, 1970 (84 Stat. 825), as amended, is further amended as follows:

Report and annual listing.

16 USC 1a-5.

(a) In section 8 near the end thereof, delete the sentence "Each report and annual listing shall be printed as a House document.", and insert in lieu the following: "Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case."; and

(b) Insert "(a)" after "SEC. 8." and add a new subsection (b) as follows:

National Park System Plan, submitttal to congressional committees.

94 STAT. 69

"(b) Within six months of the date of enactment of this subsection, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, 'National Park System Plan', which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.".

Boundary revisions.

Sec. 105. (a) The Secretary of the Interior is authorized to revise the boundaries of the following units of the National Park System:

(1) Carl Sandburg Home National Historic Site, North Carolina: to add approximately seventeen acres.

(2) Chickamauga and Chattanooga National Military Park, Georgia and Tennessee: to add approximately one acre.

(3) Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia: to add approximately twenty acres.

(b) Sections 302, 303, and 304 of the National Parks and Recreation Act of 1978 (92 Stat. 3467) shall be applicable to the boundary revisions authorized in subsection (a) of this section, except that for the purposes of this section, the date of enactment referred to in section 302 of such Act shall be deemed to be the date of enactment of this section.

Appropriation authorization.

(c) For the purposes of acquiring the lands and interests in lands added to the units referred to in subsection (a), there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary, but not to exceed $304,000 for Chickamauga and Chattanooga National Military Park and not to exceed $234,000 for Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Palmer's Chapel, continued protection.
16 USC 403k-3.

Sec. 106. The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

Sec. 107. Section 304(a) of the Act of October 21, 1976 (90 Stat. 2732), is amended by inserting after "to the jurisdiction of the" the following: "Secretary of the Army, the land under the jurisdiction of the".

Boundary Map, Harpers Ferry National Historical Park.

Sec. 108. The Act of June 30, 1944 (58 Stat. 645), as amended (16 U.S.C. 450bb), is further amended (1) by changing "Boundary Map, Harpers Ferry National Historical Park", numbered 385-40,000D and dated April 1974 to "Boundary Map, Harpers Ferry National Historical Park", numbered 385-80,021A and dated April 1979 and changing "two thousand acres" to "two thousand four hundred and seventy-five acres" in the first section; and (2) by changing "$1,300,000" to "$1,600,000" in section 4.

16 USC 450bbb note.
Ice Age National Scientific Reserve, Wis., grants.
16 USC 469h.

Sec. 109. Subsection 5(b) of the Act of October 13, 1964 (78 Stat. 1087), an Act "To authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes", as amended (16 U.S.C. 469h), is further amended by changing "$425,000" to "$2,500,000".

Appropriation authorization.
16 USC 251m.

Sec. 110. Section 320 of the Act of October 21, 1976 (90 Stat. 2732), is amended in subsection (j) by changing "$13,000,000" to "$23,700,000".

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16 USC 459d-7.

16 USC 459d-1 note.

Sec. 111. Paragraph (13) of section 101 of the Act entitled "An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes", approved October 21, 1976 (90 Stat. 2732, 2733), is amended by changing the period to a semicolon and inserting the following thereafter: "the Secretary of the Interior is authorized to revise the boundary of the seashore to add approximately two hundred and seventy-four acres and to delete approximately two thousand acres, and sections 302 and 303 of the Act of April 11, 1972 (86 Stat. 120, 121), shall apply to the boundary revision authorized herein.".

Fort Saint Jean Baptiste de Natchitoches, La.

SEC. 112. (a) In order to commemorate the first European settlement in Louisiana, Fort Saint Jean Baptiste de Natchitoches (hereinafter called the "fort"), the Secretary is authorized to render the State of Louisiana such assistance, in the form of technical advice, grants of funds for land acquisition and development, and other help necessary to reconstruct the fort: *Provided*, That no funds shall be expended for reconstruction unless the Secretary determines that such reconstruction can be based on historical documentation.

Agreements with the State of Louisiana and affected local governmental authorities.

(b) The Secretary is authorized to enter into a cooperative agreement with the State of Louisiana and affected local governmental authorities which agreement shall include but not limited to—

(1) assurances that the State of Louisiana shall operate and maintain the fort as a public area;

(2) assurances that the State of Louisiana shall incur all operation and maintenance costs;

(3) assurances by the State of Louisiana that they will manage the fort consistent with its historic character; and

(4) authority for the Secretary to obtain reimbursement from or offset against the State of Louisiana of all Federal funds previously granted under this section, including subsequent violation of paragraph (3) of this subsection.

Appropriation authorization.

(c) There is hereby authorized to be appropriated not to exceed $2,813,000 for the purposes of this section: *Provided*, That the Secretary may expend not to exceed 75 per centum of the total cost incurred in the reconstruction of the fort.

Memorial in Washington D.C. for USN men and women.
16 USC 431 note.

SEC. 113. (a) The United States Navy Memorial Foundation is authorized to erect a memorial on public grounds in the District of Columbia in honor and in commemoration of the men and women of the United States Navy who have served their country in war and peace.

(b)(1) The Secretary is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds of the United States, in the District of Columbia or on such grounds principally serving as a site for national monuments along the Potomac River in Northern Virginia, upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission.

(3) Other than as to the land authorized for the erection of the memorial in paragraph (1) of this subsection, neither the United States nor the District of Columbia shall be put to any expense in the erection of this memorial.

(c) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this section, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary to insure completion of the memorial.

Maintenance and care.

(d) The maintenance and care of the memorial erected under the provisions of this section shall be the responsibility of the Secretary.

16 USC 470n.

SEC. 114. Section 206 of the Act of October 15, 1966 (80 Stat. 915), is amended by deleting all of subsection 6(c) and inserting in lieu thereof the following:

Appropriation authorization.

"(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessments shall begin in fiscal year 1981, but shall include earlier costs.".

16 USC 159e.

SEC. 115. (a) The Secretary of the Interior is authorized to revise the boundary of the Saratoga National Historic Park to add approximately one hundred and forty-seven acres.

Appropriation authorization.

(b) For the purposes of acquiring land and interest in land added to the unit referred to in subsection (a) there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary but not to exceed $74,000 for Saratoga National Historic Park.

David Berger Memorial, Cleveland, Ohio, designation.
16 USC 431 note.

SEC. 116. The Secretary of the Interior shall designate the David Berger Memorial located at the Jewish Community Center in Cleveland Heights, Ohio, as a national memorial. The significance of the memorial in preserving the memory of the eleven Israeli athletes who were assassinated at the Olympic games in Munich, Germany, in 1972 is, by this designation, recognized by the Congress.

Fleet Landing site, Charleston, S.C., acquisition.

SEC. 117. The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds not to exceed two and one-half acres of land and submerged lands, waters, or interest therein, at Charleston, South Carolina, known generally as the Fleet Landing Site, for purposes of a mainland tour boat facility for access to Fort Sumter National Monument. Property so acquired shall be administered as a part of Fort Sumter National Monument. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Appropriation authorization.

SEC. 118. Subsection 507(q) of the Act of November 10, 1978 (92 Stat. 3506) is amended in clause (2)(E) by changing "5" to "9".

16 USC 460kk.

Yaquina Head Outstanding Natural Area, Oreg., establishment.
43 USC 1783.

SEC. 119. (a) In order to protect the unique scenic, scientific, educational, and recreational values of certain lands in and around Yaquina Head, in Lincoln County, Oregon, there is hereby established, subject to valid existing rights, the Yaquina Head Outstanding Natural Area (hereinafter referred to as the "area"). The boundaries of the area are those shown on the map entitled "Yaquina Head Area", dated July 1979, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State Office of the Bureau of Land Management in the State of Oregon.

Administration.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the Yaquina Head Outstanding Natural Area in accordance with the laws and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), in such a manner as will best provide for—

(A) the conservation and development of the scenic, natural, and historic values of the area;

(B) the continued use of the area for purposes of education, scientific study, and public recreation which do not substantially impair the purposes for which the area is established; and

(C) protection of the wildlife habitat of the area.

Management plan, development.

(2) The Secretary shall develop a management plan for the area which accomplishes the purposes and is consistent with the provisions of this section. This plan shall be developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

Quarrying of materials, permits and contracts.

(3) Notwithstanding any other provision of this section, the Secretary is authorized to issue permits or to contract for the quarrying of materials from the area in accordance with the management plan for the area on condition that the lands be reclaimed and restored to the satisfaction of the Secretary. Such authorization to quarry shall require payment of fair market value for the materials to be quarried, as established by the Secretary, and shall also include any terms and conditions which the Secretary determines necessary to protect the values of such quarry lands for purposes of this section.

Reservation of lands for lighthouse purposes, revocation.

(c) The reservation of lands for lighthouse purposes made by Executive order of June 8, 1866, of certain lands totaling approximately 18.1 acres, as depicted on the map referred to in subsection 119(a), is hereby revoked. The lands referred to in subsection 119(a) are hereby restored to the status of public lands as defined in section

39 USC 21 *et seq.*

103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), and shall be administered in accordance with the management plan for the area developed pursuant to subsection 119(b), except that such lands are hereby withdrawn from settlement, sale, location, or entry, under the public land laws, including the mining laws (30 U.S.C., ch. 2), leasing under the mineral leasing laws (30 U.S.C. 181 et seq.), and disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

43 USC 1702.

Administration.

(d) The Secretary shall, as soon as possible but in no event later than twenty-four months following the date of the enactment of this section, acquire by purchase, exchange, donation, or condemnation all or any part of the lands and waters and interests in lands and waters within the area referred to in subsection 119(a) which are not in Federal ownership except that State land shall not be acquired by purchase or condemnation. Any lands or interests acquired by the Secretary pursuant to this section shall become public lands as defined in the Federal Land Policy and Management Act of 1976, as amended. Upon acquisition by the United States, such lands are automatically withdrawn under the provisions of subsection 119(c) except that lands affected by quarrying operations in the area shall be subject to disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Any lands acquired pursuant to this subsection shall be administered in accordance with the management plan for the area developed pursuant to subsection 119(b).

Wind energy research, study.

Terms and conditions.

(e) The Secretary is authorized to conduct a study relating to the use of lands in the area for purposes of wind energy research. If the Secretary determines after such study that the conduct of wind energy research activity will not substantially impair the values of the lands in the area for purposes of this section, the Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system. Any permit issued pursuant to this subsection shall contain such terms and conditions as the Secretary determines necessary to protect the values of such lands for purposes of this section.

Development and administration.

Appropriation authorization.

(f) The Secretary shall develop and administer, in addition to any requirements imposed pursuant to paragraph 119(b)(3), a program for the reclamation and restoration of all lands affected by quarrying operations in the area acquired pursuant to subsection 119(d). All revenues received by the United States in connection with quarrying operations authorized by paragraph 119(b)(3) shall be deposited in a separate fund account which shall be established by the Secretary of the Treasury. Such revenues are hereby authorized to be appropriated to the Secretary as needed for reclamation and restoration of any lands acquired pursuant to subsection 119(d). After completion of such reclamation and restoration to the satisfaction of the Secretary, any unexpended revenues in such fund shall be returned to the general fund of the United States Treasury.

Appropriation authorization.

(g) There are hereby authorized to be appropriated in addition to that authorized by subsection 119(f), such sums as may be necessary to carry out the provisions of this section.

Presidential monument sites, survey.

16 USC 467b.

SEC. 120. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct a survey of sites which he deems exhibit qualities most appropriate for the commemoration of each former President of the United States. The survey may include sites associated with the deeds, leadership, or lifework of a former President, and it may identify sites or structures historically unrelated to a former President but which may be suitable as a memorial to honor such President.

Individual sites and structures; report to congressional committees.

(b) The Secretary shall, from time to time, prepare and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate reports on individual sites and structures identified in the survey referred to in subsection (a), together with his recommendation as to whether such site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each such report shall include pertinent information with respect to the need for acquisition of lands and interests therein, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost thereof. If during the six-month period following the transmittal of a report pursuant to this subsection neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may thereafter by appropriate order establish the same as a national historic site, including the lands and interests therein identified in the report accompanying his recommendation. The Secretary may acquire the lands and interests therein by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, and he shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

16 USC 1-4, 22, 43.
16 USC 450m, 450n.

(c) Nothing in this section shall be construed as diminishing the authority of the Secretary under the Act of August 21, 1935 (49 Stat. 666), as amended, or as authorizing the Secretary to establish any national memorial, creation of which is hereby expressly reserved to the Congress.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Appropriation authorization.

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SEC. 121. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provisions of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE II

SEC. 201. In order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California, including, but not limited to, the following:

Channel Islands National Park, Calif.
Establishment.
16 USC 410ff.

(1) the brown pelican nesting area;
(2) the undisturbed tide pools providing species diversity unique to the eastern Pacific coast;
(3) the pinnipeds which breed and pup almost exclusively on the Channel Islands, including the only breeding colony for northern fur seals south of Alaska;
(4) the Eolian landforms and caliche;
(5) the presumed burial place of Juan Rodriquez Cabrillo; and
(6) the archaeological evidence of substantial populations of Native Americans;

there is hereby established the Channel Islands National Park, the boundaries of which shall include San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island, as depicted on the map entitled, "Proposed Channel Islands National Park" numbered 159-20,008 and dated April 1979, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Channel Islands National Monument is hereby abolished as such, and the lands, waters, and interests therein withdrawn or reserved for the monument are hereby incorporated within and made a part of the new Channel Islands National Park.

Channel Islands National Monument.
Abolishment.

16 USC 410ff-1.

SEC. 202. (a) Within the boundaries of the park as established in section 201, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, or interests therein (including but not limited to scenic easements) by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of any right retained by the owner.

California lands or interests, exemption.

Any lands, waters, or interests therein owned by the State of California or any political subdivision thereof shall not be acquired. Notwithstanding any other provision of law, Federal property located within the boundaries of the park shall with the concurrence of the head of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary for the purposes of the park: *Provided*, That the Secretary shall permit the use of federally owned park lands and waters which (i) have been transferred from another Federal agency pursuant to this section or which (ii) were the subject of a lease or permit issued by a Federal agency as of the date of enactment of this title, for essential national security missions and for navigational aids, subject to such terms and conditions as the Secretary deems necessary to protect park resources.

94 STAT. 75

Nature Conservancy Lands, acquisition.

(b) Notwithstanding the acquisition authority contained in subsection 202(a), any lands, waters, or interests therein, which are owned wholly or in part, by or which hereafter may be owned by, or under option to, the National Park Foundation, The Nature Conservancy (including any lands, waters, or interests therein which are designated as "Nature Conservancy Lands" on the map referred to in section 201 of this title) or any similar national, nonprofit conservation organization, or an affiliate or subsidiary thereof shall be acquired only with the consent of the owner thereof: *Provided*, That the Secretary may acquire such property in accordance with the provisions of this Act if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this title.

Santa Rosa Island lands, priority acquisition.

(c) With respect to the privately owned lands on Santa Rosa Island, the Secretary shall acquire such lands as expeditiously as possible after the date of enactment of this title. The acquisition of these lands shall take priority over the acquisition of other privately owned lands within the park.

(d)(1) The owner of any private property may, on the date of its acquisition and as a condition of such acquisition, retain for himself a right of use and occupancy of all or such portion of such property as the owner may elect for a definite term of not more than twenty-five years, or ending at the death of the owner, or his spouse, whichever is later. The owner shall elect the term to be reserved. Any such right retained pursuant to this subsection with respect to any property shall be subject to termination by the Secretary upon his determination that such property is being used for any purpose which is incompatible with the administration of the park or with the preservation of the resources therein, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right, of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

Right of use and occupancy not reserved by former owner, lease agreement.

(2) In the case of any property acquired by the Secretary pursuant to this title with respect to which a right of use and occupancy was not reserved by the former owner pursuant to this subsection, at the request of the former owner, the Secretary may enter into a lease agreement with the former owner under which the former owner may continue any existing use of such property which is compatible with the administration of the park and with the preservation of the resources therein.

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

Natural resources study report, development.
16 USC 410ff-2.

Sec. 203. (a) The Secretary is directed to develop, in cooperation and consultation with the Secretary of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park.

Submittal to congressional committees.

Such report shall be submitted within two complete fiscal years from the date of enactment of this title to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after the date of enactment of this title.

94 STAT. 76

State of California cooperative agreements for law enforcement, administration.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this title shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

16 USC 410ff-3.

Sec. 204. (a) Subject to the provisions of section 201 of this title, the Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this title. The park shall be administered on a low-intensity, limited-entry basis.

(b) In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

Comprehensive general management plan, submittal to congressional committees.

(c)(1) Within three complete fiscal years from the date of enactment of this title, the Secretary, in consultation with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general managment plan for the park, pursuant to criteria stated in the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a-1 et seq.). Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

16 USC 1a-7.

Hearings.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

Federal funds, approval for expenditure.
16 USC 410ff-4.

Sec. 205. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

94 STAT. 77

Review of park area; report to President. 16 USC 410ff-5. 16 USC 1132.

Sec. 206. Within three complete fiscal years from the date of enactment of this title, the Secretary shall review the area within the park and shall report to the President, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

16 USC 1131 note. 16 USC 410ff-6.

Sec. 207. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

16 USC 410ff-7.

Transfer of funds.

Appropriation authorizations.

Sec. 208. The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this title, but not to exceed $500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated $30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Approved March 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-119 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-484 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
  Vol. 125 (1979): May 7, considered and passed House.
  Vol. 126 (1980): Feb. 18, considered and passed Senate, amended.
  Feb. 20, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
  Vol. 16 (1980): Mar. 5, Presidential statement.

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94 STAT. 84

Public Law 96-205
96th Congress

An Act

Mar. 12, 1980
[H.R. 3756]

To authorize appropriations for certain insular areas of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States insular areas. Appropriation authorization.

TITLE I—TRUST TERRITORY OF THE PACIFIC ISLANDS

48 USC 1681 note.

Sec. 101. Section 2 of the Act of June 30, 1954 (68 Stat. 330), is amended by inserting after "for fiscal year 1980, $112,000,000;" the following: "for fiscal years after fiscal year 1980, such sums as may be necessary, including, but not limited to, sums needed for completion of the capital improvement program, for a basic communications system, and for a feasibility study and construction of a hydroelectric project on Ponape;".

SEC. 102. The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (91 Stat. 1159; Public Law 95-134) is amended by inserting after section 105, the following new section:

Radiation exposure, compensation, research, and medical care.
48 USC 1681 note.

"SEC. 106. (a) In addition to any other payments or benefits provided by law to compensate inhabitants of the atolls of Bikini, Enewetak, Rongelap, and Utirik, in the Marshall Islands, for radiation exposure or other losses sustained by them as a result of the United States nuclear weapons testing program at or near their atolls during the period 1946 to 1958, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall provide for the people of the atolls of Bikini, Enewetak, Rongelap, and Utirik and for the people of such other atolls as may be found to be or to have been exposed to radiation from the nuclear weapons testing program, a program of medical care and treatment and environmental research and monitoring for any injury, illness, or condition which may be the result directly or indirectly of such nuclear weapons testing program. The program shall be implemented according to a plan developed by the Secretary in consultation with the Secretaries of Defense, Energy, and Health, Education, and Welfare and with the direct involvement of representatives from the people of each of the affected atolls and from the government of the Marshall Islands. The plan shall set forth, as appropriate to the situation, condition, and needs of the individual atoll peoples:

"(1) an integrated, comprehensive health care program including primary, secondary, and tertiary care with special emphasis upon the biological effects of ionizing radiation;

"(2) a schedule for the periodic comprehensive survey and analysis of the radiological status of the atolls to and at appropriate intervals, but not less frequently than once every five years, the development of an updated radiation dose assessment, together with an estimate of the risks associated with the predicted human exposure, for each such atoll; and

"(3) an education and information program to enable the people of such atolls to more fully understand nuclear radiation and its effects;

94 STAT. 85

Plan, submittal to Congress.

"(b)(1) The Secretary shall submit the plan to the Congress no later than January 1, 1981, together with his recommendations, if any, for further legislation. The plan shall set forth the specific agencies responsible for implementing the various elements of the plan. With respect to general health care the Secretary shall consider, and shall include in his recommendations, the feasibility of using the Public Health Service. After consultation with the Chairman of the National Academy of Sciences, the Secretary of Energy, the Secretary of Defense, and the Secretary of Health, Education, and Welfare, the Secretary shall establish a scientific advisory committee to review and evaluate the implementation of the plan and to make such recommendations for its improvement as such committee deems advisable.

Scientific advisory committee.

Assistance from Federal agencies.

"(2) At the request of the Secretary, any Federal agency shall provide such information, personnel, facilities, logistical support, or other assistance as the Secretary deems necessary to carry out the functions of this program; the costs of all such assistance shall be reimbursed to the provider thereof out of the sums appropriated pursuant to this section.

Development and implementation costs.

"(3) All costs associated with the development and implementation of the plan shall be assumed by the Secretary of Energy and effective October 1, 1980, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to achieve the purposes of this section.

Report to congressional committees.

"(c) The Secretary shall report to the appropriate committees of the Congress, and to the people of the affected atolls annually, or more frequently if necessary, on the implementation of the plan. Each such report shall include a description of the health status of the individuals examined and treated under the plan, an evaluation by the scientific advisory committee, and any recommendations for improvement of the plan. The first such report shall be submitted not later than January 1, 1982.".

SEC. 103. Paragraph 104(a)(3) of Public Law 95-134 (91 Stat. 1159) is hereby amended by deleting all after the word "cause" and inserting in lieu thereof the following words, ", even if such an individual has been compensated under paragraph (1) of this section.".

Federal education and health care programs.
48 USC 1695.

SEC. 104. Notwithstanding any other provision of law, except in cases in which the Federal program is terminated with respect to all recipients under the program, Federal programs in the fields of education and health care shall not cease to apply to the Trust Territory of the Pacific Islands or any successor government or governments, nor shall participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments be denied, decreased or ended, either before or after the termination of the trusteeship, without the express approval of the United States Congress.

TITLE II—NORTHERN MARIANA ISLANDS

Government comptroller, salary.
48 USC 1681c.
48 USC 1681b.

SEC. 201. (a) The salary and expenses of the government comptroller for the Northern Mariana Islands shall be paid from funds appropriated to the Department of the Interior.

(b) Section 4 of the Act of June 30, 1954, as amended by section 2 of Public Law 93-111 (87 Stat. 354) is further amended as follows:

94 STAT. 86

(1) strike the words "government of the Trust Territory of the Pacific Islands" wherever they appear and insert in lieu thereof the words "governments of the Trust Territory of the Pacific Islands or the Northern Mariana Islands,";

(2) after the words "High Commissioner of the Trust Territory of the Pacific Islands" insert the words "or Governor of the Northern Mariana Islands, as the case may be,";

(3) wherever the words "High Commissioner" appear and are not followed by the words "of the Trust Territory of the Pacific Islands" insert the words "or Governor, as the case may be,"; and

(4) after the words "District Court of Guam" insert the words "or District Court of the Northern Mariana Islands, as the case may be".

Health care services grant, effective date.

SEC. 202. Effective October 1, 1980, there are hereby authorized to be appropriated to the Secretary of the Interior $24,400,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs from October 1979 price levels as indicated by engineering cost indexes applicable to the types of construction involved, for a grant to the Commonwealth of the Northern Mariana Islands to provide for health care services. No grant may be made by the Secretary of the Interior pursuant to this section without the prior approval of the Secretary of Health, Education, and Welfare.

SEC. 203. Subsection (g) of section 5 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 492), is amended by changing "not to exceed $3,000,000" to "such sums as may be necessary, but not to exceed $3,000,000 for development,".

48 USC 1681 note.

SEC. 204. (a) Section 3(d) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes" (Public Law 95-348; 92 Stat. 487) is amended by inserting "(1)" after "(d)" and by inserting "or upon receipt of a resolution adopted by both houses of the legislature of the Northern Mariana Islands accompanied by a letter of request from either the Governor or the Lieutenant Governor of the Northern Mariana Islands," after "Constitution of the Northern Mariana Islands," the first place it appears, and by adding at the end of "(d)" the following new paragraphs:

Administration and enforcement duties.

"(2) For purposes of carrying out any administration and enforcement required by this subsection, the Secretary of the Treasury (hereinafter in this subsection referred to as the 'Secretary'), or his delegate, at no cost to the Northern Marianas government, may (A) employ citizens of the Northern Mariana Islands (as defined by Article III of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (approved, Public Law 94-241; 90 Stat. 265)), or (B) use the services of employees of the government of the Northern Mariana Islands, upon agreement to pay such government for the use of such services. In addition, the Secretary, or his delegate, shall make every effort to assure that citizens of the Northern Mariana Islands (as so defined) are trained to ultimately assume the administration and enforcement duties required of the Secretary or his delegate under this section. Notwithstanding any other provision of law, the Secretary or his delegate is authorized to the maximum extent feasible in administering and enforcing the requested sections of the Covenant, to employ and train Northern Mariana Islands' citizens without regard to United States Civil Service hiring or job classification laws or any employment ceilings imposed upon the Secretary. The preceding sentence shall not exempt such Northern Mariana Islands' citizens so hired from any other laws affecting Federal or Internal Revenue Service employees and shall remain in effect until the end of the third full fiscal year following the date of enactment.

94 STAT. 87

Taxpayers information service.

"(3) As part of the administration of taxes required by this subsection, the Secretary or his delegate shall establish, at no cost to the Northern Marianas government, a taxpayers information service to provide such information and assistance to citizens of the Northern Mariana Islands (as so defined) as may be necessary for the filing of returns and the payment of such taxes.".

Taxes.
48 USC 1681 note.
90 Stat. 269.

(b) The Secretary shall take such steps as are necessary to ensure that the proceeds of taxes collected under the provisions of sections 601, 602, 603, and 604 of the Covenant (Public Law 94-241) are covered directly upon collection into the treasury of the Commonwealth of the Northern Mariana Islands.

48 USC 1681 note.

SEC. 205. (a) Except as provided in subsection (c), any person, including an individual, trust, estate, partnership, association, company, or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States (Public Law 94-241), shall be exempted from the requirements of such section with respect to income derived from sources within the Commonwealth of the Northern Mariana Islands for taxable years beginning after December 31, 1978, and before January 1, 1981. Nothing in this section shall be construed as relieving such person from the obligation to comply with the requirements of section 601 with respect to income derived from sources outside of the Commonwealth of the Northern Mariana Islands.

(b) Except as provided in subsection (c), any person, including an individual, trust, estate, partnership, association, company, or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands (Public Law 94-241), shall be exempt from the requirements of such section with respect to income from sources within the Northern Mariana Islands for its taxable year beginning after December 31, 1980, and before January 1, 1982: *Provided*, That the Secretary receives written notice from the Governor of the Northern Mariana Islands not later than September 30, 1980, that sections 1, 2, 3, 4, and 5 of chapter 2 of Public Law 1-30 of the Commonwealth of the Northern Mariana Islands or its successor, have been repealed in their entirety, effective December 31, 1981.

"Rebate."

(c) It is the sense of Congress that the term "rebate" as used in section 602 of Public Law 94-241 does not permit the abatement of taxes.

TITLE III—GUAM

48 USC 1424c.

SEC. 301. (a) Subsection (c) of section 204 of Public Law 95-134 (91 Stat. 1159, 1162) is amended by deleting the second sentence of said subsection.

48 USC 1424c note.

(b) Any civil action under section 204 of the Omnibus Territories Act of 1977 (91 Stat. 1162) shall be barred unless it is commenced not later than April 1, 1982.

94 STAT. 88

SEC. 302. The Act of November 4, 1963 (77 Stat. 302), to provide for the rehabilitation of Guam, and for other purposes, is hereby amended as follows:

(1) in the first sentence of section 3, delete the comma after "United States" and delete the words "with interest as set forth below," and

(2) after paragraph (c) of section 3, delete the last paragraph before section 4 and insert in lieu thereof:

48 USC 1421h.

"All amounts heretofore withheld from sums collected pursuant to section 30 of the said Organic Act as interest on the amounts made available to the government of Guam pursuant to this Act shall be credited as reimbursement payments by Guam on the principal amount advanced by the United States under this Act.".

SEC. 303. Section 11 of the Organic Act of Guam (64 Stat. 387; 48 U.S.C. 1423a), as amended, is hereby amended by deleting all after the words "December 31, 1980.", and substituting the following language:

Guam Power Authority, refinancing obligations.

"The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with section 6 of the Federal Financing Bank Act (12 U.S.C. 2285). Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this section, the Secretary of the Treasury, upon notice from the Secretary shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to section 30 of this Act (48 U.S.C. 1421h). Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power Authority pursuant to this guarantee. For the purpose of this Act, under section 3466 of the Revised Statutes (31 U.S.C. 191) the term 'person' includes the government of Guam and the Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.".

"Person."

TITLE IV—VIRGIN ISLANDS

SEC. 401. (a) Subsection (b) of section 31 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1545(b)), as amended, is further amended by numbering the existing paragraph "(1)" and by the addition thereto of the following new paragraph:

Property transfer.

39 Stat. 1706.

"(2) Subject to valid existing rights, title to all property in the Virgin Islands which may have been acquired by the United States from Denmark under the Convention entered into August 16, 1916, not reserved or retained by the United States in accordance with the provisions of Public Law 93-435 (88 Stat. 1210) is hereby transferred to the Virgin Islands government.".

94 STAT. 89

(b) The General Services Administration shall release from the mortgage dated January 26, 1972, given by the government of the Virgin Islands to the Administrator of the General Services Administration, approximately ten acres of such mortgaged land for construction of the proposed Saint Croix armory upon payment by the government of the Virgin Islands of the outstanding principal due on such ten acres.

Water Island property.

SEC. 402. No extension, renewal, or renegotiation of the lease of real property on Water Island in the Virgin Islands to which the United States is a party may be entered into before 1992 unless such extension, renewal, or renegotiation is specifically approved by Act of Congress.

48 USC 1642.

92 Stat. 487.

SEC. 403. (a) Subsection 28(a) of the Revised Organic Act of the Virgin Islands is amended by inserting after the words "and naturalization fees collected in the Virgin Islands," the following: "(less the cost of collecting such duties, taxes and fees as may be directly attributable (as certified by the Comptroller of the Virgin Islands) to the importation of petroleum products until January 1, 1982: *Provided*, That any other retained costs not heretofore remitted pursuant to the Act of August 18, 1978, shall be immediately remitted to the Treasury of the Virgin Islands notwithstanding any other provision of law)."

Repeal.

93 Stat. 122.

48 USC 1642a.

(b) The paragraph entitled "U.S. Customs Service" involving the collection of customs duties in the Virgin Islands in the Act of July 25, 1979, is hereby repealed.

48 USC 1641 note.

SEC. 404. Subsection (d) of section 4 of Public Law 95-348 (92 Stat. 487, 491) is hereby repealed.

Excise taxes.

48 USC 1574 note.

SEC. 405. Any excise taxes levied by the Legislature of the Virgin Islands may be levied and collected as the Legislature of the Virgin Islands may direct as soon as the articles, goods, merchandise, and commodities subject to said tax are brought into the Virgin Islands.

District Court Building property, transfer.

SEC. 406. Not later than two years after the date of enactment of this Act, the Administrator of the General Services Administration shall convey, without consideration, all right, title, and interest of the United States in and to the property known as the former District Court Building (including the parcel of land upon which said building is located), 48 B Norre Gade, St. Thomas, Virgin Islands, to the Government of the Virgin Islands.

Bonds, issuance.

SEC. 407. Subsection (f) of section 2 of the Act entitled "An Act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes" (90 Stat. 1193; Public Law 94-392; 48 U.S.C. 1574b) is amended by striking out the last sentence and inserting in lieu thereof the following language: "No commitment to guarantee may be issued by the Secretary, and no guaranteed but unobligated funds may be obligated by the government of the Virgin Islands after October 1, 1984. After October 1, 1984, any unobligated proceeds of bonds or other obligations issued by the government of the Virgin Islands pursuant to this section shall be repaid immediately by the government of the Virgin Islands to the lenders with the agreed upon interest. Should there be any delay in the government of the Virgin Islands' making such repayment, the Secretary shall deduct the requisite amounts from moneys under his control that would otherwise be paid to the government of the Virgin Islands under section 28(b) of the Revised Organic Act of the Virgin Islands.".

26 USC 7652.

TITLE V—AMERICAN SAMOA

Government comptroller, salary.
48 USC 1668.

SEC. 501. The salary and expenses of the government comptroller for American Samoa shall be paid from funds appropriated to the Department of the Interior.

Customs duties collection.
48 USC 1669.

SEC. 502. The Secretary of the Treasury shall, upon the request of the Governor of American Samoa, administer and enforce the collection of all customs duties derived from American Samoa, without cost to the government of American Samoa. The Secretary of the Treasury, in consultation with the Governor of American Samoa, shall make every effort to employ and train the residents of American Samoa to carry out the provisions of this section. The administration and enforcement of this section shall commence October 1, 1980.

TITLE VI—MISCELLANEOUS

48 USC 1469a.

SEC. 601. Title V of the Act of October 15, 1977, entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (91 Stat. 1159) shall be applied with respect to the Department of the Interior by substituting "shall" for "may" in the last sentence of subsection (d), and adding the following sentence at the end of subsection (d): "Notwithstanding any other provision of law, in the case of American Samoa and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under $100,000 (including in-kind contributions) required by law to be provided by American Samoa or the Northern Mariana Islands.".

SEC. 602. (a) Any amount authorized to be appropriated for a fiscal year by this Act or an amendment made by this Act but not appropriated for such fiscal year is authorized to be appropriated in succeeding fiscal years.

(b) Any amount appropriated pursuant to this Act or an amendment made by this Act for a fiscal year but not expended during such fiscal year shall remain available for expenditure in succeeding fiscal years.

U.S. Government services, facilities, and equipment.
48 USC 1469c.

SEC. 603. To the extent practicable, services, facilities, and equipment of agencies and instrumentalities of the United States Government may be made available, on a reimbursable basis, to the governments of the territories and possessions of the United States and the Trust Territory of the Pacific Islands. Reimbursements may be credited to the appropriation or fund of the agency or instrumentality through which the services, facilities, and equipment are provided. If otherwise authorized by law, such services, facilities, and equipment may be made available without reimbursement.

SEC. 604. Any new borrowing authority provided in this Act or authority to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Nuclear fuel or radioactive waste, transportation and storage.
Report to Congress.
48 USC 1491.

SEC. 605. (a) Prior to the granting of any license, permit, or other authorization or permission by any agency or instrumentality of the United States to any person for the transportation of spent nuclear fuel or high-level radioactive waste for interim, long-term, or permanent storage to or for the storage of such fuel or waste on any territory or possession of the United States, the Secretary of the Interior is directed to transmit to the Congress a detailed report on the proposed transportation or storage plan, and no such license, permit, or other authorization or permission may be granted nor may any such transportation or storage occur unless the proposed transportation or storage plan has been specifically authorized by Act of Congress: *Provided*, That the provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Enewetak Atolls.

94 STAT. 91

"Territory or possession."

(b) For the purpose of this section the words "territory or possession" include the Trust Territory of the Pacific Islands and any area not within the boundaries of the several States over which the United States claims or exercises sovereignty.

Definitions.

SEC. 606. (a) Section 8 of the Act of March 2, 1917 ("Jones Act"), as amended (48 U.S.C. 749), is amended by adding the following after the last sentence thereof: "Notwithstanding any other provision of law, as used in this section (1) 'submerged lands underlying navigable bodies of water' include lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide, all lands underlying the navigable bodies of water in and around the island of Puerto Rico and the adjacent islands, and all artificially made, filled in, or reclaimed lands which formerly were lands beneath navigable bodies of water; (2) 'navigable bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters' extend from the coastline of the island of Puerto Rico and the adjacent islands as heretofore or hereafter modified by accretion, erosion, or reliction, seaward to a distance of three marine leagues; (3) 'control' includes all right, title, and interest in and to and jurisdiction and authority over the submerged lands underlying the harbor areas and navigable streams and bodies of water in and around the island of Puerto Rico and the adjacent islands and waters, and the natural resources underlying such submerged lands and waters, and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such natural resources and submerged lands beneath such waters.".

(b) Section 7 of the Act of March 2, 1917 ("Jones Act"), as amended (48 U.S.C. 747), is amended by adding the following after the last sentence thereof: "Notwithstanding any other provision of law, as used in this section 'control' includes all right, title, and interest in and to and jurisdiction and authority over the aforesaid property and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such property.".

SEC. 607. (a) The first section of the Act entitled "An Act to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes", approved October 5, 1974 (48 U.S.C. 1705), is amended by adding at the end thereof the following new subsection:

Mineral deposits, conveyance of U.S. rights, title, and interest.

"(d)(1) The Secretary of the Interior shall, not later than sixty days after the date of enactment of this subsection, convey to the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, all right, title, and interest of the United States in deposits of oil, gas, and other minerals in the submerged lands conveyed to the government of such territory by subsection (a) of this section.

"(2) The conveyance of mineral deposits under paragraph (1) of this subsection shall be subject to any existing lease, permit, or other interest granted by the United States prior to the date of such conveyance. All rentals, royalties, or fees which accrue after such date of conveyance in connection with any such lease, permit, or other interest shall be payable to the government of the territory to which such mineral deposits are conveyed.".

94 STAT. 92

(b) Subsection (c) of the first section of such Act (48 U.S.C. 1705(c)) is amended by inserting "subsection (a) or (b) of" after "pursuant to".

SEC. 608. The following Acts are hereby amended as follows:

(a) In the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470a-t):

16 USC 470a.

(1) amend subsection 101(a) in paragraph (2) by deleting "and" at the end thereof and, in paragraph (3) by deleting "Trust." and inserting in lieu thereof "Trust; and".

(2) amend subsection 101(b) by deleting "and" after "American Samoa," and by changing the period at the end of the paragraph to a comma and inserting "and the Commonwealth of the Northern Mariana Islands.".

16 USC 470t.

(3) amend subsection 212(b) by changing "Senate Committee on

Interior and Insular Affairs." to "Senate Committee on Energy and Natural Resources.".

(b) In the Act of June 27, 1960 (74 Stat. 220), as amended (16 U.S.C. 469):

16 USC 469a-3.

(1) amend subsection 5(c) by deleting "Interior and Insular Affairs Committee of the United States Congress" and by inserting in lieu thereof "Committee on Interior and Insular Affairs of the House of Representatives and Committee on Energy and Natural Resources of the Senate".

"State."
16 USC 469c-1.

(2) after section 7, add the following new section:

"Sec. 8. As used in this Act, the term 'State' includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

16 USC 460*l*-3.

(c) In the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601-3) amend section 4 by deleting "and American Samoa." and by inserting in lieu thereof "American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Approved March 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-120 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-467 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): May 7, considered and passed House.
    Vol. 126 (1980): Feb. 7, considered and passed Senate, amended.
        Feb. 25, House concurred in Senate amendment with amendments.
        Feb. 28, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
    Vol. 16, No. 11 (1980): Mar. 12, Presidential statement.

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94 STAT. 346

Public Law 96-244
96th Congress

An Act

May 19, 1980
[H.R. 126]

To permit the Secretary of the Interior to accept privately donated funds and to expend such funds on property on the National Register of Historic Places.

Department of the Interior. Privately donated funds, acceptance and expenditure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966 (80 Stat. 915; as amended, 16 U.S.C. 470a), is further amended by adding a new section 109 as follows:

16 USC 470h-1.

"Sec. 109. (a) In furtherance of the purposes of this Act, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 101 of this Act, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

16 USC 470a.

"(b) In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 102 of this Act, but the recipient of such funds shall be permitted to utilize

16 USC 470b.

them to match any grants from the Historic Preservation Fund established by section 108 of this Act.

16 USC 470h. Transfer of funds.

"(c) The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for the purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this Act.".

Appropriation authorization. 16 USC 470t.

SEC. 2. The Act referred to in the preceding section is further amended in subsection 212(a) by changing the period at the end thereof to a comma, and inserting the following: "$2,500,000 in fiscal year 1981, $2,500,000 in fiscal year 1982, and $2,500,000 in fiscal year 1983."

Approved May 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-592 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-625 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 27, considered and passed House.
Vol. 126 (1980): Mar. 19, considered and passed Senate, amended.
May 1, House concurred in certain Senate amendments and in others with amendments.
May 6, Senate concurred in House amendments.

Public Law 96-246
96th Congress

94 STAT. 348

An Act

To authorize appropriations under the Endangered Species Act of 1973 to carry out State cooperative programs through fiscal year 1982.

May 23, 1980
[H.R. 6839]

Endangered Species Act of 1973, appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is further amended by striking out paragraph (2) of subsection (i) in its entirety and inserting in lieu thereof the following:**

"(2) $12,000,000 for the period beginning October 1, 1977, and ending September 30, 1980.

"(3) $12,000,000 for the period beginning October 1, 1980, and ending September 30, 1982.".

Approved May 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-896 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 5, considered and passed House.
May 12, considered and passed Senate.

94 STAT. 483 Public Law 96-267
96th Congress

An Act

June 9, 1980
[H.R.. 6727]

To establish the Bon Secour National Wildlife Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bon Secour National Wildlife Refuge, establishment.

CONGRESSIONAL FINDINGS

16 USC 668dd note.

SECTION 1. The Congress finds that—

(1) Alabama's shore near the mouth of Mobile Bay contains highly significant and varied wildlife habitat and supports important aquatic nurseries;

(2) the area is a critical resting and feeding site for birds of two flyways on their pilgrimages to and from Central and South America;

(3) nationally endangered and threatened species, such as the brown pelican, bald eagle, and several species of sea turtles, as well as many more species identified by the State to be of special concern, are indigenous to this ecosystem;

(4) this habitat should be preserved to ensure the well-being of these and other species, to serve as a living laboratory for scientists and students and to provide wildlife-oriented recreation for the public.

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "refuge" means the Bon Secour National Wildlife Refuge;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "selection area" means those lands and waters in Baldwin and Mobile Counties, Alabama, depicted on the map entitled "Bon Secour National Wildlife Refuge, Selection Area," dated March, 1980 and on file at the United States Fish and Wildlife Service.

ESTABLISHMENT OF REFUGE

SEC. 3. (a) SELECTION.—(1) Within one year after the date of the enactment of this Act the Secretary shall—

(A) designate approximately ten thousand acres of land and water within the selection area as land which the Secretary considers appropriate for the refuge; and

Publication in Federal Register.

(B) publish in the Federal Register a detailed map depicting the boundaries of the land designated under subparagraph (A), which map shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service.

94 STAT. 484

(2) The Secretary may make such minor revisions in the boundaries designated under paragraph 1(B) of this subsection as may be appropriate to carry out the purpose of this Act or to facilitate the acquisition of property within the refuge.

(b) ACQUISITION.—The Secretary shall acquire (by donation, purchase with donated or appropriated funds, or exchange) lands, waters, or interests therein, within the boundaries designated under subsection (a)(1)(B).

Publication in Federal Register.

(c) ESTABLISHMENT.—The Secretary shall establish the Bon Secour National Wildlife Refuge, by publication of a notice to that effect in the Federal Register, whenever sufficient property has been acquired under this section to constitute an area that can be effectively managed as a refuge.

ADMINISTRATION

SEC. 4. The Secretary shall administer all lands, waters, and interests therein, acquired under this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) to conserve an undisturbed beach-dune ecosystem which includes a diversity of fish and wildlife, and their habitat. The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of the refuge.

Appropriation authorization.

SEC. 5. There is authorized to be appropriated to the Department of the Interior, not to exceed—

(1) $6,000,000 for the fiscal year beginning October 1, 1980, and ending September 30, 1981, $8,000,000 for the period beginning October 1, 1981, and ending September 30, 1983, and $9,500,000 for the period beginning October 1, 1983 and ending September 30, 1985, for the acquisition of the refuge; and

(2) $1,500,000 for the period beginning October 1, 1980, for the development of the refuge.

These sums are to remain available until expended.

Approved June 9, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-895 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-740 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    May 5, considered and passed House.
    May 22, considered and passed Senate.

Public Law 96-268
96th Congress

94 STAT. 485

An Act

June 13, 1980
[S. 1786]

To amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act.

Smithsonian Institution.
Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:**

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution for the fiscal year 1981, the sum of $803,000, and for the fiscal year 1982, the sum of $1,000,000.".

Approved June 13, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-646 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Apr. 1, considered and passed Senate.
    June 3, 4, considered and passed House.

94 STAT. 553

Public Law 96-283
96th Congress

An Act

June 28, 1980
[H.R. 2759]

To establish an interim procedure for the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deep Seabed Hard Mineral Resources Act.
30 USC 1401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

30 USC 1401.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States' requirements for hard minerals to satisfy national industrial needs will continue to expand and the demand for such minerals will increasingly exceed the available domestic sources of supply;

(2) in the case of certain hard minerals, the United States is dependent upon foreign sources of supply and the acquisition of such minerals from foreign sources is a significant factor in the national balance-of-payments position;

(3) the present and future national interest of the United States requires the availability of hard mineral resources which is independent of the export policies of foreign nations;

(4) there is an alternate source of supply, which is significant in relation to national needs, of certain hard minerals, including nickel, copper, cobalt, and manganese, contained in the nodules existing in great abundance on the deep seabed;

(5) the nations of the world, including the United States, will benefit if the hard mineral resources of the deep seabed beyond limits of national jurisdiction can be developed and made available for their use;

(6) in particular, future access to the nickel, copper, cobalt, and manganese resources of the deep seabed will be important to the industrial needs of the nations of the world, both developed and developing;

(7) on December 17, 1970, the United States supported (by affirmative vote) the United Nations General Assembly Resolution 2749 (XXV) declaring inter alia the principle that the mineral resources of the deep seabed are the common heritage of mankind, with the expectation that this principle would be legally defined under the terms of a comprehensive international Law of the Sea Treaty yet to be agreed upon;

(8) it is in the national interest of the United States and other nations to encourage a widely acceptable Law of the Sea Treaty, which will provide a new legal order for the oceans covering a broad range of ocean interests, including exploration for and commercial recovery of hard mineral resources of the deep seabed;

94 STAT. 554

(9) the negotiations to conclude such a Treaty and establish the international regime governing the exercise of rights over, and exploration of, the resources of the deep seabed, referred to in General Assembly Resolution 2749 (XXV) are in progress but may not be concluded in the near future;

(10) even if such negotiations are completed promptly, much time will elapse before such an international regime is established and in operation;

(11) development of technology required for the exploration and recovery of hard mineral resources of the deep seabed will require substantial investment for many years before commercial production can occur, and must proceed at this time if deep seabed minerals are to be available when needed;

(12) it is the legal opinion of the United States that exploration for and commercial recovery of hard mineral resources of the deep seabed are freedoms of the high seas subject to a duty of reasonable regard to the interests of other states in their exercise of those and other freedoms recognized by general principles of international law;

(13) pending a Law of the Sea Treaty, and in the absence of agreement among states on applicable principles of international law, the uncertainty among potential investors as to the future legal regime is likely to discourage or prevent the investments necessary to develop deep seabed mining technology;

(14) pending a Law of the Sea Treaty, the protection of the marine environment from damage caused by exploration or recovery of hard mineral resources of the deep seabed depends upon the enactment of suitable interim national legislation;

(15) a Law of the Sea Treaty is likely to establish financial arrangements which obligate the United States or United States citizens to make payments to an international organization with respect to exploration or recovery of the hard mineral resources of the deep seabed; and

(16) legislation is required to establish an interim legal regime under which technology can be developed and the exploration and recovery of the hard mineral resources of the deep seabed can take place until such time as a Law of the Sea Treaty enters into force with respect to the United States.

(b) PURPOSES.—The Congress declares that the purposes of this Act are—

(1) to encourage the successful conclusion of a comprehensive Law of the Sea Treaty, which will give legal definition to the principle that the hard mineral resources of the deep seabed are the common heritage of mankind and which will assure, among other things, nondiscriminatory access to such resources for all nations;

(2) pending the ratification by, and entering into force with respect to, the United States of such a Treaty, to provide for the establishment of an international revenue-sharing fund the proceeds of which shall be used for sharing with the international community pursuant to such Treaty;

(3) to establish, pending the ratification by, and entering into force with respect to, the United States of such a Treaty, an interim program to regulate the exploration for and commercial recovery of hard mineral resources of the deep seabed by United States citizens;

(4) to accelerate the program of environmental assessment of exploration for and commercial recovery of hard mineral resources of the deep seabed and assure that such exploration and recovery activities are conducted in a manner which will encourage the conservation of such resources, protect the quality of the environment, and promote the safety of life and property at sea; and

94 STAT. 555

(5) to encourage the continued development of technology necessary to recover the hard mineral resources of the deep seabed.

SEC. 3. INTERNATIONAL OBJECTIVES OF THIS ACT.

30 USC 1402.

(a) DISCLAIMER OF EXTRATERRITORIAL SOVEREIGNTY.—By the enactment of this Act, the United States—

(1) exercises its jurisdiction over United States citizens and vessels, and foreign persons and vessels otherwise subject to its jurisdiction, in the exercise of the high seas freedom to engage in exploration for, and commercial recovery of, hard mineral resources of the deep seabed in accordance with generally accepted principles of international law recognized by the United States; but

(2) does not thereby assert sovereignty or sovereign or exclu-

sive rights or jurisdiction over, or the ownership of, any areas or resources in the deep seabed.

(b) SECRETARY OF STATE.—(1) The Secretary of State is encouraged to negotiate successfully a comprehensive Law of the Sea Treaty which, among other things, provides assured and nondiscriminatory access to the hard mineral resources of the deep seabed for all nations, gives legal definition to the principle that the resources of the deep seabed are the common heritage of mankind, and provides for the establishment of requirements for the protection of the quality of the environment as stringent as those promulgated pursuant to this Act.

(2) Until such a Treaty is concluded, the Secretary of State is encouraged to promote any international actions necessary to adequately protect the environment from adverse impacts which may result from any exploration for and commercial recovery of hard mineral resources of the deep seabed carried out by persons not subject to this Act.

30 USC 1403.

SEC. 4. DEFINITIONS.

For purposes of this Act, the term—

(1) "commercial recovery" means—

(A) any activity engaged in at sea to recover any hard mineral resource at a substantial rate for the primary purpose of marketing or commercially using such resource to earn a net profit, whether or not such net profit is actually earned;

(B) if such recovered hard mineral resource will be processed at sea, such processing; and

(C) if the waste of such activity to recover any hard mineral resource, or of such processing at sea, will be disposed of at sea, such disposal;

(2) "Continental Shelf" means—

(A) the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such submarine area; and

(B) the seabed and subsoil of similar submarine areas adjacent to the coast of islands;

(3) "controlling interest", for purposes of paragraph 14(C) of this section, means a direct or indirect legal or beneficial interest in or influence over another person arising through ownership of capital stock, interlocking directorates or officers, contractual relations, or other similar means, which substantially affect the independent business behavior of such person;

(4) "deep seabed" means the seabed, and the subsoil thereof to a depth of ten meters, lying seaward of and outside—

(A) the Continental Shelf of any nation; and

(B) any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States;

(5) "exploration" means—

(A) any at-sea observation and evaluation activity which has, as its objective, the establishment and documentation of—

(i) the nature, shape, concentration, location, and tenor of a hard mineral resource; and

(ii) the environmental, technical, and other appropriate factors which must be taken into account to achieve commercial recovery; and

(B) the taking from the deep seabed of such quantities of any hard mineral resource as are necessary for the design, fabrication, and testing of equipment which is intended to be used in the commercial recovery and processing of such resource;

(6) "hard mineral resource" means any deposit or accretion on, or just below, the surface of the deep seabed of nodules which include one or more minerals, at least one of which contains manganese, nickel, cobalt, or copper;

(7) "international agreement" means a comprehensive agreement concluded through negotiations at the Third United Nations Conference on the Law of the Sea, relating to (among other matters) the exploration for and commercial recovery of hard mineral resources and the establishment of an international regime for the regulation thereof;

(8) "licensee" means the holder of a license issued under title I of this Act to engage in exploration;

(9) "permittee" means the holder of a permit issued under title I of this Act to engage in commercial recovery;

(10) "person" means any United States citizen, any individual, and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any nation;

(11) "reciprocating state" means any foreign nation designated as such by the Administrator under section 118;

Post, p. 574.

(12) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration;

(13) "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States; and

(14) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any of the United States; and

(C) any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of any of the United States or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in subparagraph (A) or (B).

TITLE I—REGULATION OF EXPLORATION AND COMMERCIAL RECOVERY BY UNITED STATES CITIZENS

SEC. 101. PROHIBITED ACTIVITIES BY UNITED STATES CITIZENS.

30 USC 1411.

(a) PROHIBITED ACTIVITIES AND EXCEPTIONS.—(1) No United States citizen may engage in any exploration or commercial recovery unless authorized to do so under—

(A) a license or a permit issued under this title;

(B) a license, permit, or equivalent authorization issued by a reciprocating state; or

(C) an international agreement which is in force with respect to the United States.

(2) The prohibitions of this subsection shall not apply to any of the following activities:

(A) Scientific research, including that concerning hard mineral resources.

(B) Mapping, or the taking of any geophysical, geochemical, oceanographic, or atmospheric measurements or random bottom samplings of the deep seabed, if such taking does not significantly alter the surface or subsurface of the deep seabed or significantly affect the environment.

(C) The design, construction, or testing of equipment and facilities which will or may be used for exploration or commercial recovery, if such design, construction, or testing is conducted on shore, or does not involve the recovery of any but incidental hard mineral resources.

(D) The furnishing of machinery, products, supplies, services, or materials for any exploration or commercial recovery conducted under a license or permit issued under this title, a license or permit or equivalent authorization issued by a reciprocating state, or under an international agreement.

(E) Activities, other than exploration or commercial recovery activities, of the Federal Government.

(b) EXISTING EXPLORATION.—(1) Subsection (a)(1)(A) shall not be deemed to prohibit any United States citizen who is engaged in exploration before the effective date of this Act from continuing to engage in such exploration—

(A) if such citizen applies for a license under section 103(a) with respect to such exploration within such reasonable period of time, after the date on which initial regulations to implement section 103(a) are issued, as the Administrator shall prescribe; and

(B) until such license is issued to such citizen or a final administrative or judicial determination is made affirming the denial of certification of the application for, or issuance of, such license.

Suspension of exploration.

94 STAT. 558

(2) Notwithstanding paragraph (1), if the President by Executive order determines that immediate suspension of exploration activities is necessary for the reasons set forth in section 106(a)(2)(B) or the Administrator determines that immediate suspension of activities is necessary to prevent a significant adverse effect on the environment or to preserve the safety of life and property at sea, the Administrator is authorized, notwithstanding any other requirement of this Act, to issue an emergency order requiring any United States citizen who is engaged in exploration before the effective date of this Act to immediately suspend exploration activities. The issuance of such emergency order is subject to judicial review as provided in chapter 7 of title 5, United States Code.

Judicial review.

5 USC 701 *et seq.*

Action on applications, principles of equity.

(3) The timely filing of any application for a license under paragraph (1)(A) shall entitle the applicant to priority of right for the issuance of such license under section 103(b). In any case in which more than one application referred to in paragraph (1) is filed based on exploration plans required by section 103(a)(2) which refer to all or part of the same deep seabed area, the Administrator shall, in taking action on such applications, apply principles of equity which take into consideration, among other things, the date on which the applicants or predecessors in interest, or component organizations thereof, commenced exploration activities and the continuity and extent of such exploration and amount of funds expended with respect to such exploration.

(c) INTERFERENCE.—No United States citizen may interfere or participate in interference with any activity conducted by any licensee or permittee which is authorized to be undertaken under a license or permit issued by the United States to the licensee or permittee under this Act or with any activity conducted by the holder of, and authorized to be undertaken under, a license or permit or equivalent authorization issued by a reciprocating state for the exploration or commercial recovery of hard mineral resources. United States citizens shall exercise their rights on the high seas with reasonable regard for the interests of other states in their exercise of the freedoms of the high seas.

30 USC 1412.

SEC. 102. LICENSES FOR EXPLORATION AND PERMITS FOR COMMERCIAL RECOVERY.

(a) AUTHORITY TO ISSUE.—Subject to the provisions of this Act, the Administrator shall issue to applicants who are eligible therefor licenses for exploration and permits for commercial recovery.

(b) NATURE OF LICENSES AND PERMITS.—(1) A license or permit issued under this title shall authorize the holder thereof to engage in exploration or commercial recovery, as the case may be, consistent with the provisions of this Act, the regulations issued by the Administrator to implement the provisions of this Act, and the specific terms, conditions, and restrictions applied to the license or permit by the Administrator.

(2) Any license or permit issued under this title shall be exclusive with respect to the holder thereof as against any other United States citizen or any citizen, national or governmental agency of, or any legal entity organized or existing under the laws of, any reciprocating state.

(3) A valid existing license shall entitle the holder, if otherwise eligible under the provisions of this Act and regulations issued under this Act, to a permit for commercial recovery. Such a permit recognizes the right of the holder to recover hard mineral resources, and to own, transport, use, and sell hard mineral resources recovered, under the permit and in accordance with the requirements of this Act.

Interference by nationals of other states.

(4) In the event of interference with the exploration or commercial recovery activities of a licensee or permittee by nationals of other states, the Secretary of State shall use all peaceful means to resolve the controversy by negotiation, conciliation, arbitration, or resort to agreed tribunals.

94 STAT. 559

(c) Restrictions.—(1) The Administrator may not issue—

(A) any license or permit after the date on which an international agreement is ratified by and enters into force with respect to the United States, except to the extent that issuance of such license or permit is not inconsistent with such agreement;

(B) any license or permit the exploration plan or recovery plan of which, submitted pursuant to section 103(a)(2), would apply to an area to which applies, or would conflict with, (i) any exploration plan or recovery plan submitted with any pending application to which priority of right for issuance applies under section 103(b), (ii) any exploration plan or recovery plan associated with any existing license or permit, or (iii) any equivalent authorization which has been issued, or for which formal notice of application has been submitted, by a reciprocating state prior to the filing date of any relevant application for licenses or permits pursuant to this title;

(C) a permit authorizing commercial recovery within any area of the deep seabed in which exploration is authorized under a valid existing license if such permit is issued to other than the licensee for such area;

(D) any exploration license before July 1, 1981, or any permit which authorizes commercial recovery to commence before January 1, 1988;

(E) any license or permit the exploration plan or recovery plan for which applies to any area of the deep seabed if, within the 3-year period before the date of application for such license or permit, (i) the applicant therefor surrendered or relinquished such area under an exploration plan or recovery plan associated with a previous license or permit issued to such applicant, or (ii) a license or permit previously issued to the applicant had an exploration plan or recovery plan which applied to such area and such license or permit was revoked under section 106; or

(F) a license or permit, or approve the transfer of a license or permit, except to a United States citizen.

Vessel documentation.

(2) No permittee may use any vessel for the commercial recovery of hard mineral resources or for the processing at sea of hard mineral resources recovered under the permit issued to the permittee unless the vessel is documented under the laws of the United States.

Transportation of minerals from mining sites.

(3) Each permittee shall use at least one vessel documented under the laws of the United States for the transportation from each mining site of hard mineral resources recovered under the permit issued to the permittee.

(4) For purposes of the shipping laws of the United States, any vessel documented under the laws of the United States and used in the commercial recovery, processing, or transportation from any mining site of hard mineral resources recovered under a permit issued under this title shall be deemed to be used in, and used in an

essential service in, the foreign commerce or foreign trade of the United States, as defined in section 905(a) of the Merchant Marine Act, 1936, and shall be deemed to be a vessel as defined in section 1101(b) of that Act.

46 USC 1244.
46 USC 1271.

Processing on land within U.S.

(5) Except as otherwise provided in this paragraph, the processing on land of hard mineral resources recovered pursuant to a permit

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shall be conducted within the United States: *Provided,* That the President does not determine that such restrictions contravene the overriding national interests of the United States. The Administrator may allow the processing of hard mineral resources at a place other than within the United States if he finds, after opportunity for an agency hearing, that—

Processing outside U.S.

(A) the processing of the quantity concerned of such resource at a place other than within the United States is necessary for the economic viability of the commerical recovery activities of a permittee, and

(B) satisfactory assurances have been given by the permittee that such resource, after processing, to the extent of the permittee's ownership therein, will be returned to the United States for domestic use, if the Administrator so requires after determining that the national interest necessitates such return.

30 USC 1413.

SEC. 103. LICENSE AND PERMIT APPLICATIONS, REVIEW, AND CERTIFICATION.

(a) APPLICATIONS.—(1) Any United States citizen may apply to the Administrator for the issuance or transfer of a license for exploration or a permit for commercial recovery.

(2)(A) Applications for issuance or transfer of licenses for exploration and permits for commercial recovery shall be made in such form and manner as the Administrator shall prescribe in general and uniform regulations and shall contain such relevant financial, technical, and environmental information as the Administrator may by regulations require as being necessary and appropriate for carrying out the provisions of this title. In accordance with such regulations, each applicant for the issuance of a license shall submit an exploration plan as described in subparagraph (B), and each applicant for a permit shall submit a recovery plan as described in subparagraph (C).

Exploration plan.

(B) The exploration plan for a license shall set forth the activities proposed to be carried out during the period of the license, describe the area to be explored, and include the intended exploration schedule and methods to be used, the development and testing of systems for commercial recovery to take place under the terms of the license, an estimated schedule of expenditures, measures to protect the environment and to monitor the effectiveness of environmental safeguards and monitoring systems for commercial recovery, and such other information as is necessary and appropriate to carry out the provisions of this title. The area set forth in an exploration plan shall be of sufficient size to allow for intensive exploration.

Recovery plan.

(C) The recovery plan for a permit shall set forth the activities proposed to be carried out during the period of the permit, and shall include the intended schedule of commercial recovery, environmental safeguards and monitoring systems, details of the area or areas proposed for commercial recovery, a resource assessment thereof, the methods and technology to be used for commercial recovery and processing, the methods to be used for disposal of wastes from recovery and processing, and such other information as is necessary and appropriate to carry out the provisions of this title.

Size and location selection.

(D) The applicant shall select the size and location of the area of the exploration plan or recovery plan, which area shall be approved unless the Administrator finds that—

(i) the area is not a logical mining unit; or

(ii) commercial recovery activities in the proposed location would result in a significant adverse impact on the quality of the environment which cannot be avoided by the imposition of reasonable restrictions.

"Logical mining unit."

(E) For purposes of subparagraph (D), "logical mining unit" means—

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(i) in the case of a license for exploration, an area of the deep seabed which can be explored under the license in an efficient, economical, and orderly manner with due regard for conservation and protection of the environment, taking into consideration the resource data, other relevant physical and environmental characteristics, and the state of the technology of the applicant as set forth in the exploration plan; or

(ii) in the case of a permit, an area of the deep seabed—

(I) in which hard mineral resources can be recovered in sufficient quantities to satisfy the permittee's estimated production requirements over the initial 20-year term of the permit in an efficient, economical, and orderly manner with due regard for conservation and protection of the environment, taking into consideration the resource data, other relevant physical and environmental characteristics, and the state of the technology of the applicant set out in the recovery plan;

(II) which is not larger than is necessary to satisfy the permittee's estimated production requirements over the initial 20-year term of the permit; and

(III) in relation to which the permittee's estimated production requirements are not found by the Administrator to be unreasonable.

(b) Priority of Right for Issuance.—Subject to section 101(b), priority of right for the issuance of licenses to applicants shall be established on the basis of the chronological order in which license applications which are in substantial compliance with the requirements established under subsection (a)(2) of this section are filed with the Administrator. Priority of right shall not be lost in the case of any application filed which is in substantial but not full compliance with such requirements if the applicant thereafter brings the application into conformity with such requirements within such reasonable period of time as the Administrator shall prescribe in regulations.

(c) Eligibility for Certification.—Before the Administrator may certify any application for issuance or transfer of a license for exploration or permit for commercial recovery, the Administrator must find in writing, after consultation with other departments and agencies pursuant to subsection (e) of this section, that—

(1) the applicant has demonstrated that, upon issuance or transfer of the license or permit, the applicant will be financially responsible to meet all obligations which may be required of a licensee or permittee to engage in the exploration or commercial recovery proposed in the application;

(2) the applicant has demonstrated that, upon issuance or transfer of the license or permit, the applicant will have the technological capability to engage in such exploration or commercial recovery;

(3) the applicant has satisfactorily fulfilled all obligations under any license or permit previously issued or transferred to the applicant under this Act; and

(4) the proposed exploration plan or recovery plan of the applicant meets the requirements of this Act and the regulations issued under this Act.

Applications, transmittal to Attorney General and FTC.

(d) Antitrust Review.—(1) Whenever the Administrator receives any application for issuance or transfer of a license for exploration or permit for commercial recovery, the Administrator shall transmit promptly a complete copy of such application to the Attorney General of the United States and the Federal Trade Commission.

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(2) The Attorney General and the Federal Trade Commission shall conduct such antitrust review of the application as they deem appropriate and shall, if they deem appropriate, advise the Administrator of the likely effects of such issuance or transfer on competition.

Recommendations.

(3) The Attorney General and the Federal Trade Commission may make any recommendations they deem advisable to avoid any action

upon such application by the Administrator which would create or maintain a situation inconsistent with the antitrust laws. Such recommendations may include, without limitation, the denial of issuance or transfer of the license or permit or issuance or transfer upon such terms and conditions as may be appropriate.

(4) Any advice or recommendation submitted by the Attorney General or the Federal Trade Commission pursuant to this subsection shall be submitted within 90 days after receipt by them of the application. The Administrator shall not issue or transfer the license or permit during that 90-day period, except upon written confirmation by the Attorney General and the Federal Trade Commission that neither intends to submit any further advice or recommendation with respect to the application.

Attorney General and FTC, notification.

(5) If the Administrator decides to issue or transfer the license or permit with respect to which denial of the issuance or transfer of the license or permit has been recommended by the Attorney General or the Federal Trade Commission, or to issue or transfer the license or permit without imposing those terms and conditions recommended by the Attorney General or the Federal Trade Commission as appropriate to prevent any situation inconsistent with the antitrust laws, the Administrator shall, prior to or upon issuance or transfer of the license or permit, notify the Attorney General and the Federal Trade Commission of the reasons for such decision.

Violation.

(6) The issuance or transfer of a license or permit under this title shall not be admissible in any way as a defense to any civil or criminal action for violation of the antitrust laws of the United States, nor shall it in any way modify or abridge any private right of action under such laws.

"Antitrust laws."

(7) As used in this subsection, the term "antitrust laws" means the Act of July 2, 1890 (commonly known as the Sherman Act; 15 U.S.C. 1-7); sections 73 through 77 of the Act of August 27, 1894 (commonly known as the Wilson Tariff Act; 15 U.S.C. 8-11); the Clayton Act (15 U.S.C. 12 et seq.); the Act of June 19, 1936 (commonly known as the Robinson-Patman Price Discrimination Act; 15 U.S.C. 13-13b and 21a); and the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

Written comments, transmittal to Administrator.

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Transmittal of applications; recommendations.

(e) OTHER FEDERAL AGENCIES.—The Administrator shall provide by regulation for full consultation and cooperation, prior to certification of an application for the issuance or transfer of any license for exploration or permit for commercial recovery and prior to the issuance or transfer of such a license or permit, with other Federal agencies or departments which have programs or activities within their statutory responsibilities which would be affected by the activities proposed in the application for the issuance or transfer of a license or permit. Not later than 30 days after the date of enactment of this Act, the heads of any Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the recovery or processing of hard mineral resources shall transmit to the Administrator written comments as to their expertise or statutory responsibilities pursuant to this Act or any other Federal law. To the extent possible, such agencies shall cooperate to reduce the number of separate actions required to satisfy the statutory responsibilities of these agencies. The Administrator shall transmit to each such agency or department a complete copy of each application and each such agency or department, based on its legal responsibilities and authorities, may, not later than 60 days after receipt of the application, recommend certification of the application, issuance or transfer of the license or permit, or denial of such certification, issuance, or transfer. In any case in which an agency or department recommends such a denial, it shall set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall indicate how the application may be amended, or how terms, conditions, or restrictions might be added to the license or permit, to assure compliance with such law or regulation.

(f) REVIEW PERIOD.—All time periods for the review of an application for issuance or transfer of a license or permit established pursuant to this section shall, to the maximum extent practicable, run concurrently from the date on which the application is received by the Administrator.

(g) Application Certification.—Upon making the applicable determinations and findings required in sections 101, 102, and this section with respect to any applicant for the issuance or transfer of a license or a permit and the exploration or commercial recovery proposed by such applicant, after completion of procedures for receiving the application required by this Act, and upon payment by the applicant of the fee required under section 104, the Administrator shall certify the application for the issuance or transfer of the license or permit. The Administrator, to the maximum extent possible, shall endeavor to complete certification action on the application within 100 days after its submission. If final certification or denial of certification has not occurred within 100 days after submission of the application, the Administrator shall inform the applicant in writing of the then pending unresolved issues, the Administrator's efforts to resolve them, and an estimate of the time required to do so.

SEC. 104. LICENSE AND PERMIT FEES.

30 USC 1414.

No application for the issuance or transfer of a license for exploration or permit for commercial recovery shall be certified unless the applicant pays to the Administrator a reasonable administrative fee which shall be deposited into miscellaneous receipts of the Treasury. The amount of the administrative fee imposed by the Administrator on any applicant shall reflect the reasonable administrative costs incurred in reviewing and processing the application.

SEC. 105. LICENSE AND PERMIT TERMS, CONDITIONS, AND RESTRICTIONS; ISSUANCE AND TRANSFER OF LICENSES AND PERMITS.

30 USC 1415.

Public comments.

(a) Eligibility for Issuance or Transfer of License or Permit.—Before issuing or transferring a license for exploration or permit for commercial recovery, the Administrator must find in writing, after consultation with interested departments and agencies pursuant to section 103(e), and upon considering public comments received with respect to the license or permit, that the exploration or commercial recovery proposed in the application—

(1) will not unreasonably interfere with the exercise of the freedoms of the high seas by other states, as recognized under general principles of international law;

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(2) will not conflict with any international obligation of the United States established by any treaty or international convention in force with respect to the United States;

(3) will not create a situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict;

(4) cannot reasonably be expected to result in a significant adverse effect on the quality of the environment, taking into account the analyses and information in any applicable environmental impact statement prepared pursuant to section 109(c) or 109(d); and

(5) will not pose an inordinate threat to the safety of life and property at sea.

(b) Issuance and Transfer of Licenses and Permits With Terms, Conditions, and Restrictions.—(1) Within 180 days after certification of any application for the issuance or transfer of a license or permit under section 103(g), the Administrator shall propose terms and conditions for, and restrictions on, the exploration or commercial recovery proposed in the application which are consistent with the provisions of this Act and regulations issued under this Act. If additional time is needed, the Administrator shall notify the applicant in writing of the reasons for the delay and indicate the approximate date on which the proposed terms, conditions, and restrictions will be completed. The Administrator shall provide to each applicant a written statement of the proposed terms, conditions, and restric-

Written statements.

tions. Such terms, conditions, and restrictions shall be generally specified in regulations with general criteria and standards to be used in establishing such terms, conditions, and restrictions for a license or permit and shall be uniform in all licenses or permits, except to the extent that differing physical and environmental conditions require the establishment of special terms, conditions, and restrictions for the conservation of natural resources, protection of the environment, or the safety of life and property at sea.

Final environmental impact statements.

(2) After preparation and consideration of the final environmental impact statement pursuant to section 109(d) on the proposed issuance of a license or permit and subject to the other provisions of this Act, the Administrator shall issue to the applicant the license or permit with the terms, conditions, and restrictions incorporated therein.

Objection to terms, notification to Administrator.

Hearing.

Judicial review.

5 USC 701 *et seq*

(3) The licensee or permittee to whom a license or permit is issued or transferred shall be deemed to have accepted the terms, conditions, and restrictions in the license or permit if the licensee or permittee does not notify the Administrator within 60 days after receipt of the license or permit of each term, condition, or restriction with which the licensee or permittee takes exception. The licensee or permittee may, in addition to such objections as may be raised under applicable provisions of law, object to any term, condition, or restriction on the ground that the term, condition, or restriction is inconsistent with this Act or the regulations promulgated thereunder. If, after the Administrator takes final action on these objections, the licensee or permittee demonstrates that a dispute remains on a material issue of fact, the licensee or permittee is entitled to a decision on the record after the opportunity for an agency hearing pursuant to sections 556 and 557 of title 5, United States Code. Any such decision made by the Administrator shall be subject to judicial review as provided in chapter 7 of title 5, United States Code.

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(c) MODIFICATION AND REVISION OF TERMS, CONDITIONS, AND RESTRICTIONS.—(1) After the issuance or transfer of any license or permit under subsection (b), the Administrator, after consultation with interested agencies and the licensee or permittee, may modify any term, condition, or restriction in such license or permit—

(A) to avoid unreasonable interference with the interests of other states in their exercise of the freedoms of the high seas, as recognized under general principles of international law;

(B) if relevant data and other information (including, but not limited to, data resulting from exploration or commercial recovery activities under the license or permit) indicate that modification is required to protect the quality of the environment or to promote the safety of life and property at sea and if such modification is consistent with the regulations issued to carry out section 109(b);

(C) to avoid a conflict with any international obligation of the United States, established by any treaty or convention in force with respect to the United States, as determined in writing by the President; or

(D) to avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict, as determined in writing by the President.

License or permit revision, application.

(2) During the term of a license or a permit, the licensee or permittee may submit to the Administrator an application for a revision of the license or permit or the exploration plan or recovery plan associated with the license or permit. The Administrator shall approve such application upon a finding in writing that the revision will comply with the requirements of this Act and the regulations issued under this Act.

Modification or revision determination.

(3) The Administrator shall establish, by regulation, guidelines for a determination of the scale or extent of a proposed modification or revision for which any or all license or permit application requirements and procedures, including a public hearing, shall apply. Any increase in the size of the area, or any change in the location of an area, to which an exploration plan or a recovery plan applies, except

an incidental increase or change, must be made by application for another license or permit.

(4) The procedures set forth in subsection (b)(3) of this section shall apply with respect to any modification under this subsection in the same manner, and to the same extent, as if such modification were an initial term, condition, or restriction proposed by the Administrator.

Regional Fishery Management Councils.

(d) PRIOR CONSULTATIONS.—Prior to making a determination to issue, transfer, modify, or renew a license or permit under this section, the Administrator shall consult with any affected Regional Fishery Management Council established pursuant to section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852), if the activities undertaken pursuant to such license or permit could adversely affect any fishery within the Fishery Conservation Zone, or any anadromous species or Continental Shelf fishery resource subject to the exclusive management authority of the United States beyond such zone.

30 USC 1416.

SEC. 106. DENIAL OF CERTIFICATION OF APPLICATIONS AND OF ISSUANCE, TRANSFER, SUSPENSION, AND REVOCATION OF LICENSES AND PERMITS; SUSPENSION AND MODIFICATION OF ACTIVITIES.

(a) DENIAL, SUSPENSION, MODIFICATION, AND REVOCATION.—(1) The Administrator may deny certification of an application for the issuance or transfer of, and may deny the issuance or transfer of, a license for exploration or permit for commercial recovery if the Administrator finds that the applicant, or the activities proposed to be undertaken by the applicant, do not meet the requirements set forth in section 103(c), section 105(a), or in any other provision of this Act, or any regulation issued under this Act, for the issuance or transfer of a license or permit.

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(2) The Administrator may—

(A) in addition to, or in lieu of, the imposition of any civil penalty under section 302(a), or in addition to the imposition of any fine under section 303, suspend or revoke any license or permit issued under this Act, or suspend or modify any particular activities under such a license or permit, if the licensee or permittee, as the case may be, substantially fails to comply with any provision of this Act, any regulation issued under this Act, or any term, condition, or restriction of the license or permit; and

(B) suspend or modify particular activities under any license or permit, if the President determines that such suspension or modification is necessary (i) to avoid any conflict with any international obligation of the United States established by any treaty or convention in force with respect to the United States, or (ii) to avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict.

(3) No action may be taken by the Administrator to deny issuance or transfer of or to revoke any license or permit or, except as provided in subsection (c), to suspend any license or permit or suspend or modify particular activities under a license or permit, unless the Administrator—

Publication in Federal Register.

(A) publishes in the Federal Register and gives the applicant, licensee, or permittee, as the case may be, written notice of the intention of the Administrator to deny the issuance or transfer of or to suspend, modify, or revoke the license or permit and the reason therefor; and

Correction of deficiency.

(B) if the reason for the proposed denial, suspension, modification, or revocation is a deficiency which the applicant, licensee, or permittee can correct, affords the applicant, licensee, or permittee a reasonable time, but not more than 180 days from the date of the notice or such longer period as the Administrator may establish for good cause shown, to correct such deficiency.

(4) The Administrator shall deny issuance or transfer of, or suspend or revoke, any license or permit or order the suspension or modification of particular activities under a license or permit—

(A) on the thirtieth day after the date of the notice given to the applicant, licensee, or permittee under paragraph (3)(A) unless before such day the applicant, licensee, or permittee requests a review of the proposed denial, suspension, modification, or revocation; or

(B) on the last day of the period established under paragraph (3)(B) in which the applicant, licensee, or permittee must correct a deficiency, if such correction has not been made before such day.

Hearing.

(b) ADMINISTRATIVE REVIEW OF PROPOSED DENIAL, SUSPENSION, MODIFICATION, OR REVOCATION.—Any applicant, licensee, or permittee, as the case may be, who makes a timely request under subsection (a) for review of a denial of issuance or transfer, or a suspension or revocation, of a license for exploration or permit for commercial recovery, or a suspension or modification of particular activities

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under such a license or permit, is entitled to an adjudication on the record after an opportunity for an agency hearing with respect to such denial or suspension, revocation, or modification.

(c) EFFECT ON ACTIVITIES; EMERGENCY ORDERS.—The issuance of any notice of proposed suspension or revocation of a license for exploration or permit for commercial recovery or proposed suspension or modification of particular activities under such a license or permit shall not affect the continuation of exploration or commercial recovery activities by the licensee or permittee. The provisions of paragraphs (3) and (4) of subsection (a) and the first sentence of this subsection shall not apply when the President determines by Executive order that an immediate suspension of a license for exploration or permit for commercial recovery, or immediate suspension or modification of particular activities under such a license or permit, is necessary for the reasons set forth in subsection (a)(2)(B), or the Administrator determines that an immediate suspension of such a license or permit, or immediate suspension or modification of particular activities under such a license or permit, is necessary to prevent a significant adverse effect on the environment or to preserve the safety of life and property at sea, and the Administrator issues an emergency order requiring such immediate suspension.

(d) JUDICIAL REVIEW.—Any determination of the Administrator, after any appropriate administrative review under subsection (b), to certify or deny certification of an application for the issuance or transfer of, or to issue, deny issuance of, transfer, deny the transfer of, modify, renew, suspend, or revoke any license for exploration or permit for commercial recovery, or suspend or modify particular activities under such a license or permit, or any immediate suspension of such a license or permit, or immediate suspension or modification of particular activities under such a license or permit, pursuant to subsection (c), is subject to judicial review as provided in chapter 7 of title 5, United States Code.

5 USC 701 *et seq.*

30 USC 1417.

SEC. 107. DURATION OF LICENSES AND PERMITS.

Extensions.

(a) DURATION OF A LICENSE.—Each license for exploration shall be issued for a period of 10 years. If the licensee has substantially complied with the license and the exploration plan associated therewith and has requested extensions of the license, the Administrator shall extend the license on terms, conditions, and restrictions consistent with this Act and the regulations issued under this Act for periods of not more than 5 years each.

(b) DURATION OF A PERMIT.—Each permit for commercial recovery shall be issued for a term of 20 years and for so long thereafter as hard mineral resources are recovered annually in commercial quantities from the area to which the recovery plan associated with the permit applies. The permit of any permittee who is not recovering hard mineral resources in commercial quantities at the end of 10 years shall be terminated; except that the Administrator shall for good cause shown, including force majeure, adverse economic conditions, unavoidable delays in construction, major unanticipated vessel repairs that prevent the permittee from conducting commercial

Termination and extensions.

recovery activities during an annual period, or other circumstances beyond the control of the permittee, extend the 10-year period, but not beyond the initial 20-year term of the permit.

SEC. 108. DILIGENCE REQUIREMENTS.

30 USC 1418.

(a) In General.—The exploration plan or recovery plan and the terms, conditions, and restrictions of each license and permit issued under this title shall be designed to assure diligent development. Each licensee shall pursue diligently the activities described in the exploration plan of the licensee, and each permittee shall pursue diligently the activities described in the recovery plan of the permittee.

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(b) Expenditures.—Each license shall require such periodic reasonable expenditures for exploration by the licensee as the Administrator shall establish, taking into account the size of the area of the deep seabed to which the exploration plan associated with the license applies and the amount of funds which is estimated by the Administrator to be required for commercial recovery of hard mineral resources to begin within the time limit established by the Administrator. Such required expenditures shall not be established at a level which would discourage exploration by persons with less costly technology than is prevalently in use.

Less costly technology.

(c) Commercial Recovery.—Once commercial recovery is achieved, the Administrator shall, within reasonable limits and taking into consideration all relevant factors, require the permittee to maintain commercial recovery throughout the period of the permit; except that the Administrator shall for good cause shown, including force majeure, adverse economic conditions, or other circumstances beyond the control of the permittee, authorize the temporary suspension of commercial recovery activities. The duration of such a suspension shall not exceed one year at any one time, unless the Administrator determines that conditions justify an extension of the suspension.

Temporary suspension.

SEC. 109. PROTECTION OF THE ENVIRONMENT.

30 USC 1419.

(a) Environmental Assessment—(1) Deep Ocean Mining Environmental Study (DOMES).—The Administrator shall expand and accelerate the program assessing the effects on the environment from exploration and commercial recovery activities, including seabased processing and the disposal at sea of processing wastes, so as to provide an assessment, as accurate as practicable, of environmental impacts of such activities for the implementation of subsections (b), (c), and (d).

(2) Supporting Ocean Research.—The Administrator also shall conduct a continuing program of ocean research to support environmental assessment activity through the period of exploration and commercial recovery authorized by this Act. The program shall include the development, acceleration, and expansion, as appropriate, of studies of the ecological, geological, and physical aspects of the deep seabed in general areas of the ocean where exploration and commercial development under the authority of this Act are likely to occur, including, but not limited to—

(A) natural diversity of the deep seabed biota;

(B) life histories of major benthic, midwater, and surface organisms most likely to be affected by commercial recovery activities;

(C) long- and short-term effects of commercial recovery on the deep seabed biota; and

(D) assessment of the effects of seabased processing activities.

Within 160 days after the date of enactment of this Act, the Administrator shall prepare a plan to carry out the program described in this subsection, including necessary funding levels for the next five fiscal years, and shall submit the plan to the Congress.

Plan, submittal to Congress.

(b) Terms, Conditions, and Restrictions.—Each license and permit issued under this title shall contain such terms, conditions, and restrictions, established by the Administrator, which prescribe

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Best available technologies, use.

Consultation.

the actions the licensee or permittee shall take in the conduct of exploration and commercial recovery activities to assure protection of the environment. The Administrator shall require in all activities under new permits, and wherever practicable in activities under existing permits, the use of the best available technologies for the protection of safety, health, and the environment wherever such activities would have a significant effect on safety, health, or the environment, except where the Administrator determines that the incremental benefits are clearly insufficient to justify the incremental costs of using such technologies. Before establishing such terms, conditions, and restrictions, the Administrator shall consult with the Administrator of the Environmental Protection Agency, the Secretary of State, and the Secretary of the department in which the Coast Guard is operating, concerning such terms, conditions, and restrictions, and the Administrator shall take into account and give due consideration to the information contained in each final environmental impact statement prepared with respect to such license or permit pursuant to subsection (d).

(c) Programmatic Environmental Impact Statement.—(1) If the Administrator, in consultation with the Administrator of the Environmental Protection Agency and with the assistance of other appropriate Federal agencies, determines that a programmatic environmental impact statement is required, the Administrator shall, as soon as practicable after the enactment of this Act, with respect to the areas of the oceans in which any United States citizen is expected to undertake exploration and commercial recovery under the authority of this Act—

(A) prepare and publish draft programmatic environmental impact statements which assess the environmental impacts of exploration and commercial recovery in such areas;

Comments.

(B) afford all interested parties a reasonable time after such dates of publication to submit comments to the Administrator on such draft statements; and

(C) thereafter prepare (giving full consideration to all comments submitted under subparagraph (B)) and publish final programmatic environmental impact statements regarding such areas.

(2) With respect to the area of the oceans in which exploration and commercial recovery by any United States citizen will likely first occur under the authority of this Act, the Administrator shall prepare a draft and final programmatic environmental impact statement as required under paragraph (1), except that—

(A) the draft programmatic environmental impact statement shall be prepared and published as soon as practicable but not later than 270 days (or such longer period as the Administrator may establish for good cause shown) after the date of enactment of this Act; and

(B) the final programmatic environmental impact statement shall be prepared and published within 180 days (or such longer period as the Administrator may establish for good cause shown) after the date on which the draft statement is published.

42 USC 4332.

Consultation.

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Publication.

(d) Environmental Impact Statements on Issuance of Licenses and Permits.—The issuance of, but not the certification of an application for, any license or permit under this title shall be deemed to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969. In preparing an environmental impact statement pursuant to this subsection, the Administrator shall consult with the agency heads referred to in subsection (b) and shall take into account, and give due consideration to, the relevant information contained in any applicable studies and any other environmental impact statement prepared pursuant to this section. Each draft environmental impact statement prepared pursuant to this subsection shall be published, with the terms, conditions, and restrictions proposed pursuant to section 105(b), within 180 days (or such longer period as the Administrator may establish for good cause

Publication.

shown in writing) following the date on which the application for the license or permit concerned is certified by the Administrator. Each final environmental impact statement shall be published 180 days (or such longer period as the Administrator may establish for good cause shown in writing) following the date on which the draft environmental impact statement is published.

"A vessel or other floating craft."

33 USC 1362.

(e) EFFECT ON OTHER LAW.—For the purposes of this Act, any vessel or other floating craft engaged in commercial recovery or exploration shall not be deemed to be "a vessel or other floating craft" under section 502(12)(B) of the Clean Water Act and any discharge of a pollutant from such vessel or other floating craft shall be subject to the Clean Water Act.

(f) STABLE REFERENCE AREAS.—

International negotiations.

(1) Within one year after the enactment of this Act the Secretary of State shall, in cooperation with the Administrator and as part of the international consultations pursuant to subsection 118(f), negotiate with all nations that are identified in such subsection for the purpose of establishing international stable reference areas in which no mining shall take place: *Provided, however*, That this subsection shall not be construed as requiring any substantial withdrawal of deep seabed areas from deep seabed mining authorized by this Act.

(2) Nothing in this Act shall be construed as authorizing the United States to unilaterally establish such reference area or areas nor shall the United States recognize the unilateral claim to such reference area or areas by any State.

Report to Congress.

(3) Within four years after the enactment of this Act, the Secretary of State shall submit a report to Congress on the progress of establishing such stable reference areas, including the designation of appropriate zones to insure a representative and stable biota of the deep seabed.

"Stable reference areas."

(4) For purposes of this section "stable reference areas" shall mean an area or areas of the deep seabed to be used as a reference zone or zones for purposes of resource evaluation and environmental assessment of deep seabed mining in which no mining will occur.

30 USC 1420.

SEC. 110. CONSERVATION OF NATURAL RESOURCES.

"Conservation of natural resources."

For the purpose of conservation of natural resources, each license and permit issued under this title shall contain, as needed, terms, conditions, and restrictions which have due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the hard mineral resources in the area to which the license or permit applies. In establishing these terms, conditions, and restrictions, the Administrator shall consider the state of the technology, the processing system utilized and the value and potential use of any waste, the environmental effects of the exploration or commercial recovery activities, economic and resource data, and the national need for hard mineral resources. As used in this Act, the term "conservation of natural resources" is not intended to grant, imply, or create any inference of production controls or price regulation, in particular those which would affect the volume of production, prices, profits, markets, or the decision of which minerals or metals are to be recovered, except as such effects may be incidental to actions taken pursuant to this section.

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30 USC 1421.

SEC. 111. PREVENTION OF INTERFERENCE WITH OTHER USES OF THE HIGH SEAS.

Each license and permit issued under this title shall include such restrictions as may be necessary and appropriate to ensure that exploration or commercial recovery activities conducted by the licensee or permittee do not unreasonably interfere with the interests of other states in their exercise of the freedoms of the high seas, as recognized under general principles of international law.

30 USC 1422.

SEC. 112. SAFETY OF LIFE AND PROPERTY AT SEA.

(a) CONDITIONS REGARDING VESSELS.—The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall require in any license or permit issued under this title, in conformity with principles of international law, that vessels documented under the laws of the United States and used in activities authorized under the license or permit comply with conditions regarding the design, construction, alteration, repair, equipment, operation, manning, and maintenance relating to vessel and crew safety and the promotion of safety of life and property at sea.

46 USC 86 note.
46 USC 362 note, 543 note.

(b) APPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, any vessel described in subsection (a) shall be subject to the provisions of the International Voyage Load Line Act of 1973, and to the provisions of titles 52 and 53 of the Revised Statutes and all Acts amendatory thereof or supplementary thereto.

30 USC 1423.

SEC. 113. RECORDS, AUDITS, AND PUBLIC DISCLOSURE.

(a) RECORDS AND AUDITS.—(1) Each licensee and permittee shall keep such records, consistent with standard accounting principles, as the Administrator shall by regulation prescribe. Such records shall include information which will fully disclose expenditures for exploration and commercial recovery, including processing, of hard mineral resources, and such other information as will facilitate an effective audit of such expenditures.

Accessibility.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of licensees and permittees which are necessary and directly pertinent to verify the expenditures referred to in paragraph (1).

(b) SUBMISSION OF DATA AND INFORMATION.—Each licensee and permittee shall be required to submit to the Administrator such data or other information as the Administrator may reasonably need for purposes of making determinations with respect to the issuance, revocation, modification, or suspension of any license or permit; compliance with the reporting requirement contained in section 309; and evaluation of the exploration or commercial recovery activities conducted by the licensee or permittee.

(c) PUBLIC DISCLOSURE.—Copies of any document, report, communication, or other record maintained or received by the Administrator containing data or information required under this title shall be made available to any person upon any request which (1) reasonably

94 STAT. 572 describes such record and (2) is made in accordance with rules adopted by the Administrator stating the time, place, fees (if any, not to exceed the direct cost of the services rendered), and procedures to be followed, except that neither the Administrator nor any other officer or employee of the United States may disclose any data or information knowingly and willingly required under this title the disclosure of which is prohibited by section 1905 of title 18, United States Code. Any officer or employee of the United States who discloses data or information in violation of this subsection shall be subject to the penalties set forth in section 303(b) of this Act.

Penalties.

30 USC 1424.

SEC. 114. MONITORING OF ACTIVITIES OF LICENSEES AND PERMITTEES.

Each license and permit issued under this title shall require the licensee or permittee—

Federal observers.

(1) to allow the Administrator to place appropriate Federal officers or employees as observers aboard vessels used by the licensee or permittee in exploration or commercial recovery activities (A) to monitor such activities at such time, and to such extent, as the Administrator deems reasonable and necessary to assess the effectiveness of the terms, conditions, and restrictions of the license or permit, and (B) to report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply with such terms, conditions, and restrictions;

(2) to cooperate with such officers and employees in the performance of monitoring functions; and

(3) to monitor the environmental effects of the exploration and commercial recovery activities in accordance with guidelines issued by the Administrator and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects.

SEC. 115. RELINQUISHMENT, SURRENDER, AND TRANSFER OF LICENSES AND PERMITS.

30 USC 1425.

(a) RELINQUISHMENT AND SURRENDER.—Any licensee or permittee may at any time, without penalty—

(1) surrender to the Administrator a license or a permit issued to the licensee or permittee; or

(2) relinquish to the Administrator, in whole or in part, any right to conduct any exploration or commercial recovery activities authorized by the license or permit.

Liability.

Any licensee or permittee who surrenders a license or permit, or relinquishes any such right, shall remain liable with respect to all violations and penalties incurred, and damage to persons or property caused, by the licensee or permittee as a result of activities engaged in by the licensee or permittee under such license or permit.

(b) TRANSFER.—Any license or permit, upon written request of the licensee or permittee, may be transferred by the Administrator; except that no such transfer may occur unless the proposed transferee is a United States citizen and until the Administrator determines that (1) the proposed transfer is in the public interest, and (2) the proposed transferee and the exploration or commercial recovery activities the transferee proposes to conduct meet the requirements of this Act and regulations issued under this Act.

SEC. 116. PUBLIC NOTICE AND HEARINGS.

30 USC 1426.

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(a) REQUIRED PROCEDURES.—The Administrator may issue regulations to carry out this Act, establish and significantly modify terms, conditions, and restrictions in licenses and permits issued under this title, and issue or transfer licenses and permits under this title, only after public notice and opportunity for comment and hearings in accordance with the following:

Publication in Federal Register.

(1) The Administrator shall publish in the Federal Register notice of all applications for licenses and permits, all proposals to issue or transfer licenses and permits, all regulations implementing this Act, all terms, conditions, and restrictions on licenses and permits, and all proposals to significantly modify licenses and permits. Interested persons shall be permitted to examine the materials relevant to any of these actions, and shall have at least 60 days after publication of such notice to submit written comments to the Administrator.

Comments.

(2) The Administrator shall hold a public hearing in an appropriate location and may employ such additional methods as the Administrator deems appropriate to inform interested persons about each action specified in paragraph (1) and to invite their comments thereon.

(b) ADJUDICATORY HEARING.—If the Administrator determines that there exists one or more specific and material factual issues which require resolution by formal processes, at least one adjudicatory hearing shall be held in the District of Columbia in accordance with the provisions of section 554 of title 5, United States Code. The record developed in any such adjudicatory hearing shall be part of the basis for the Administrator's decision to take any action referred to in subsection (a). Hearings held pursuant to this section shall be consolidated insofar as practicable with hearings held by other agencies.

Consolidation of hearings.

SEC. 117. CIVIL ACTIONS.

30 USC 1427.

(a) EQUITABLE RELIEF.—Except as provided in subsection (b) of this section, any person may commence a civil action for equitable relief on that person's behalf in the United States District Court for the District of Columbia—

(1) against any person who is alleged to be in violation of any provision of this Act or any condition of a license or permit issued under this title; or

(2) against the Administrator when there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary,

if the person bringing the action has a valid legal interest which is or may be adversely affected by such alleged violation or failure to perform. In suits brought under this subsection, the district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the provisions of this Act, or any term, condition, or restriction of a license or permit issued under this title, or to order the Administrator to perform such act or duty.

(b) NOTICE.—No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator and to any alleged violator; or

(B) if the Administrator or the Attorney General has commenced and is diligently prosecuting a civil or criminal action with respect to the alleged violation in a court of the United States; except that in any such civil action, any person having a valid legal interest which is or may be adversely affected by the alleged violation may intervene; or

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(2) under subsection (a)(2) of this section, prior to 60 days after the plaintiff has given notice of such action to the Administrator.

Notice under this subsection shall be given in such a manner as the Administrator shall prescribe by regulation.

(c) COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (a) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any party whenever the court determines that such an award is appropriate.

(d) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall restrict the rights which any person or class of persons may have under other law to seek enforcement or to seek any other relief. All vessel safety and environmental requirements of or under this Act shall be in addition to other requirements of law.

30 USC 1428.

SEC. 118. RECIPROCATING STATES.

(a) DESIGNATION.—The Administrator, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, may designate any foreign nation as a reciprocating state if the Secretary of State finds that such foreign nation—

(1) regulates the conduct of its citizens and other persons subject to its jurisdiction engaged in exploration for, and commercial recovery of, hard mineral resources of the deep seabed in a manner compatible with that provided in this Act and the regulations issued under this Act, which includes adequate measures for the protection of the environment, the conservation of natural resources, and the safety of life and property at sea, and includes effective enforcement provisions;

(2) recognizes licenses and permits issued under this title to the extent that such nation, under its laws, (A) prohibits any person from engaging in exploration or commercial recovery which conflicts with that authorized under any such license or permit and (B) complies with the date for issuance of licenses and the effective date for permits provided in section 102(c)(1)(D) of this Act;

(3) recognizes, under its procedures, priorities of right, consistent with those provided in this Act and the regulations issued under this Act, for applications for licenses for exploration or permits for commercial recovery, which applications are made either under its procedures or under this Act; and

(4) provides an interim legal framework for exploration and commercial recovery which does not unreasonably interfere with the interests of other states in their exercise of the freedoms of the high seas, as recognized under general principles of international law.

(b) EFFECT OF DESIGNATION.—No license or permit shall be issued under this title permitting any exploration or commercial recovery which will conflict with any license, permit, or equivalent authorization issued by any foreign nation which is designated as a reciprocating state under subsection (a).

(c) NOTIFICATION.—Upon receipt of any application for a license or permit under this title, the Administrator shall immediately notify all reciprocating states of such application The notification shall include those portions of the exploration plan or recovery plan submitted with respect to the application, or a summary thereof, and any other appropriate information not required to be withheld from public disclosure by section 113(c).

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Consultation.

(d) REVOCATION OF RECIPROCATING STATE STATUS.—The Administrator, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, shall revoke the designation of a foreign nation as a reciprocating state if the Secretary of State finds that such foreign nation no longer complies with the requirements of subsection (a). At the request of any holder of a license, permit, or equivalent authorization of such foreign nation, who obtained the license, permit, or equivalent authorization while such foreign nation was a reciprocating state, the Administrator, in consultation with the Secretary of State, may decide to recognize the license, permit, or equivalent authorization for purposes of subsection (b).

Presidential negotiation.

(e) AUTHORIZATION.—The President is authorized to negotiate agreements with foreign nations necessary to implement this section.

(f) INTERNATIONAL CONSULTATIONS.—The Administrator, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, shall consult with foreign nations which enact, or are preparing to enact, domestic legislation establishing an interim legal framework for exploration and commercial recovery of hard mineral resources. Such consultations shall be carried out with a view to facilitating the designation of such nations as reciprocating states and, as necessary, the negotiation of agreements with foreign nations authorized by subsection (e). In addition, the Administrator shall provide such foreign nations with information on environmental impacts of exploration and commercial recovery activities, and shall provide any technical assistance requested in designing regulatory measures to protect the environment.

Assistance on environmental protection.

TITLE II—TRANSITION TO INTERNATIONAL AGREEMENT

SEC. 201. DECLARATION OF CONGRESSIONAL INTENT.

30 USC 1441.

It is the intent of Congress—

(1) that any international agreement to which the United States becomes a party should, in addition to promoting other national oceans objectives—

(A) provide assured and nondiscriminatory access, under reasonable terms and conditions, to the hard mineral resources of the deep seabed for United States citizens, and

(B) provide security of tenure by recognizing the rights of United States citizens who have undertaken exploration or commercial recovery under title I before such agreement enters into force with respect to the United States to continue their operations under terms, conditions, and restrictions which do not impose significant new economic burdens upon such citizens with respect to such operations with the effect of preventing the continuation of such operations on a viable economic basis;

Ante, p. 557.

(2) that the extent to which any such international agreement conforms to the provisions of paragraph (1) should be determined

by the totality of the provisions of such agreement, including, but not limited to, the practical implications for the security of investments of any discretionary powers granted to an international regulatory body, the structures and decisionmaking procedures of such body, the availability of impartial and effective procedures for the settlement of disputes, and any features that tend to discriminate against exploration and commercial recovery activities undertaken by United States citizens; and

(3) that this Act should be transitional pending—

(A) the adoption of an international agreement at the Third United Nations Conference on the Law of the Sea, and the entering into force of such agreement, or portions thereof, with respect to the United States, or

(B) if such adoption is not forthcoming, the negotiation of a multilateral or other treaty concerning the deep seabed, and the entering into force of such treaty with respect to the United States.

30 USC 1442.

SEC. 202. EFFECT OF INTERNATIONAL AGREEMENT.

Ante, p. 557.

If an international agreement enters into force with respect to the United States, any provision of title I, this title, or title III, and any regulation issued under any such provision, which is not inconsistent with such international agreement shall continue in effect with respect to United States citizens. In the implementation of such international agreement the Administrator, in consultation with the Secretary of State, shall make every effort, to the maximum extent practicable consistent with the provisions of that agreement, to provide for the continued operation of exploration and commercial recovery activities undertaken by United States citizens prior to entry into force of the agreement. The Administrator shall submit to the Congress, within one year after the date of such entry into force, a report on the actions taken by the Administrator under this section, which report shall include, but not be limited to—

Report to Congress.

(1) a description of the status of deep seabed mining operations of United States citizens under the international agreement; and

(2) an assessment of whether United States citizens who were engaged in exploration or commercial recovery on the date such agreement entered into force have been permitted to continue their operations.

30 USC 1443.

SEC. 203. PROTECTION OF INTERIM INVESTMENTS.

In order to further the objectives set forth in section 201, the Administrator, not more than one year after the date of enactment of this Act—

Proposed legislation, submittal to Congress.

(1) shall submit to the Congress proposed legislation necessary for the United States to implement a system for the protection of interim investments that has been adopted as part of an international agreement and any resolution relating to such international agreement; or

Status of negotiations, report to Congress.

(2) if a system for the protection of interim investments has not been so adopted, shall report to the Congress on the status of negotiations relating to the establishment of such a system.

30 USC 1444.

SEC. 204. DISCLAIMER OF OBLIGATION TO PAY COMPENSATION.

Sections 201 and 202 of this Act do not create or express any legal or moral obligation on the part of the United States Government to compensate any person for any impairment of the value of that person's investment in any operation for exploration or commercial recovery under title I which might occur in connection with the entering into force of an international agreement with respect to the United States.

TITLE III—ENFORCEMENT AND MISCELLANEOUS PROVISIONS

94 STAT. 577

SEC. 301. PROHIBITED ACTS.

30 USC 1461.

It is unlawful for any person who is a United States citizen, or a foreign national on board a vessel documented or numbered under the laws of the United States, or subject to the jurisdiction of the United States under a reciprocating state agreement negotiated under section 118(e)—

(1) to violate any provision of this Act, any regulation issued under this Act, or any term, condition, or restriction of any license or permit issued to such person under this Act;

(2) to engage in exploration or commercial recovery after the revocation, or during the period of suspension, of an applicable license or permit issued under this Act, to engage in a particular exploration or commercial recovery activity during the period such activity has been suspended under this Act, or to fail to modify a particular exploration or commercial recovery activity for which modification was required under this Act;

(3) to refuse to permit any Federal officer or employee authorized to monitor or enforce the provisions of this Act, as provided in sections 114 and 304, to board a vessel documented or numbered under the laws of the United States, or any vessel for which such boarding is authorized by a treaty or executive agreement, for purposes of conducting any search or inspection in connection with the monitoring or enforcement of this Act or any regulation, term, condition, or restriction referred to in paragraph (1);

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer or employee in the conduct of any search or inspection described in paragraph (3);

(5) to resist a lawful arrest for any act prohibited by this section;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any hard mineral resource recovered, processed, or retained in violation of this Act or any regulation, term, condition, or restriction referred to in paragraph (1); or

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of any other person subject to this section knowing that such other person has committed any act prohibited by this section.

SEC. 302. CIVIL PENALTIES.

30 USC 1462.

(a) ASSESSMENT OF PENALTY.—Any person subject to section 301 who is found by the Administrator, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed any act prohibited by section 301 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Administrator by written notice. In determining the amount of such penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed and, with respect to the violator, any history of prior offenses, good faith demonstrated in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

Written notice.

(b) REVIEW OF CIVIL PENALTY.—Any person subject to section 301 against whom a civil penalty is assessed under subsection (a) may obtain review thereof in an appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon

Appeal filing, copy to Administrator.

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which the particular violation was found and such penalty was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Administrator shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5, United States Code.

Referral to Attorney General.

(c) ACTION UPON FAILURE TO PAY ASSESSMENT.—If any person subject to section 301 fails to pay a civil penalty assessed against such person after the penalty has become final, or after the appropriate court has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General of the United States, who shall recover the civil penalty assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) COMPROMISE OR OTHER ACTION BY THE ADMINISTRATOR.—The Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section unless an action brought under subsection (b) or (c) is pending in a court of the United States.

30 USC 1463.

SEC. 303. CRIMINAL OFFENSES.

(a) OFFENSE.—A person subject to section 301 is guilty of an offense if such person willfully and knowingly commits any act prohibited by section 301.

(b) PUNISHMENT.—Any offense described in paragraphs (1), (2), and (6) of section 301 is punishable by a fine of not more than $75,000 for each day during which the violation continues. Any offense described in paragraphs (3), (4), (5), and (7) of section 301 is punishable by a fine of not more than $75,000 or imprisonment for not more than six months, or both. If, in the commission of any offense, the person subject to the jurisdiction of the United States uses a dangerous weapon, engages in conduct that causes bodily injury to any Federal officer or employee, or places any such Federal officer or employee in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000 or imprisonment for not more than ten years, or both.

30 USC 1464.

SEC. 304. ENFORCEMENT.

Coast Guard, assistance.

(a) RESPONSIBILITY.—Subject to the other provisions of this subsection, the Administrator shall enforce the provisions of this Act. The Secretary of the department in which the Coast Guard is operating shall exercise such other enforcement responsibilities with respect to vessels subject to the provisions of this Act as are authorized under other provisions of law and may, upon the specific request of the Administrator, assist the Administrator in the enforcement of the provisions of this Act. The Secretary of the department in which the Coast Guard is operating shall have the exclusive responsibility for enforcement measures which affect the safety of life and property at sea. The Administrator and the Secretary of the department in which the Coast Guard is operating may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment, including aircraft and vessels, and facilities of any other Federal agency or department, and may authorize officers or employees of other departments or agencies to provide assistance as necessary in carrying out subsection (b). While providing such assistance, these officers and employees shall be under the control, authority, and supervision of the Coast Guard. The Administrator and the Secretary of the department in which the Coast Guard is operating may issue regulations jointly or severally as may be necessary and appropriate to carry out their duties under this section.

Other Federal agencies, assistance.

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(b) POWERS OF AUTHORIZED OFFICERS.—To enforce this Act on board any vessel subject to the provisions of this Act, any officer who is authorized by the Administrator or by the Secretary of the department in which the Coast Guard is operating may—

(1) board and inspect any vessel which is subject to the provisions of this Act;

(2) search any such vessel if the officer has reasonable cause to believe that the vessel has been used or employed in the violation of any provision of this Act;

(3) arrest any person subject to section 301 if the officer has reasonable cause to believe that the person has committed a criminal offense under section 303;

(4) seize any such vessel together with its gear, furniture, appurtenances, stores, and cargo, used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act if such seizure is necessary to prevent evasion of the enforcement of this Act;

(5) seize any hard mineral resource recovered or processed in violation of any provision of this Act;

(6) seize any other evidence related to any violation of any provision of this Act;

(7) execute any warrant or other process issued by any court of competent jurisdiction; and

(8) exercise any other lawful authority.

(c) Definition.—For purposes of this section, the term "provisions of this Act" or "provision of this Act" means (1) any provision of title I or II or this title, (2) any regulation issued under title I, title II, or this title, and (3) any term, condition, or restriction of any license or permit issued under title I.

Ante, pp. 557, 575, 577.

Regulations.

(d) Proprietary Information.—Proprietary and privileged information seized or maintained under this title concerning a person or vessel engaged in exploration or commercial recovery shall not be made available for general or public use or inspection. The Administrator and the Secretary of the department in which the Coast Guard is operating shall issue regulations to insure the confidentiality of privileged and proprietary information.

SEC. 305. LIABILITY OF VESSELS.

30 USC 1465.

Any vessel documented or numbered under the laws of the United States (except a public vessel engaged in noncommercial activities) which is used in any violation of this Act, any regulation issued under this Act, or any term, condition, or restriction of any license or permit issued under title I shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof.

SEC. 306. CIVIL FORFEITURES.

30 USC 1466.

94 STAT. 580

(a) In General.—Any vessel subject to the provisions of sections 304 and 305, including its gear, furniture, appurtenances, stores, and cargo, which is used, in any manner, in connection with or as a result of the commission of any act prohibited by section 301 and any hard mineral resource which is recovered, processed, or retained, in any manner, in connection with or as a result of the commission of any such act, shall be subject to forfeiture to the United States. All or part of such vessel, and all such hard mineral resources, may be forfeited to the United States pursuant to a civil proceeding under this section. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo for violation of the customs laws, and the disposition of the vessel, cargo, or proceeds from the sale thereof and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section insofar as such provisions of law are applicable and not inconsistent with this Act.

(b) Jurisdiction of Courts.—Any district court of the United States which has jurisdiction under section 307 shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

Seizure of property by Attorney General.

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d).

Bond or other security.

(d) PROCEDURE.—Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 307 shall stay the execution of such process, or discharge any property seized pursuant to such process, upon the receipt of a satisfactory bond or other security from any person subject to section 301 claiming such property. Such bond or other security shall be conditioned upon such person (1) delivering such property to the appropriate court upon order thereof, without any impairment of its value; or (2) paying the monetary value of such property pursuant to any order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, it shall be a rebuttable presumption that all hard mineral resources found on board a vessel subject to the provisions of sections 304 and 305 which is seized in connection with an act prohibited by section 301 were recovered, processed, or retained in violation of this Act.

30 USC 1467.

SEC. 307. JURISDICTION OF COURTS.

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. These courts may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

30 USC 1468.

SEC. 308. REGULATIONS.

Solicitation of views.

94 STAT. 581

Ante, pp. 557, 575.

Public hearing.

(a) PROPOSED REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall solicit the views of the agency heads referred to in section 109(b) and of interested persons, and issue, in accordance with section 553 of title 5, United States Code, such proposed regulations as are required by or are necessary and appropriate to implement titles I and II and this title. The Administrator shall hold at least one public hearing on such proposed regulations.

Views and comments, solicitation and consideration.

(b) FINAL REGULATIONS.—Not later than 180 days after the date on which proposed regulations are issued pursuant to subsection (a), the Administrator shall solicit the views of the agency heads referred to in section 109(b) and of interested persons, consider the comments received during the public hearing required in subsection (a) and any written comments on the proposed regulations received by the Administrator, and issue, in accordance with section 553 of title 5, United States Code, such regulations as are required by or are necessary and appropriate to implement titles I and II and this title.

(c) AMENDMENTS.—The Administrator may at any time amend regulations issued pursuant to subsection (b) as the Administrator determines to be necessary and appropriate in order to provide for the conservation of natural resources within the meaning of section 110, protection of the environment, and the safety of life and property at sea. Such amended regulations shall apply to all exploration or commercial recovery activities conducted under any license or permit issued or maintained pursuant to this Act; except that any such amended regulations which provide for conservation of natural resources shall apply to exploration or commercial recovery conducted under an existing license or permit during the present term of such license or permit only if the Administrator determines that such amended regulations providing for conservation of natural resources will not impose serious or irreparable economic hardship on the licensee or permittee. Any amendment to regulations under this subsection shall be made on the record after an opportunity for an agency hearing.

Hearing.

(d) CONSISTENCY.—This Act and the regulations issued under this Act shall not be deemed to supersede any other Federal laws or treaties or regulations issued thereunder.

SEC. 309. BIENNIAL REPORT.

30 USC 1469.

(a) SUBMISSION OF REPORTS.—The Administrator shall submit to the Congress—

(1) not later than December 31, 1981, a report on the administration of this Act during the period beginning on the date of enactment of this Act and ending September 30, 1981; and

(2) not later than December 31 of each second year thereafter, a report on the administration of this Act during the two fiscal years preceding the date on which the report is required to be filed.

(b) CONTENTS.—Each report filed pursuant to subsection (a) shall include, but not be limited to, the following information with respect to the reporting period:

(1) Licenses and permits issued, modified, revised, suspended, revoked, relinquished, surrendered, or transferred; denials of certifications of applications for the issuance or transfer of licenses and permits; denials of issuance or transfer of licenses and permits; and required suspensions and modifications of activities under licenses and permits.

(2) A description and evaluation of the exploration and commercial recovery activities undertaken, including, but not limited to, information setting forth the quantities of hard mineral resources recovered and the disposition of such resources.

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(3) An assessment of the environmental impacts, including a description and estimate of any damage caused by any adverse effects on the quality of the environment resulting from such activities.

(4) The number and description of all civil and criminal proceedings, including citations, instituted under this title, and the current status of such proceedings.

(5) Such recommendations as the Administrator deems appropriate for amending this Act to further fulfill its purposes.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

30 USC 1470.

There are authorized to be appropriated to the Administrator, for purposes of carrying out the provisions of titles I and II and this title, such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982.

SEC. 311. SEVERABILITY.

30 USC 1471.

If any provision of this Act or any application thereof is held invalid, the validity of the remainder of the Act, or any other application, shall not be affected thereby.

TITLE IV—TAX

SEC. 401. SHORT TITLE.

Deep Seabed Hard Mineral Removal Tax Act of 1979.
26 USC 1 note.

This title may be cited as the "Deep Seabed Hard Mineral Removal Tax Act of 1979"

SEC. 402. IMPOSITION OF TAX ON REMOVAL OF HARD MINERAL RESOURCES FROM DEEP SEABED.

(a) GENERAL RULE.—Chapter 36 of the Internal Revenue Code of 1954 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter F—Tax on Removal of Hard Mineral Resources From Deep Seabed

"Sec. 4495. Imposition of tax.
"Sec. 4496. Definitions.
"Sec. 4497. Imputed value.
"Sec. 4498. Termination.

26 USC 4995.

"SEC. 4495. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed a tax on any removal of a hard mineral resource from the deep seabed pursuant to a deep seabed permit.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) on any removal shall be 3.75 percent of the imputed value of the resource so removed.

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the person to whom the deep seabed permit is issued.

"(d) Time for Paying Tax.—The time for paying the tax imposed by subsection (a) shall be the time prescribed by the Secretary by regulations. The time so prescribed with respect to any removal shall be not earlier than the earlier of—

94 STAT. 583

"(1) the commercial use of, or the sale or disposition of, any portion of the resource so removed, or

"(2) the day which is 12 months after the date of the removal of the resource.

26 USC 4996.

"SEC. 4496. DEFINITIONS.

"(a) Deep Seabed Permit.—For purposes of this subchapter, the term 'deep seabed permit' means a permit issued under title I of the Deep Seabed Hard Minerals Resources Act.

"(b) Hard Mineral Resource.—For purposes of this subchapter, the term 'hard mineral resource' means any deposit or accretion on, or just below, the surface of the deep seabed of nodules which contain one or more minerals, at least one of which is manganese, nickel, cobalt, or copper.

"(c) Deep Seabed.—For purposes of this subchapter, the term 'deep seabed' means the seabed, and the subsoil thereof to a depth of 10 meters, lying seaward of, and outside—

"(1) the Continental Shelf of any nation; and

"(2) any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States.

"(d) Continental Shelf.—For purposes of this subchapter, the term 'Continental Shelf' means—

"(1) the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas; and

"(2) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

26 USC 4997.

"SEC. 4497. IMPUTED VALUE.

"(a) In General.—For purposes of this subchapter, the term 'imputed value' means, with respect to any hard mineral resource, 20 percent of the fair market value of the commercially recoverable metals and minerals contained in such resource. Such fair market value shall be determined—

"(1) as of the date of the removal of the hard mineral resource from the deep seabed; and

"(2) as if the metals and minerals contained in such resource were separated from such resource and were in the most basic form for which there is a readily ascertainable market price.

"(b) Commercial Recoverability.—

"(1) Manganese, nickel, cobalt, and copper.—For purposes of subsection (a), manganese, nickel, cobalt, and copper shall be treated as commercially recoverable.

"(2) MINIMUM QUANTITIES AND PERCENTAGES.—The Secretary may by regulations prescribe for each metal or mineral quantities or percentages below which the metal or mineral shall be treated as not commercially recoverable.

"(c) SUSPENSION OF TAX WITH RESPECT TO CERTAIN METALS AND MINERALS HELD FOR LATER PROCESSING.—

94 STAT. 584

"(1) ELECTION.—The permittee may, in such manner and at such time as may be prescribed by regulations, elect to have the application of the tax suspended with respect to one or more commercially recoverable metals or minerals in the resource which the permittee does not intend to process within one year of the date of extraction. Any metal or mineral affected by such election shall not be taken into account in determining the imputed value of the resource at the time of its removal from the deep seabed. Any suspension under this paragraph with respect to a metal or mineral shall be permanent unless there is a redetermination affecting such metal or mineral under paragraph (2).

26 USC 6621.
Ante, p. 582.

"(2) LATER COMPUTATION OF TAX.—If the permittee processes any metal or mineral affected by the election under paragraph (1), or if he sells any portion of the resource containing such a metal or mineral, then the amount of the tax under section 4495 shall be redetermined as if there had been no suspension under paragraph (1) with respect to such metal or mineral. In any such case there shall be added to the increase in tax determined under the preceding sentence an amount equal to the interest (at rates determined under section 6621) on such increase for the period from the date prescribed for paying the tax on the resources (determined under section 4495(d)) to the date of the processing or sale.

"(d) DETERMINATIONS OF VALUE.—All determinations of value necessary for the application of this subchapter shall be made by the Secretary (after consultation with other appropriate Federal officials) on the basis of the best available information. Such determinations shall be made under procedures established by the Secretary by regulations.

26 USC 4498.

"SEC. 4498. TERMINATION.

Ante, p. 582.

"(a) GENERAL RULE.—The tax imposed by section 4495 shall not apply to any removal from the deep seabed after the earlier of—

"(1) the date on which an international deep seabed treaty takes effect with respect to the United States, or

"(2) the date 10 years after the date of the enactment of this subchapter.

"(b) INTERNATIONAL DEEP SEABED TREATY.—For purposes of subsection (a), the term 'international deep seabed treaty' means any treaty which—

"(1) is adopted by a United Nations Conference on the Law of the Sea, and

"(2) requires contributions to an international fund for the sharing of revenues from deep seabed mining.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of such Code is amended by adding at the end thereof the following new item:

"SUBCHAPTER F. Tax on removal of hard mineral resources from deep seabed."

26 USC 4495 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1980.

30 USC 1472.

SEC. 403. ESTABLISHMENT OF DEEP SEABED REVENUE SHARING TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Deep Seabed Revenue Sharing Trust Fund" (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) Transfer to Trust Fund of Amounts Equivalent to Certain Taxes.—

(1) In general.—There are hereby appropriated to the Trust Fund amounts determined by the Secretary of the Treasury to be equivalent to the amounts of the taxes received in the Treasury under section 4495 of the Internal Revenue Code of 1954.

Ante, p. 582.

94 STAT. 585

(2) Method of transfer.—The amounts appropriated by paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amount required to be transferred.

(c) Management of Trust Fund.—

(1) Report.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to report to the Congress for the fiscal year ending September 30, 1980, and each fiscal year thereafter on the financial condition and the results of the operations of the Trust Fund during the preceding year and on its expected condition and operations during the fiscal year and the next five fiscal years after the fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

Printing as House document.

(2) Investment.—

(A) In general.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price.

(B) Sale of obligations.—Any obligation acquired by the Trust Fund may be sold by the Secretary at the market price.

(C) Interest on certain proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) Expenditures From Trust Fund.—If an international deep seabed treaty is ratified by and in effect with respect to the United States on or before the date ten years after the date of the enactment of this Act, amounts in the Trust Fund shall be available, as provided by appropriations Acts, for making contributions required under such treaty for purposes of the sharing among nations of the revenues from deep seabed mining. Nothing in this subsection shall be deemed to authorize any program or other activity not otherwise authorized by law.

(e) Use of Funds.—If an international deep seabed treaty is not in effect with respect to the United States on or before the date ten years after the date of the enactment of this Act, amounts in the Trust Fund shall be available for such purposes as Congress may hereafter provide by law.

(f) International Deep Seabed Treaty.—For purposes of this section, the term "international deep seabed treaty" has the meaning given to such term by section 4498(b) of the Internal Revenue Code of 1954.

Ante, p. 584.

30 USC 1473.

94 STAT. 586

SEC. 404. ACT NOT TO AFFECT TAX OR CUSTOMS OR TARIFF TREATMENT OF DEEP SEABED MINING.

Except as otherwise provided in section 402, nothing in this Act shall affect the application of the Internal Revenue Code of 1954.

Nothing in this Act shall affect the application of the customs or tariff laws of the United States.

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-411, Pt. I (Comm. on Interior and Insular Affairs), Pt. 2 (Comm. on Merchant Marine and Fisheries), Pt. 3 (Comm. on Ways and Means), and Pt. IV (Comm. on Foreign Affairs).

SENATE REPORTS: No. 96-307 (Comm. on Energy and Natural Resources; Comm. on Commerce, Science, and Transportation; and Comm. on Foreign Relations), No. 96-357 (Comm. on Finance), and No. 96-360 (Comm. on Environment and Public Works), all accompanying S. 493.

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 14, S. 493 considered and passed Senate.

Vol. 126 (1980): June 9, H.R. 2759 considered and passed House.

June 23, considered and passed Senate, amended.

June 25, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 16, No. 27 (1980): July 3, Presidential statement.

Public Law 96-285
96th Congress

94 STAT. 595

An Act

To establish the Tensas River National Wildlife Refuge.

June 28, 1980
[H.R. 6022]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tensas River National Wildlife Refuge, establishment.

CONGRESSIONAL FINDINGS

16 USC 668dd note.

Section 1. The Congress finds that—

(1) the great forests of hardwoods, which once covered vast acreages along the lower reach of the Mississippi River Valley, are rapidly being destroyed;

(2) the remaining forests constitute a unique ecological, commercial, and recreational resource, providing a combination of forest products, habitat for a diversity of fish and wildlife, and opportunities to the public for scientific research and for recreational activities such as hunting, fishing, hiking, boating, and wildlife observation;

(3) the area within which the Tensas River National Wildlife Refuge will be located contains one of the largest tracts of such forests in the Mississippi River Valley; and

(4) establishment of the refuge represents a significant action by the Federal Government for the preservation and development of the environmental resources in the basins of the Tensas, Bouef, and Red Rivers of the State of Louisiana.

DEFINITIONS

Sec. 2. As used in this Act—

(1) the term "refuge" means the Tensas River National Wildlife Refuge that includes those lands and waters, and interests therein, located along the Tensas River in Franklin, Madison, and Tensas Parishes, Louisiana, that are depicted on the map entitled "Tensas River National Wildlife Refuge", dated February 1980, and on file at the United States Fish and Wildlife Service.

(2) The term "Secretary" means the Secretary of the Interior.

ESTABLISHMENT OF REFUGE

SEC. 3. (a) ACQUISITION.—Within four years after the date of the enactment of this Act—

(1) the Secretary shall acquire lands and waters, and interests therein, referred to in section 2(1) through donation, purchase with donated or appropriated funds, or exchange, or through any combination of the foregoing; and

(2) the Secretary of the Army shall acquire such of those lands and waters, and interests therein, referred to in section 2(1) as are not acquired under paragraph (1).

94 STAT. 596 The Secretary of the Army shall transfer to the Secretary jurisdiction over all lands and waters, and interests therein, acquired under paragraph (2) and the Secretary shall include all such lands, waters, and interests in the refuge. The Secretary and the Secretary of the Army may only enter into contracts or incur obligations to purchase lands and waters, and interests therein with appropriated funds to the extent budget authority has been provided in advance in appropriation Acts.

Publication in Federal Register.

(b) ESTABLISHMENT.—At such time as sufficient lands and waters, and interests therein, have been acquired under subsection (a) (1) and (2) to constitute an area that can be administered for refuge purposes, the Secretary shall establish the Tensas River National Wildlife Refuge by publication of notice to that effect in the Federal Register.

(c) ADJUSTMENTS.—The Secretary may make such minor adjustments with respect to the boundary of the refuge as may be necessary to facilitate the acquisition of lands and waters, and interests therein, for the refuge and to facilitate the administration of the refuge.

(d) ARMY ACQUISITIONS IN LIEU OF CERTAIN OTHER MITIGATION ACTIONS.—The land and waters and interests therein, which the Secretary of the Army is required to acquire under subsection (a)(2) of this section, shall when acquired in total be in lieu of and in satisfaction of the mitigation acquisitions which otherwise would be required for the following Corps of Engineers water resources projects and modifications thereof: the Tensas River project, the Tensas-Cocodrie Pumping Plant, the Sicily Island Levee, the Bushley Bayou Levee, the Below Red River Levee, and that portion of the Red River Waterway Project below River Mile 104. Should any of these projects not be authorized or implemented, the Secretary of the Army, in consultation with the Secretary, may substitute additional projects with similar mitigation requirements which may be authorized for construction in the future and which are located wholly within the State of Louisiana and within the area depicted on the Corps of Engineers map entitled "Tensas National Wildlife Refuge Mitigation Area" dated April 1980 and on file in the Office of the Chief of Engineers, which mitigation area includes the basins of the Tensas, Bouef, Ouachita and Black Rivers and the Red River basin below River Mile 104.

ADMINISTRATION

SEC. 4. (a) IN GENERAL.—The Secretary shall administer all lands and waters, and interests therein acquired under this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) to conserve the diversity of fish and wildlife and their habitat within the refuge; except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretative education, as he deems appropriate to carry out the purposes of the refuge. The Secretary shall give special consideration to the management of the timber on the refuge to insure continued commercial production and harvest compatible with the purposes for which the refuge is established and the needs of fish and wildlife which depend upon a dynamic and diversified hardwood forest.

Timber management.

(b) FLOOD CONTROL.—The Secretary shall administer the refuge as part of an overall Federal management plan for the use of water and related land resources for the area. This Act shall not preclude the construction and maintenance of the Tensas River flood control project, authorized by the Flood Control Act of 1944, as amended, in such modified configuration as may be determined by the Secretary of the Army, in consultation with the Secretary. The Secretary shall assist the Secretary of the Army in this flood control project, including the provision of all lands and rights-of-ways necessary for project construction and maintenance within the refuge area as determined by the Secretary of the Army, in consultation with the Secretary. The establishment of the refuge shall not preclude any other public or private works, determined to be in the public interest, to relieve flooding along or adjacent to the Tensas River.

94 STAT. 597

58 Stat. 887.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. For the purposes of carrying out this Act, there are authorized to be appropriated, beginning October 1, 1980—

(1) not to exceed $10,000,000 to the Department of the Interior; to remain available until September 30, 1985, and

(2) not to exceed $40,000,000 to the Department of the Army, to remain available until September 30, 1985.

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-891 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-741 accompanying S. 2244 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 5, considered and passed House.
  May 22, considered and passed Senate, amended, in lieu of S. 2244.
  June 16, House concurred in Senate amendment.

Public Law 96-288
96th Congress

94 STAT. 603

An Act

To establish the Bogue Chitto National Wildlife Refuge.

June 28, 1980
[H.R. 6169]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bogue Chitto National Wildlife Refuge, establishment.

DECLARATION OF FINDINGS AND PURPOSE

16 USC 668dd note.

SECTION 1. (a) The Congress finds that—

(1) thousands of acres of bottomland hardwoods are being cleared each year in the Mississippi River Delta;

(2) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States and have extremely high recreational value for hunters, fishermen, birdwatchers, nature photographers, and others; and

(3) the Bogue Chitto area is a bottomland hardwood swamp which harbors over one hundred fifty species of birds and many types of other wildlife, including several species imperiled with extinction.

(b) The purpose of this Act is to establish the Bogue Chitto National Wildlife Refuge.

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "refuge" means the Bogue Chitto National Wildlife Refuge;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "selection area" means those lands and waters near the juncture of the Pearl River and its tributary, the Bogue Chitto, in Saint Tammany and Washington Parishes, Louisiana, and Pearl River County, Mississippi, depicted on the map entitled "Bogue Chitto National Wildlife Refuge, Selection Area", dated and on file at the United States Fish and Wildlife Service.

ESTABLISHMENT OF REFUGE

SEC. 3. (a)(1) Within one year after the date of the enactment of this Act the Secretary shall—

(A) designate approximately forty thousand acres of land and water within the selection area as land which the Secretary considers appropriate for the refuge; and

Publication in Federal Register.

(B) publish in the Federal Register a detailed map depicting the boundaries of the land designated under subparagraph (A), which map shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service.

(2) The Secretary may make such minor revisions in the boundaries designated under paragraph (1)(B) of this subsection as may be appropriate to carry out the purpose of this Act or to facilitate the acquisition of property within the refuge.

94 STAT. 604

(b) The Secretary is authorized to acquire (by donation, purchase with donated or appropriated funds, or exchange) lands, waters, or interests therein, within the boundaries designated under subsection (a)(1)(B).

Establishment, publication in Federal Register.

(c) The Secretary shall establish the Bogue Chitto National Wildlife Refuge, by publication of a notice to that effect in the Federal Register, whenever sufficient property has been acquired under this section to constitute an area that can be effectively managed as a refuge.

ADMINISTRATION

SEC. 4. The Secretary shall administer all lands, waters, and interests therein, acquired under this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated beginning October 1, 1980—

(a) $13,000,000 for the acquisition of lands and interests therein, to remain available until September 30, 1985.

(b) $1,000,000 for construction of the refuge headquarters and boat launching facilities and the accomplishment of boundary surveys, to remain available until September 30, 1985.

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-892 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-674 accompanying S. 2115 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 5, considered and passed House.
May 13, considered and passed Senate, amended, in lieu of S. 2115.
June 16, House concurred in Senate amendment.

Public Law 96-289
96th Congress

94 STAT. 605

An Act

To authorize appropriations to carry out the national sea grant program for fiscal years 1981, 1982, and 1983, and for other purposes.

June 28, 1980
[H.R. 6614]

National sea grant program, appropriation authorization.
33 USC 1121 note.
33 USC 1122.
33 USC 1123.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), as amended, is further amended—

(1) in section 203(6) by inserting "Great Lakes and the" immediately before "territorial sea";

(2) in section 204(c) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) encourage cooperation and coordination with other Federal programs concerned with ocean and coastal resource conservation and usage;".

33 USC 1124.

(3) in section 205(d)(2) by inserting "may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and" immediately after "contract" the second time it appears therein;

33 USC 1125.

(4) in section 206(c) by inserting "out" immediately after "carrying", and by inserting the following new paragraph immediately after paragraph (2):

"(3) Not to exceed $5,000,000 for fiscal year 1981, not to exceed $6,000,000 for fiscal year 1982, and not to exceed $7,000,000 for fiscal year 1983.";

33 USC 1128.

(5) in section 209(c)(3) by striking the first two sentences and inserting in lieu thereof the following: "Any individual appointed to a partial or full term may be reappointed for one additional full term."; and

33 USC 1131.

(6) in section 212 by inserting the following new paragraph immediately after paragraph (2):

"(3) Not to exceed $50,000,000 for fiscal year 1981, not to exceed $58,000,000 for fiscal year 1982, and not to exceed $65,000,000 for fiscal year 1983.".

SEC. 2. Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by inserting the following new paragraph immediately after paragraph (2):

"(3) Not to exceed $5,000,000 for fiscal year 1981, not to exceed $5,000,000 for fiscal year 1982, and not to exceed $5,000,000 for fiscal year 1983.".

SEC. 3. The section heading of section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended to read as follows:

"SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.".

Applications for compensation.
22 USC 1980 note.

SEC. 4. (a) Notwithstanding the provisions of section 10(c)(1) of the Fishermens Protective Act of 1967 (22 U.S.C. 1980) applications for compensation under such Act, filed within 90 days after the date of enactment of this subsection shall be deemed to be timely filed.

94 STAT. 606

(b) Section 10(c)(1) of the Fishermens Protective Act of 1967 (22 U.S.C. 1980) is amended by striking "sixty" and substituting "90"

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-844 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-723 (Comm. on Commerce, Science, and Transportation and Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Apr. 17, considered and passed House.
  May 22, considered and passed Senate, amended.
  June 5, House concurred in Senate amendment with amendments.
  June 9, Senate concurred in House amendments with an amendment.
  June 16, House concurred in Senate amendment.

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94 STAT. 607

Public Law 96-290
96th Congress

An Act

June 28, 1980
[H.R. 4887]

To authorize appropriations for the San Francisco Bay National Wildlife Refuge, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

San Francisco Bay National Wildlife Refuge, Calif.
Appropriation authorizations.

SECTION 1. (a) That part of section 4 of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399; 16 U.S.C. 668ii), that precedes the proviso is amended to read as follows: "The Secretary may acquire lands and waters or interests therein, subject to the interest of the State of California in lands now or formerly flowed by the tide, including the public trust of the State, within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange:".

(b)(1) Section 5 of such Act of June 30, 1972 (16 U.S.C. 668jj) is amended to read as follows:

"SEC. 5. There are authorized to be appropriated not to exceed—

"(1) $13,200,000 for the acquisition of lands and interests therein as authorized by section 4 of this Act, to remain available until the close of September 30, 1983; and

"(2) $11,300,000 to carry out the other provisions of this Act, to remain available until expended.".

Effective date.

(2) The amendment made by subsection (b)(1) shall take effect October 1, 1980.

Humboldt Bay National Wildlife Refuge, Calif.

SEC. 2. Lands and waters and interests therein acquired by the Secretary of the Interior under the authority of the Migratory Bird Conservation Act (16 U.S.C. 718–718h; 48 Stat. 452), as amended, for inclusion in the Humboldt Bay National Wildlife Refuge, may be acquired subject to the interest of the State of California in lands now or formerly flowed by the tide, including the public trust of the State.

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-677 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-672 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
  Vol. 125 (1979): Dec. 10, considered and passed House.
  Vol. 126 (1980): May 6, considered and passed Senate, amended.
    June 16, House concurred in Senate amendments.

Public Law 96-301
96th Congress

94 STAT. 832

An Act

To more adequately protect archeological resources in southwestern Colorado.

July 2, 1980
[H.R. 5751]

Archeological resources in southwestern Colorado, protection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitation on appropriations contained in section 7 of the Act of June 27, 1960, as amended (74 Stat. 220; 16 U.S.C. 469–469c), effective October 1, 1980, the Secretary of the Interior is authorized to expend from funds appropriated pursuant to the authorizations contained in the Act of September 30, 1968 (82 Stat. 897; 43 U.S.C. 620a–1), entitled "The Colorado River Basin Project Act", such sums as are necessary for the survey, recovery, protection, preservation, and display of archeological resources in the area of the Animas-LaPlata and Dolores projects of the United States Water and Power Resources Service: *Provided,* That such expenditures shall not exceed 4 per centum of the total amount authorized to be appropriated for such projects, and shall be considered nonreimbursable project costs.

Approved July 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96–826 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 18, considered and passed House.
June 26, considered and passed Senate.

Public Law 96-305
96th Congress

94 STAT. 929

An Act

Relating to the relocation of the Navajo Indians and the Hopi Indians, and for other purposes.

July 8, 1980
[S. 751]

Navajo and Hopi Indian Relocation Amendments Act of 1980.
25 USC 640d note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Navajo and Hopi Indian Relocation Amendments Act of 1980".

25 USC 640d-7.

SEC. 2. Section 8 of the Act of December 22, 1974 (88 Stat. 1712; 25 U.S.C. 640d), hereinafter referred to as the "Act of December 22, 1974", is amended by striking all of subsection (c) and inserting, in lieu thereof, the following:

Tribal lands in issue, determination of rights.

25 USC 640d-17.

"(c)(1) Either as a part of or in a proceeding supplementary to the action authorized in subsection (a) of this section, either tribe, through the chairman of its tribal council for and on behalf of the tribe, including all villages, clans, and individual members thereof, may prosecute or defend an action for the types of relief, including interest, specified in section 18 of this Act, including all subsections thereof, against the other tribe, through its tribal chairman in a like representative capacity, and against the United States as to the types of recovery specified in subsection (a)(3) of such section 18 and subject to the same provisions as contained in said subsection, such action to apply to the lands in issue in the reservation established by the Act of June 14, 1934 (48 Stat. 960).

"(2) In the event the Hopi Tribe or Navajo Tribe is determined to have any interest in the lands in issue, the right of either tribe to recover hereunder shall be based upon that percentage of the total sums collected, use made, waste committed, and other amounts of recovery, which is equal to the percentage of lands in issue in which either tribe is determined to have such interest.

Defense.

"(3) Neither laches nor the statute of limitations shall constitute a defense to such proceedings if they are either prosecuted as a part of the action authorized by this section or in a proceeding supplemental thereto, if instituted not later than twenty-four months following a final order of partition and exhaustion of appeals in an action filed pursuant to this section.".

25 USC 640d-9.

SEC. 3. Section 10 of the Act of December 22, 1974, is amended by adding at the end thereof the following new subsections:

"(c) The Secretary shall take such action as may be necessary in order to assure the protection, until relocation, of the rights and property of individuals subject to relocation pursuant to this Act, or any judgment of partition pursuant thereto, including any individual authorized to reside on land covered by a life estate conferred pursuant to section 30 of this Act.

"(d) With respect to any individual subject to relocation, the Secretary shall take such action as may be necessary to assure that such individuals are not deprived of benefits or services by reason of their status as an individual subject to relocation.

Partitioned lands, tribal jurisdiction.

94 STAT. 930

"(e)(1) Lands partitioned pursuant to this Act, whether or not the partition order is subject to appeal, shall be subject to the jurisdiction of the tribe to whom partitioned and the laws of such tribe shall apply to such partitioned lands under the following schedule:

"(A) Effective ninety days after the date of enactment of this subsection, all conservation practices, including grazing control and range restoration activities, shall be coordinated and executed with the concurrence of the tribe to whom the particular lands in question have been partitioned, and all such grazing and range restoration matters on the Navajo Reservation lands shall be administered by the Bureau of Indian Affairs Navajo Area Office and on the Hopi Reservation lands by the Bureau of Indian Affairs Phoenix Area Office, under applicable laws and regulations.

"(B) Notwithstanding any provision of law to the contrary, each tribe shall have such jurisdiction and authority over any lands partitioned to it and all persons located thereon, not in conflict with the laws and regulations referred to in paragraph (A) above, to the same extent as is applicable to those other portions of its reservation. Such jurisdiction and authority over partitioned lands shall become effective April 18, 1981.

Effective date.

The provisions of this subsection shall be subject to the responsibility of the Secretary to protect the rights and property of life tenants and persons awaiting relocation as provided in subsections (c) and (d) of this section.

Ante, p. 929.

"(f) Any development of lands in litigation pursuant to section 8 of this Act and further defined as 'that portion of the Navajo Reservation lying west of the Executive Order Reservation of 1882 and bounded on the north and south by westerly extensions, to the reservation line, of the northern and southern boundaries of said Executive Order Reservation,' shall be carried out only upon the written consent of each tribe except for the limited areas around the village of Moenkopi and around Tuba City. Each such area has been heretofore designated by the Secretary. 'Development' as used herein shall mean any new construction or improvement to the property and further includes public work projects, power and water lines, public agency improvements, and associated rights-of-way.".

"Development."

25 USC 640d-10.

SEC. 4. Section 11 of the Act of December 22, 1974, is amended to read as follows:

Land transfer to Navajo Tribe.

"SEC. 11. (a) The Secretary is authorized and directed to—

"(1) transfer not to exceed two hundred and fifty thousand acres of lands under the jurisdiction of the Bureau of Land Management within the State of Arizona and New Mexico to the Navajo Tribe: *Provided*, That, in order to facilitate such transfer, the Secretary is authorized to exchange such lands for State or private lands of equal value or, if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require so long as payment does not exceed 25 per centum of the total value of the lands transferred out of Federal ownership. The Secretary shall try to reduce the payment to as small an amount as possible. Such lands will be transferred without cost to the Navajo Tribe and title thereto shall be taken by the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation;

"(2) on behalf of the United States, accept title to not to exceed one hundred and fifty thousand acres of private lands acquired by the Navajo Tribe. Title thereto shall be taken in the name of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation.

"(b) A border of any parcel of land so transferred or acquired shall be within eighteen miles of the present boundary of the Navajo Reservation: *Provided,* That, except as limited by subsection (g) hereof, Bureau of Land Management lands anywhere within the States of Arizona and New Mexico may be used for the purpose of exchanging for lands within eighteen miles of the present boundary of the reservation.

Navajo and Hopi Indian Relocation Commission, selection authority.

"(c) Lands to be so transferred or acquired shall, for a period of three years after the date of enactment of this subsection, be selected by the Navajo Tribe after consultation with the Commission: *Provided,* That, at the end of such period, the Commission shall have the authority to select such lands after consultation with the Navajo Tribe: *Provided further,* That not to exceed thirty-five thousand acres of lands so transferred or acquired shall be selected within the State of New Mexico.

Report to congressional committees.

"(d) The Commission, in consultation with the Secretary, shall within sixty days following the first year of enactment of this subsection report to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs, on the progress of the land transfer program authorized in subsection (a) of this section. Sixty days following the second year of enactment of this subsection the Commission, in consultation with the Secretary, shall submit a report to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs giving the status of the land transfer program authorized in subsection (a) of this section, making any recommendations that the Commission deems necessary to complete the land transfer program.

"(e) Payments being made to any State or local government pursuant to the provisions of the Act of October 20, 1976 (90 Stat. 2662; 31 U.S.C. 1601 et seq.), on any lands transferred pursuant to subsection (a)(1) of this section shall continue to be paid as if such transfer had not occurred.

"(f)(1) For a period of three years after the date of enactment of this subsection, the Secretary shall not accept title to lands acquired pursuant to subsection (a)(2) of this section unless fee title to both surface and subsurface has been acquired or the owner of the subsurface interest consents to the acceptance of the surface interest in trust by the Secretary.

Public notice. Report to congressional committees.

"(2) If, ninety days prior to the expiration of such three year period, the full entitlement of private lands has not been acquired by the Navajo Tribe and accepted by the Secretary in trust for the Navajo Tribe under the restrictions of paragraph (1) of this subsection, the Commission, after public notice, shall, within thirty days, make a report thereon to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs.

"(3) In any case where the Secretary accepts, in trust, title to the surface of lands acquired pursuant to subsection (a)(2) of this section where the subsurface interest is owned by third parties, the trust status of such surface ownership and the inclusion of the land within the Navajo Reservation shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

"(g) No public lands lying north and west of the Colorado River in the State of Arizona shall be available for transfer under this section.

Selection authority.

94 STAT. 932

"(h) The lands transferred or acquired pursuant to this section shall be administered by the Commission until relocation under the Commission's plan is complete and such lands shall be used solely for the benefit of Navajo families residing on Hopi-partitioned lands as of the date of this subsection who are awaiting relocation under this Act.

Negotiation authority.

"(i) The Commission shall have authority to enter into negotiations with the Navajo and Hopi Tribes with a view to arranging and carrying out land exchanges or leases, or both, between such tribes; and lands which may be acquired or transferred pursuant to this section may, with the approval of the Commission, be included in any land exchange between the tribes authorized under section 23 of this Act.". 25 USC 640d-22.

25 USC 640d-11.

SEC. 5. Section 12 of the Act of December 22, 1974, is amended by—

(1) inserting, in paragraph (1) of subsection (g), the phrase "an independent legal counsel," after the phrase "Executive Director,";

(2) amending subsection (h) to read as follows:

"(h) The Commission is authorized to provide for its own administrative, fiscal, and housekeeping services.";

(3) redesignating subsection (i) as subsection (j) and inserting new subsection (i) as follows:

Federal agencies, assistance to Commission.

"(i)(1) The Commission is authorized to call upon any department or agency of the United States to assist the Commission in implementing its relocation plan and completing relocation within the time required by law, except that the control over and responsibility for completing relocation shall remain in the Commission. In any case in which the Commission calls upon any such department or agency for assistance under this section, such department or agency shall provide reasonable assistance so requested.

Report to Congress

"(2) On failure of any agency to provide reasonable assistance as required under paragraph (1) of this subsection, the Commission shall report such failure to the Congress.".

25 USC 640d-12.

SEC. 6. Clause (5) of section 13(c) of the Act of December 22, 1974, is amended by striking the word "thirty" and inserting, in lieu thereof, the word "ninety".

25 USC 640d-14.

SEC. 7. Section 15 of the Act of December 22, 1974, is amended by adding at the end thereof a new subsection (f) as follows:

Replacement housing.

"(f) Notwithstanding any other provision of law to the contrary, the Commission shall on a preferential basis provide relocation assistance and relocation housing under subsections (b), (c), and (d) of this section to the head of each household of members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of United States v. Kabinto (456 F. 2d 1087 (1972)): *Provided*, That such heads of households have not already received equivalent assistance from Federal agencies.".

25 USC 640d-18.

SEC. 8. Section 19 of the Act of December 22, 1974, is amended by adding a new subsection (c) as follows:

"(c)(1) Surveying, monumenting, and fencing as required by subsection (b) of this section shall be completed within twelve months after the date of enactment of this subsection with respect to lands partitioned pursuant to section 4 of this Act and within twelve months after a final order of partition with respect to any lands partitioned pursuant to section 8 of this Act. 25 USC 640d-3. *Ante*, p. 929.

"(2) The livestock reduction program required under subsection (a) of this section shall be completed within eighteen months after the date of enactment of this subsection.".

25 USC 640d-22.
Relocation benefits.

94 STAT. 933

SEC. 9. Section 23 of the Act of December 22, 1974, is amended by adding the following sentence at the end thereof: "In the event that the tribes should negotiate and agree on an exchange of lands pursuant to authority granted herein the Commission shall make available 125 per centum of the relocation benefits provided in sections 14 and 15 of this Act to members of either tribe living on land to be exchanged to other than his or her own tribe, except that such benefits shall be available only if, within one hundred and eighty days of the agreement, a majority of the adult members of the tribe who would be eligible to relocate from exchanged lands sign a contract with the Commission to relocate within twelve months of the agreement or such later time as determined by the Commission and such additional benefits shall only be paid to those who actually relocate within such period.".

25 USC 640d-13, *ante*, p. 932.

SEC. 10. (a) Section 25(a)(5) of the Act of December 22, 1974, as amended by the Act of July 30, 1979 (Public Law 96-40), is further amended by striking the figure "$1,000,000" and inserting, in lieu thereof, the figure "$4,000,000": *Provided*, That no new budget authority for fiscal year 1980 is authorized to be appropriated.

93 Stat. 318.
25 USC 640d-24.

(b) Section 25(a) of the Act of December 22, 1974, is further amended by adding at the end thereof the following new paragraph:

"(7) For the purpose of carrying out the provisions of subsection (i) of section 30 of this Act, as amended, there is authorized to be appropriated, effective in fiscal year 1981, not to exceed $1,000,000 annually.".

Post, p. 934.

SEC. 11. The Act of December 22, 1974, is amended by adding at the end thereof the following new sections:

"SEC. 27. (a) To facilitate and expedite the relocation efforts of the Commission, there is hereby authorized to be appropriated annually, effective in fiscal year 1981, not to exceed $6,000,000 as a discretionary fund.

Appropriation authorization.
25 USC 640d-25.

"(b) Such funds may only be used by the Commission to—

Funds, use.

"(1) match or pay not to exceed 30 per centum of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either tribe in meeting the burdens imposed by this Act;

"(2) engage or participate, either directly or by contract, in demonstration efforts to employ innovative energy or other technologies in providing housing and related facilities and services in the relocation and resettlement of individuals under this Act.

Not to exceed 5 per centum of such funds may be used for the administrative expenses of the Commission in carrying out this section.

"(c) The Secretary of the Interior and the Secretary of Health and Human Services, as appropriate, shall assign the highest priority, in the next fiscal year after the date of enactment of this subsection to the funding and construction of the Hopi high school and Hopi medical center consistent with any plans already completed and approved by appropriate agencies of the respective departments.

"SEC. 28. (a) No action taken pursuant to, in furtherance of, or as authorized by this Act, as amended, shall be deemed a major Federal action for purposes of the National Environmental Policy Act of 1969, as amended.

25 USC 640d-26.

42 USC 4321 note.

"(b) Any transfer of public lands pursuant to this Act shall be made

94 STAT. 934

notwithstanding the provisions of sections 603 and 402(g) of the Federal Land Policy and Management Act (Public Law 94-579; 40 U.S.C. 1701 et seq.).

43 USC 1782, 1752.

"SEC. 29. (a) In any litigation or court action between or among the Hopi Tribe, the Navajo Tribe and the United States or any of its officials, departments, agencies, or instrumentalities, arising out of the interpretation or implementation of this Act, as amended, the Secretary shall pay, subject to the availability of appropriations, attorney's fees, costs and expenses as determined by the Secretary to be reasonable. For each tribe, there is hereby authorized to be appropriated not to exceed $120,000 in fiscal year 1981, $130,000 in

Litigation or court action.
25 USC 640d-27.

Appropriation authorization.

fiscal year 1982, $140,000 in fiscal year 1983, $150,000 in fiscal year 1984, and $160,000 in fiscal year 1985, and each succeeding year thereafter until such litigation or court action is finally completed.

"(b) Upon the entry of a final judgment in any such litigation or court action, the court shall award reasonable attorney's fees, costs and expenses to the party, other than the United States or its officials, departments, agencies, or instrumentalities, which prevails or substantially prevails, where it finds that any opposing party has unreasonably initiated or contested such litigation. Any party to whom such an award has been made shall reimburse the United States out of such award to the extent that it has received payments pursuant to subsection (a) of this section.

"(c) To the extent that any award made to a party against the United States pursuant to subsection (b) of this section exceeds the amount paid to such party by the United States pursuant to subsection (a) of this section, such difference shall be treated as if it were a final judgment of the Court of Claims under section 2517 of title 28, United States Code.

"(d) This section shall apply to any litigation or court action pending upon the date of enactment of this section in which a final order, decree, judgment has not been entered, but shall not apply to any action authorized by section 8 or 18(a) of this Act.

Ante, p. 929, 25 USC 640d-17.
Repeal.
25 USC 640d-4.

"Sec. 30. (a) Paragraph (4) of section 5(a) of the Act of December 22, 1974, is repealed.

Life estate leases, application.
25 USC 640d-28.

"(b) Any Navajo head of household who desires to do so may submit an application for a life estate lease to the Commission. Such application shall contain such information as the Commission may prescribe by regulation, such regulation to be promulgated by the Commission within ninety days of enactment of this subsection. To be considered, such application must by filed with the Commission on or before April 1, 1981: *Provided*, That the Commission may, for good cause, grant an extension of one hundred and eighty days.

Priority ranking.

"(c) Upon receipt of applications filed pursuant to this section, the Commission shall group them in the following order:

"(A) Applicants who are determined to be at least 50 per centum disabled as certified by a physician approved by the Commission. Such applicants shall be ranked in the order of the severity of their disability.

"(B) Applicants who are not at least 50 per centum disabled shall be ranked in order of their age with oldest listed first and the youngest listed last: *Provided*, That, if any applicant physically resides in quarter quad Nos. 78 NW, 77 NE, 77 NW, 55 SW, or 54 SE as designated on the Mediator's partition map, such applicant shall be given priority over another applicant of equal age.

94 STAT. 935

"(C) Applicants who did not, as of December 22, 1974, and continuously thereafter, maintain a separate place of abode and actually remain domiciled on Hopi partitioned lands, and who, but for this subsection would be required to relocate, shall be rejected by the Commission.

"(D) Applicants who were not at least forty-nine years of age on December 22, 1974, or are not at least 50 per centum disabled, shall also be rejected by the Commission.

Awarding of leases.

"(d) The Commission shall have authority to award life estate leases to not more than one hundred and twenty applicants with first priority being given to applicants listed pursuant to subsection (c)(A) and the next priority being given to the applicants listed pursuant to subsection (c)(B), in order of such listing.

"(e) Each life estate lease shall consist of a fenced area not exceeding ninety acres of land which shall include the life tenant's present residence and may be used by the life tenant to feed not to exceed twenty-five sheep units per year or equivalent livestock. The Secretary, under existing authority, shall make available to life estate tenants such assistance during that tenure, as may be necessary to enable such tenant to feed such livestock at an adequate nutritional level.

Residents.

"(f) No person may reside on a life estate other than the life tenant, his or her spouse, and minor dependents, and/or such persons who are necessarily present to provide for the care of the life tenant. The Commission shall promulgate regulations to carry out the intent of this subsection.

Tenant death.

"(g) The life estate tenure shall end by voluntary relinquishment, or at the death of the life tenant or the death of his or her spouse, whichever occurs last: *Provided*, That each survivorship right shall apply only to those persons who were lawfully married to each other on or before the date of enactment of this subsection.

Voluntary estate relinquishment.

Ante, p. 932.

"(h) Nothing in this section shall be construed as prohibiting any such applicant who receives a life estate lease under this section from relinquishing, prior to its termination, such estate at any time and voluntarily relocating. Upon voluntary relinquishment of such estate, by such means or instrument as the Secretary shall prescribe, such applicant shall be entitled to relocation benefits from the Secretary comparable to those provided by section 15 of this Act. For life estates terminated by the death of the life tenant or his or her surviving spouse, compensation shall be paid to the estate of the deceased life tenant or surviving spouse based on the fair market value of the habitation and improvements at the time of the expiration of such tenure and not before. Such payment shall be in lieu of any other payment pursuant to subsection (a) of section 15 of this Act. Assistance provided pursuant to section 15(b) of this Act, as amended, shall be paid to any head of household lawfully residing on such life estate pursuant to subsection (f) of this subsection who is required to move by the termination of such life estate by the death of the life tenant and his or her surviving spouse and who does not maintain a residence elsewhere. Compensation under section 15(a) shall be paid and distributed in accordance with the last will and testament of the life tenant or surviving spouse or, in the event no valid last will and testament is left, compensation shall be paid and distributed to his or her heirs in accordance with existing Federal law. Upon termination of a life estate by whatever means, the dependents residing with the individuals having such life estate so terminated shall have ninety days following such termination within which to relocate.

94 STAT. 936

"(i) The Secretary shall pay, on an annual basis, the fair market rental value of such life estate leases to the tribe to whom the lands leased were partitioned.

"(j) Nothing in this Act or any other law shall be construed to prevent a life tenant from making reasonable improvements on the life estate which are related to the residence and agricultural purposes of the life tenancy.

Additional leases.

"(k) The Commission is authorized to grant not to exceed ten additional life estate leases to Hopi heads of household residing on Navajo-partitioned lands under such terms of this section as may be appropriate.".

Approved July 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-544 accompanying H.R. 5262 (Comm. on Interior and Insular Affairs) and No. 96-1094 (Comm. of Conference).

SENATE REPORT No. 96-373 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Oct. 24, considered and passed Senate.

Oct. 29, H.R. 5262 considered and passed House; passage vacated and S. 751, amended, passed in lieu.

Vol. 126 (1980): June 25, House agreed to conference report and receded from its amendment to the title.

June 26, Senate agreed to conference report.

94 STAT. 940

Public Law 96-309
96th Congress

An Act

July 9, 1980
[S. 2546]

To authorize the Secretary of the Interior to design and construct a gunite lining on certain reaches of the Bessemer Ditch in the vicinity of Pueblo, Colorado, to prevent or reduce seepage damage on adjacent properties, and for other purposes.

Bessemer Ditch, Pueblo, Colo., gunite lining.

Liability for damages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to design and construct a gunite lining on approximately eight thousand feet of the Bessemer Ditch in the vicinity of Pueblo, Colorado, to prevent or reduce seepage damage on adjacent properties. Nothing in this Act shall be construed in any administrative or judicial proceeding as establishing congressional acquiesence or approval of any theory of Federal liability for damages or as establishing a precedent for Federal liability or responsibility in any situation similar to that addressed by this Act.

Design and construction costs.

Maintenance and replacement.

SEC. 2. The design and construction costs of the works authorized by this Act shall be included as capital costs of Pueblo Dam and Reservoir, Fryingpan-Arkansas Project, Colorado, and shall be allocated to the purposes served by Pueblo Dam and Reservoir in accordance with procedures established pursuant to Federal Reclamation Law. The Bessemer Irrigating Ditch Company, which owns, operates, and maintains the Bessemer Ditch, shall be responsible for maintaining or replacing the completed gunite lining authorized by this Act.

Appropriation authorization.

SEC. 3. There is hereby authorized to be appropriated for fiscal year 1981 for the design and construction of approximately eight thousand feet of gunite lining on the Bessemer Ditch in the vicinity of Pueblo, Colorado, the sum of $1,500,000 (based on October 1979 prices), plus or minus such amounts, if any, as may be justified by reason of changes of construction costs as indicated by engineering cost indices applicable to the type of construction involved.

Approved July 9, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-750 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
June 27, considered and passed House.

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94 STAT. 948

Public Law 96-312
96th Congress

An Act

July 23, 1980
[S. 2009]

To designate certain public lands in central Idaho as the River of No Return Wilderness, to designate a segment of the Salmon River as a component of the National Wild and Scenic Rivers System, and for other purposes.

Central Idaho Wilderness Act of 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central Idaho Wilderness Act of 1980".

SEC. 2. (a) The Congress finds that—

(1) certain wildlands in central Idaho lying within the watershed of the Salmon River—the famous "River of No Return"—constitute the largest block of primitive and undeveloped land in the conterminous United States and are of immense national significance;

(2) these wildlands and a segment of the Salmon River should be incorporated within the National Wilderness Preservation System and the National Wild and Scenic Rivers System in order

to provide statutory protection for the lands and waters and the wilderness-dependent wildlife and the resident and anadromous fish which thrive within this undisturbed ecosystem; and

(3) such protection can be provided without conflicting with established uses.

(b) The purposes of this Act are to—

(1) provide a comprehensive, statutory framework for the protection, administration, and management of the wildlands of the central Idaho region and a portion of the Salmon River through—

(A) the designation of the River of No Return Wilderness;

(B) the addition of certain lands in the "Magruder Corridor" to the existing Selway-Bitterroot Wilderness; and

(C) the incorporation of one hundred and twenty-five miles of the Salmon River as a component of the National Wild and Scenic Rivers System;

(2) end the controversy over which lands within the central Idaho region will be designated wilderness—thereby assuring that certain adjacent lands better suited for multiple uses other than wilderness will be managed by the Forest Service under existing laws and applicable land management plans; and

(3) make a comprehensive land allocation decision for the national forest roadless areas of the central Idaho region.

River of No Return Wilderness, area description and designation.
16 USC 1132 note.

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890; 16 U.S.C. 1131), certain lands in the Boise, Challis, Payette, Salmon, Bitterroot, and Nezperce National Forests, Idaho, situated north and south of the Salmon River which comprise approximately two million two hundred and thirty-nine thousand acres, as generally depicted on a map entitled "River of No Return Wilderness, Proposed", dated June 1980, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, and shall be known as the River of No Return Wilderness. The previous classifications of the Idaho and Salmon River Breaks Primitive Areas are hereby abolished.

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Abolishments.

Selway-Bitterroot Wilderness, incorporated lands.

SEC. 4. In furtherance of the purposes of the Wilderness Act, certain lands in the Bitterroot National Forest, Idaho, which comprise approximately one hundred and five thousand six hundred acres as generally depicted on a map entitled "Magruder Corridor Proposed Additions, Selway-Bitterroot Wilderness", dated November 1979, are hereby incorporated in, and shall be deemed to be a part of, the Selway-Bitterroot Wilderness as designated by Public Law 88-577, and, therefore a component of the National Wilderness Preservation System.

16 USC 1131.

Comprehensive management plan, submittal to congressional committees.

SEC. 5. (a)(1) Within three years of the date of enactment of this Act, the Secretary of Agriculture (hereinafter referred to as "the Secretary") shall develop and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives a comprehensive wilderness management plan (hereinafter referred to as "the management plan") for the River of No Return Wilderness which shall consider a broad range of land uses and recreation opportunities.

(2) The management plan shall be prepared in coordination with the relevant national forest plans required by section 6 of the National Forest Management Act of 1976 (Public Law 94-588).

16 USC 1604.

(3) The management plan shall include the cultural resources management plan required by section 8(a)(3) of this Act.

16 USC 1608.

(4) In preparing the management plan, the Secretary shall provide for full public participation as required under section 6 of the National Forest Management Act.

16 USC 1604.

(5) The management plan shall, among other things, address the need for, and alternative means of, access to the wilderness.

(b) In administering the River of No Return Wilderness, the Secretary shall, to the maximum extent practicable, consistent with the management plan required by this section, clear obstructions from all of the national forest trails within or adjacent to the wilderness on at least an annual basis.

Effective date.

16 USC 1131 note.

(c) Subject to valid existing rights, the River of No Return Wilderness designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Special Management Zone, mining. 16 USC 1133.

(d)(1) Notwithstanding the provisions of the Wilderness Act of 1964 (78 Stat. 890; 16 U.S.C. 1131), including section 4(d)(3), closing wilderness areas after December 31, 1983, to the United States mining laws, and the designation of the River of No Return Wilderness by this Act, within that portion of the wilderness depicted on a map entitled "Special Mining Management Zone—Clear Creek", (hereinafter referred to in this section as the "Special Management Zone"), dated June 1980, all prospecting and exploration for, and development or mining of cobalt and associated minerals shall be considered a dominant use of such land and shall be subject to such laws and regulations as are generally applicable to National Forest System lands not designated as wilderness or other special management areas, including such laws and regulations which relate to the right of access to valid mining claims and private property: *Provided*, That:

(A) all mining locations and associated access roads shall be held and used solely for mining or mineral processing operations and uses reasonably incident thereto, except that the Secretary

94 STAT. 950

may permit such access roads to be utilized by the State of Idaho to facilitate the management of the bighorn sheep in the Special Management Zone;

Mineral deposits, patents.

(B) after the date of enactment of this Act, subject to valid existing rights, all patents issued under the mining laws of the United States for claims within the Special Management Zone shall convey title to the mineral deposits within such claims, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed: *Provided*, That the patentee shall have the right to cut and use as much of the mature timber therefrom as may be needed in the extraction, removal and beneficiation of the mineral deposits, if such needed timber is not otherwise reasonably available, and if such timber is cut under sound principles of forest management as defined by National Forest System rules and regulations: *Provided further*, That the patentee shall have the right to use as much of the surface as reasonably necessary for the mining, removal, extraction, or beneficiation of the mineral deposits located therein; and

(C) consistent with the other provisions of this subsection the Secretary may take all reasonable measures to see that the mining or processing of cobalt and associated minerals within the Special Management Zone does not significantly impair the overall habitat of the bighorn sheep located within, or adjacent to, such Zone.

Report to Congress.

(2) Within three years from the date of enactment of this Act, the Secretary of Defense, after consultation with the Secretaries of the Interior, Agriculture, Commerce, Transportation, and State and the Federal Emergency Management Agency, shall report to Congress on the strategic significance of the materials and minerals found in the Special Management Zone.

Map and legal description, filing with congressional committees.

SEC. 6. As soon as practicable after enactment of this Act, a map and legal description of the River of No Return Wilderness and a map and legal description of the Selway-Bitterroot Wilderness additions shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Permitted land uses, continuation.
Aircraft landing.

SEC. 7. (a) Within the River of No Return Wilderness and the Selway-Bitterroot Wilderness additions designated by this Act—

(1) the landing of aircraft, where this use has become established prior to the date of enactment of this Act shall be permitted to continue subject to such restrictions as the Secretary deems desirable: *Provided*, That the Secretary shall not permanently close or render unserviceable any aircraft landing strip in regular use on national forest lands on the date of enactment of this Act for reasons other than extreme danger to aircraft, and in any case not without the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of backcountry airstrips;

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16 USC 1133.

(2) the grazing of livestock were established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as the Secretary deems necessary, as provided in paragraph 4(d)(4) of the Wilderness Act;

(3) commercial services may be performed to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas as provided in paragraph 4(d)(6) of the Wilderness Act; and

(4) the future construction and maintenance of small hydroelectric generators, domestic water facilities, and related facilities shall be permitted in the Threemile and Jersey Creek drainages along the Salmon River upstream from Mackay Bar.

(b) As provided in paragraph 4(d)(7) of the Wilderness Act, nothing in this Act shall constitute an express or implied claim or denial on the right of the Federal Government as to exemption from State water laws.

(c) As provided in paragraph 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Idaho with respect to wildlife and fish in the national forests in Idaho.

Cultural resource management program.
16 USC 1131 note.
16 USC 1271 note.
16 USC 1604.
16 USC 470aa note.
16 USC 470 note.

SEC. 8. (a)(1) In furtherance of the purposes of the Wilderness Act, the Wild and Scenic Rivers Act, section 6 of the National Forest Management Act, the Archaeological Resources Protection Act, and the Historic Preservation Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Idaho, in conducting a cultural resource management program within the River of No Return Wilderness and within the Salmon River component of the National Wild and Scenic Rivers System as designated in section 9 of this Act.

(2) Such program shall have as its purposes the protection of archaeological sites and interpretation of such sites for the public benefit and knowledge insofar as these activities are compatible with the preservation of the values for which the wilderness and wild and scenic river were designated to protect.

(3) To carry out the cultural resource management program required by paragraph (1) of this section, the Secretary shall, as part of the comprehensive management plan required under subsection 5 (a) of this Act, develop a cultural resources management plan for the wilderness and the river. Such plan shall—

(A) encourage scientific research into man's past use of the River of No Return Wilderness and the Salmon River corridor;

(B) provide an outline for the protection of significant cultural resources, including protection from vandalism and looting as well as destruction from natural deterioration;

(C) be based on adequate inventory data, supplemented by test excavation data where appropriate;

(D) include a public interpretation program; and

(E) comply with all Federal and State historic and cultural preservation statutes, regulations, guidelines, and standards.

Inventory; report to congressional committees.

(b)(1) Within two years from the date of enactment of this Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Idaho in conducting an inventory of the ranch, homestead, trapper and other cabins, and structures within the River of No Return Wilderness and within the Salmon River component of the National Wild and Scenic Rivers System designated by section 9 of this Act and submit to the Committee on Energy and Natural Resources of the United States
94 STAT. 952 Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a report on—

(A) the location of these structures;

(B) their historic significance, if any;

(C) their present condition;

(D) recommendations as to which of these structures should be:

(i) stabilized;

(ii) restored;

(iii) maintained; or

(iv) removed;

(E) the estimated cost of such stabilization, restoration, maintenance, or removal; and

(F) the suitability of any of these structures for inclusion in the National Register of Historic Places.

(2) Until such time as the study under this subsection is completed and the required report submitted to the Committees, the Secretary shall not knowingly permit the destruction or significant alteration of any historic cabin or other structure on national forest land within the River of No Return Wilderness or the Salmon River component of the National Wild and Scenic Rivers System designated in section 9 of this Act.

16 USC 1274.

SEC. 9. (a) The Wild and Scenic Rivers Act (82 Stat. 906, as amended; 16 U.S.C. 1271 et seq.), is further amended as follows: In section 3(a) after paragraph (23) insert the following new paragraph:

River designation.

"(24)(A) SALMON, IDAHO.—The segment of the main river from the mouth of the North Fork of the Salmon River downstream to Long Tom Bar in the following classes:

"(i) the forty-six-mile segment from the mouth of the North Fork of the Salmon River to Corn Creek as a recreational river; and

"(ii) the seventy-nine-mile segment from Corn Creek to Long Tom Bar as a wild river; all as generally depicted on a map entitled "Salmon River" dated November 1979, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

Administration.

"(B) This segment shall be administered by the Secretary of Agriculture: *Provided*, That after consultation with State and local governments and the interested public, the Secretary shall take such action as is required by subsection (b) of this section within one year from the date of enactment of this paragraph.

"(C) The use of motorboats (including motorized jetboats) within this segment of the Salmon River shall be permitted to continue at a level not less than the level of use which occurred during calendar year 1978.

Mining, prohibition.

"(D) Subject to existing rights of the State of Idaho, including the right of access, with respect to the beds of navigable streams, tributaries or rivers, dredge and placer mining in any form including any use of machinery for the removal of sand and gravel for mining purposes shall be prohibited within the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph; within the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River; and within the Middle Fork of the Salmon River; and its tributary streams in their entirety: *Provided*, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the River of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the Middle Fork and its tributaries for the purposes of construction or maintenance of public roads: *Provided further*, 94 STAT. 953 That this paragraph shall not apply to any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980.

"(E) The provisions of section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines or other project works, shall apply to the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

Appropriation authorization.

"(F) For the purposes of the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph, there is hereby authorized to be appropriated from the Land and Water Conservation Fund, after October 1, 1980, not more than $6,200,000 for the acquisition of lands and interests in lands.".

16 USC 1281 note.

16 USC 1132 note.
16 USC 1271 note.
16 USC 1281.
16 USC 1131 note.

(b) That segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System by this Act, which lies within the River of No Return Wilderness or the Gospel-Hump Wilderness designated by Public Law 95-237, shall be managed under the provisions of the Wild and Scenic Rivers Act, as amended, and the regulations promulgated pursuant thereto, notwithstanding section 10(b) of the Wild and Scenic Rivers Act or any provisions of the Wilderness Act to the contrary.

Administration.

SEC. 10. (a) Notwithstanding any other provision of law, the Secretary shall render, within 30 days from the date of enactment of this Act, a final administrative decision on any and all administrative appeals pending before him or any other official of the Department of Agriculture on the date of enactment of this Act with regard to the following land management plans and corresponding environmental statements (hereinafter referred to in this section as "the plans and environmental statements"):

(1) The Warren Planning Unit Land Management Plan and Final Environmental Statement, Payette National Forest, Idaho, dated May 9, 1979; and

(2) The Landmark Planning Unit Land Management Plan and Final Environmental Statement, Boise National Forest, Idaho, dated May 17, 1979.

Review, petition filing.

(b)(1) Any petition for review of the decision of the Secretary with regard to any of the plans and environmental statements referenced in this section, shall be filed in the United States District Court for the District of Idaho (hereinafter referred to as "the court") within thirty days after the final administrative decision of the Secretary required by this section, or the petition shall be barred. Such court shall have exclusive jurisdiction to determine such proceeding in accordance with standard procedures as supplemented by procedures hereinafter provided and no other district court of the United States shall have jurisdiction over any such challenge in any proceeding instituted prior to, on, or after the date of enactment of this Act.

Court procedures.

(2) Notwithstanding any other provision of law, the court may set rules governing the procedures of any such proceeding which set page limits on briefs and time limits for filing briefs and motions and other actions which are shorter than the limits specified in the Federal Rules of Civil or Appellate Procedure.

(3) Any such proceeding before the court shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way. The court shall render its final decision relative to any challenge within one hundred and eighty days from the date such challenge is brought unless the court determines that a longer period of time is required to satisfy the requirements of the 94 STAT. 954 United States Constitution.

Review.

(c) Any review of any decision of the United States District Court for the District of Idaho shall be made by the Ninth Circuit Court of Appeals of the United States and shall be assigned for hearing and

completed at the earliest possible date, and shall be expedited in every possible way.

Approved July 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-838, Pt. 1 (Comm. on Interior and Insular Affairs) and No. 96-1126 (Comm. of Conference).
SENATE REPORT No. 96-414 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 20, considered and passed Senate.
Vol. 126 (1980): Apr. 16, considered and passed House, amended.
June 26, Senate agreed to conference report.
June 30, July 1, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 30 (1980): July 23, Presidential statement.

94 STAT. 957

Public Law 96-315
96th Congress

An Act

July 25, 1980
[S. 2382]

To provide for additional authorization for appropriations for the Tinicum National Environmental Center.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tinicum National Environmental Center, appropriation authorization.
86 Stat. 391.
16 USC 668dd note.
86 Stat. 392.

SECTION 1. The Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" is amended—

(1) by amending section 7 to read as follows:

"SEC. 7. There are authorized to be appropriated, $19,500,000 (of which $8,400,000 shall be available beginning October 1, 1980) for acquisition of the Tinicum National Environmental Center, for construction of environmental educational center facilities, and for other development projects on the Center, to remain available until September 30, 1985."; and

(2) by adding at the end thereof the following new section:

Folcroft landfill, environmental hazards.

"SEC. 8. The Administrator of the Environmental Protection Agency, in consultation and cooperation with the Fish and Wildlife Service, is directed to investigate potential environmental health hazards resulting from the Folcroft landfill, within the authorized boundary of the Tinicum National Environmental Center, and to develop alternative recommendations as to how such hazards, if any, might best be addressed in order to protect the refuge and the general public.".

16 USC 668dd note.
Sailors' Snug Harbor.

SEC. 2. (a) If—

(1) the property known as Sailors' Snug Harbor, consisting of approximately eighty acres and located in the city of New York, is donated to the Secretary of the Interior (hereinafter referred to as the "Secretary") by the city of New York; and

Management as National Wildlife Refuge.

(2) the Secretary and the city of New York and the Snug Harbor Cultural Center, Incorporated, enter into mutually satisfactory cooperative agreements of the kind described in subsection (c) of this section, the Secretary shall manage Sailors' Snug Harbor as a National Wildlife Refuge until the completion of the study required by subsection (e) of this section.

(b) Except as may be provided for in cooperative agreements referred to in paragraph (2) of subsection (a) and in subsection (c) of this section, the property acquired under paragraph (1) of subsection (a) of this section shall be administered in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966.

16 USC 668dd note.
Cooperative agreements.

(c)(1) The Secretary and the city of New York and the Snug Harbor Cultural Center, Incorporated, shall endeavor to enter into cooperative agreements regarding the respective functions each such party will undertake with respect to the property acquired under paragraph (1) of subsection (a) of this section, except that the Secretary shall only be responsible for the protection of such property and the costs for normal operation and maintenance of such property as a refuge.

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Secretary's additional statutory authority.

(2) In addition, the Secretary may, if he deems appropriate, utilize any additional statutory authority that he may have for the conservation and development of wildlife and natural resources on such property and interpretative environmental education at such property.

Eligibility for funds.

(3) Nothing in this Act or cooperative agreements negotiated pursuant to this Act may be construed as affecting in any manner, or to any extent, the eligibility (as in effect on the day before the date of the enactment of this Act) of the city of New York, the Snug Harbor Cultural Center, Incorporated, or the State of New York, under any Federal law for funds or other assistance for use in the restoration or preservation of historic buildings, or in the carrying out of developmental and recreational projects and programs, within the area included in such property.

Fee area.
16 USC 715s.

(d) For purposes of section 401 of the Act of June 15, 1935 (commonly known as the "Refuge Revenue Sharing Act"), the property acquired under paragraph (1) of subsection (a) of this section may not be considered to be, nor treated as, a fee area within the meaning of subsection (g)(2) of such section 401.

Study.

5 USC app.

(e) Within two years after the date of enactment of this Act, the Secretary shall complete a study of the property acquired under paragraph (1) of subsection (a) of this section to determine how the resources and facilities could best be protected and managed under other statutory authorities available to him. Notwithstanding the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and pursuant to Reorganization Plan No. 3 of 1950, such property shall upon completion of such study, either be placed permanently in the National Wildlife Refuge System by the Secretary or transferred by the Secretary to any more appropriate agency of the Department of the Interior to be managed as, and become a part of, that agency consistent with its general statutory responsibilities. Notwithstanding the provisions of this Act, subsequent to such transfer, if any, the resources and facilities identified in the study shall be managed consistent with the findings of the study and that agency's authorized programs using the funding authorized under this section.

Appropriation authorization, building restoration or preservation, prohibition.

(f) There are authorized to be appropriated to the Department of the Interior not to exceed $1,750,000 for purposes of carrying out this section during the period covering fiscal years 1981, 1982, and 1983; except that no part of any funds appropriated pursuant to this section may be expended for the restoration or preservation of any building within the property acquired under paragraph (1) of subsection (a) of this section or for activities other than those enumerated in subsections (b) and (c) of this section.

Black Bay National Wildlife Refuge, vehicular access.

"Eligibile applicant."

SEC. 3. (a) During any period in which the Secretary of the Interior, by regulation, limits vehicular access to Back Bay National Wildlife Refuge, the Secretary of the Interior shall issue to any eligible applicant, a renewable annual permit to enable, the applicant to commute across the Back Bay National Wildlife Refuge. For purposes of this section, the term "eligible applicant" shall include all full-time residents who can furnish to the Refuge Manager, Back Bay National Wildlife Refuge, adequate proof of residence commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain full-time residents. The south boundary of the area for access consideration is defined as a straight east-west line extending

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from Currituck Sound to the Atlantic Ocean and passing through a point one thousand and six hundred feet due south of the Currituck Lighthouse.

Definitions.

(b) As used in this section, the terms—

(1) "residence" means a place of general abode;

(2) "place of general abode" means a principal, actual dwelling place in fact, without regard to intent; and

(3) "dwelling" means a residential structure occupied on year-round basis by the permit applicant and shall not include seasonal or part-time dwelling units such as beach houses, vacation cabins, or structures which are intermittently occupied.

(c) Any permit issued pursuant to this section shall assure that eligible applicants shall be allowed at least two round trips per day. Travel pursuant to such permits may be restricted to between the hours of 5:00 a.m. and 12:00 p.m. (midnight). In addition the Refuge Manager may make exceptions to access restrictions for qualified permittees who have demonstrated to the satisfaction of the Refuge Manager a need for additional access relating to health or livelihood.

Permit renewal.

(d) Permits pursuant to this section shall be renewed upon the submission of a signed, notarized statement by an eligible applicant that conditions of the previous permit have not changed.

(e) The Secretary of the Interior, may, subject to the foregoing provisions of this section, issue such regulations as are necessary to protect the resources of the refuge.

Approved July 25, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-890 accompanying H.R. 5679 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-675 (Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 6, considered and passed Senate.
May 19, H.R. 5679 considered and passed House; passage vacated and S. 2382, amended, passed in lieu.
July 2, Senate concurred in House amendment with amendments; House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 31:
July 26, Presidential statement.

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94 STAT. 1057

Public Law 96-332
96th Congress

An Act

Aug. 29, 1980
[S. 1140]

To amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes.

Marine Protection, Research, and Sanctuaries Act of 1972, appropriation authorization.
"State."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431) is amended by adding at the end thereof a new sentence to read as follows: "The term 'State', when used in this title, means any of the several States or any territory or possession of the United States which has a popularly elected Governor.".

SEC. 2. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—

(1) in subsection (b), by inserting "(1)" after "(b)", by striking out the second sentence thereof, and by inserting at the end thereof the following new paragraph:

Designation.

"(2) A designation under this section shall become effective unless—

"(A) the Governor of any State described in paragraph (1) certifies to the Secretary, before the end of the sixty-day period beginning on the date of the publication of the designation, that the designation or any of its terms described in subsection (f)(1), are unacceptable to his State, in which case those terms certified as unacceptable will not be effective in the waters described in paragraph (1) in such State until the Governor withdraws his certification of unacceptability; or

"(B) both Houses of Congress adopt a concurrent resolution in accordance with subsection (h) which disapproves the designation or any of its terms described in subsection (f)(1).

Designation withdrawal.

The Secretary may withdraw the designation after any such certification or resolution of disapproval. If the Secretary does not withdraw the designation, only those portions of the designation not certified as unacceptable under subparagraph (A) or not disapproved under subparagraph (B) shall take effect.";

(2) by amending subsection (f) to read as follows:

Designation terms.

"(f)(1) The terms of the designation shall include the geographic area included within the sanctuary; the characteristics of the area that give it conservation, recreational, ecological or esthetic value; and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which an original designation is made.

Regulations.

"(2) The Secretary, after consultation with other interested Federal and State agencies, shall issue necessary and reasonable regulations to implement the terms of the designation and control the activities described in it, except that all permits, licenses, and other authorizations issued pursuant to any other authority shall be valid unless such regulations otherwise provide.

Research.

"(3) The Secretary shall conduct such research as is necessary and reasonable to carry out the purposes of this title.

Enforcement.

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"(4) The Secretary and the Secretary of the department in which the Coast Guard is operating shall conduct such enforcement activities as are necessary and reasonable to carry out the purposes of this title. The Secretary shall, whenever appropriate and in consultation with the Secretary of the department in which the Coast Guard is operating, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis in carrying out his responsibilities under this title."; and

(3) by inserting at the end thereof the following new subsection:

Transmittal to Congress.

"(h)(1) For purposes of subsection (b)(2)(B), the Secretary shall transmit to the Congress a designation of a marine sanctuary at the time of its publication. The concurrent resolution described in subsection (b)(2)(B) is a concurrent resolution which is adopted by both Houses of Congress before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the designation is transmitted, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the taking of effect of the following terms of the marine sanctuary designation numbered transmitted to Congress by the Secretary of Commerce on : .', the blank space being filled with the number of the designation, the second blank space being filled with the date of the transmittal, and the third blank space being filled with the terms of the designation which are disapproved (or the phrase 'the entire designation' if the entire designation is disapproved).

"(2) For the purpose of paragraph (1) of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

Publication in Federal Register.

"(3) A designation which becomes effective, or that portion of a designation which takes effect under subsection (b), shall be printed in the Federal Register.".

94 STAT. 1059

SEC. 3. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended—

(1) by striking out "and" immediately after "fiscal year 1977,"; and

(2) by adding immediately after "fiscal year 1978" the following: "and not to exceed $2,250,000 for fiscal year 1981".

Approved August 29, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-894, pt. 1 (Comm. on Merchant Marine and Fisheries) and pt. 2 (Comm. on Science and Technology), both accompanying H.R. 6616.

SENATE REPORT No. 96-148 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 125 (1979): May 22, considered and passed Senate.

Vol. 126 (1980): May 12, 13, H.R. 6616 considered and passed House; passage vacated and S. 1140, amended, passed in lieu.

Aug. 18, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 16, No. 35 (1980): Aug. 29, Presidential statement.

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94 STAT. 1062

Public Law 96-335
96th Congress

An Act

Sept. 4, 1980
[H.R. 507]

To authorize Federal participation in stream rectification, Trinity River Division, Central Valley project, California, and for other purposes.

Trinity River Division, Central Valley project. Stream rectification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain, or to contract with the State of California for the design, construction, operation, or maintenance of, a sand dredging system on the Trinity River immediately downstream from Grass Valley Creek, a tributary of the Trinity River, and a debris dam and associated facilities on Grass Valley Creek, in Trinity County, California, in general conformity to the plan of development described and set forth in the Grass Valley Creek Sediment Control Study, April 1978, prepared for the Trinity River Basin Fish and Wildlife Task Force: *Provided,* That any such contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

Matching funds.

SEC. 2. The contract authorized by section 1 of this Act shall provide that the State of California, on a dollar-for-dollar basis, will match the funds provided by the Water and Power Resources Service for constructing, operating, and maintaining the sand dredging system.

Appropriation authorization.

SEC. 3. There is authorized to be appropriated for fiscal year 1982 and thereafter, to remain available until expended the sum of $3,500,000 (April 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such sums as may be required for the Federal share of operation and maintenance. All costs incurred pursuant to this Act shall be nonreimbursable and nonreturnable.

Funding conditions.

No funds shall be expended hereunder until the Board of Supervisors of Trinity County adopts adequate timber road and subdivision standards to protect the Grass Valley Creek watershed, and until an agreement has been executed with the State of California which shall provide that the State of California, on a dollar-for-dollar basis, will match the funds provided

by the Water and Power Resources Service for constructing, operating, and maintaining the sand dredging system.

Approved September 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-514 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-893 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 22, considered and passed House.
Vol. 126 (1980): Aug. 18, considered and passed Senate, amended.
Aug. 21, House concurred in Senate amendments.

Public Law 96-336
96th Congress

94 STAT. 1063

An Act

Sept. 4, 1980
[S. 496]

To increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the Act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes.

Colorado River Basin Salinity Control Act and Small Reclamation Projects Act of 1956, amendments.
43 USC 1571 note.
43 USC 422k.
43 USC 1571.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 24, 1974 (hereafter referred to as the "Act"), is hereby amended as follows:

SECTION 1. Section 101(b)(2) is amended, by inserting "(A)" after "(2)", by deleting the last sentence of the paragraph, and by adding thereafter the following:

43 USC 1571.

"(B) The Secretary is authorized to use electrical power and energy available from the Navajo Generating Station which is in excess of the Central Arizona Project pumping requirements for the purpose of supplying power and energy requirements of the desalting plant and protective pumping well field constructed pursuant to title I of the Act: *Provided,* That revenues credited to the Lower Colorado River Basin Development Fund shall not be diminished below those amounts which would have accrued had the power been marketed at the rate determined by the Secretary of Energy for the sale of power from the Navajo Generating Station to utilities and public entities, as a result of the use of power and energy for the desalting, protective pumping works, and other uses authorized by law, and that power and energy from the Navajo Generating Station shall be used first to meet the pumping requirements of the Central Arizona Project and after those needs have been met, for the desalting and protective pumping facilities constructed pursuant to title I of the Act, and finally for other uses: *Provided further,* That prior to obtaining power from the Navajo Generating Station under the authority of this subsection, the Secretary shall complete an analysis of alternative sources of supply, including but not limited to the possibility of developing an agreement with the Republic of Mexico whereby the United States (or a non-Federal entity) would enter into contractual arrangements with Mexico for a sufficient supply of power to operate the desalting plant, the regulatory pumping fields and appurtenant facilities.

Supplemental power and energy purchase.
Effective date.

"(C) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, the Secretary of the Interior is authorized to purchase supplemental power and energy as required for the purposes of supplying the power and energy requirements of the desalting plant and protective pumping well field.".

SEC. 2. Section 101(c) is amended by inserting ", Colorado River waters used for the mitigation of fish and wildlife habitat losses" after "from the desalting plant" in two places.

43 USC 1573.

SEC. 3. Section 103(a) of the Act is amended by adding a new subsection (4) as follows:

Contracts. Effective date.

94 STAT. 1064

"(4) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts under the terms and conditions of the Act of June 17, 1902 (43 U.S.C. 371 et seq.) as amended and supplemented for the delivery of water from said well field to entities within the United States for municipal and industrial or irrigation purposes: *Provided*, That such contracts for municipal and industrial purposes shall contain terms and conditions as substantially provided in section 9(c)(1) of the Reclamation Project Act of 1939, and that contracts for replacement irrigation water supplies to prevent damage to existing water users on privately developed lands include water charges no greater than if such water users had continued to pump their own wells without the United States lowering the water table and that the acreage limitation and related provisions of the Reclamation Law will not be applicable to such privately developed lands: *Provided further*, That no contract shall be entered which will impair the ability of the United States to continue to deliver to Mexico on the land boundary at San Luis and in the Limitrophe Section of the Colorado River downstream from Morelos Dam approximately one hundred and forty thousand acre-feet annually, consistent with the terms contained in Minute No. 242 of the IBWC.".

43 USC 485h.

43 USC 1576, 1577.

SEC. 4. A new section 106 shall be added to the Act, as follows, and succeeding sections shall be renumbered accordingly:

Administration and disposal of lands.
43 USC 1575a.

"SEC. 106. The Secretary is hereby authorized to administer and dispose of lands and interests in lands acquired, and facilities constructed under this title, and revenues received in connection with this authority shall be credited to the general fund of the Treasury.".

43 USC 1578.

Appropriation authorization.

SEC. 5. Section 108 of the Act is changed to section 109 and effective October 1, 1979, is amended by striking the first sentence and inserting in lieu thereof: "There is hereby authorized to be appropriated the sum of $356,400,000 for the construction of the works and accomplishment of the purposes authorized in sections 101, 102, 103, and 110, of which $3,579,000 is authorized for mitigation of fish and wildlife losses associated with replacement of the Coachella Canal in California, and $6,960,000 is authorized for mitigation of fish and wildlife losses associated with the Desalting Complex Unit and the Protective and Regulatory Pumping Unit in Arizona, based on January 1979, prices plus or minus such amounts as may be justified by reason of ordinary fluctuation in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. In order to provide for the utilization of significant improvements in desalinization technologies which may have been developed since the Bureau's evaluation, the Secretary is directed to evaluate such cost effective improvements and implement such improved designs into the plant operations when the evaluation indicates that cost savings will result: *Provided, however*, That no more than five percent of the amount authorized to be appropriated is used for these purposes.".

43 USC 1571-1573, *infra*.

43 USC 1574.

SEC. 6. A new section 110 shall be added to the Act, as follows:

Effective date.
43 USC 1579.

"SEC. 110. Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriate Acts, in order to provide measures determined by the Secretary of the Interior to be appropriate to mitigate loss of fish and wildlife habitat associated with other measures taken under this title:

Land acquisition and disposal.

"(a) The Secretary is authorized to—

"(1) acquire lands by purchase, eminent domain, or exchange;

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"(2) dispose of land, facilities, and equipment;

Facility construction.

"(3) construct, operate, maintain, and make replacements of facilities: *Provided, however*, That no funds will be provided for operation, maintenance, or replacement of non-Federal facilities.

"(b) All costs authorized by this section are nonreimbursable.".

SEC. 7. A new section 111 shall be added to the Act, as follows:

43 USC 1580.
Navajo Generating Station.

"SEC. 111. As used in this title:

"(a) Navajo Generating Station means—

"(1) the United States entitlement to a portion of the output of power and energy from the Navajo Generating Station, Page, Arizona, pursuant to United States participation in that generating station;

"(2) in the event that said United States entitlement is integrated with other generating facilities, then Navajo Generating Station means that amount of power and energy from the integrated system which is attributable to the United States Navajo entitlement;

"(3) when the Navajo Generating Station is replaced at the end of its useful life or an alternative resource is established, then Navajo Generating Station means an amount of power and energy equivalent to the present United States entitlement from Navajo, from the replacement resource.

"(b) All terms used herein that are defined in the Colorado River Compact shall have the meanings therein defined.".

43 USC 422k.

SEC. 8. The Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended, is further amended as follows:

Appropriation authorization.
43 USC 422j.

(a) Effective October 1, 1980, section 10, as amended, is further amended by deleting "$400,000,000" and inserting in lieu thereof the amount of "$600,000,000".

43 USC 422e.

(b) Subsection (c) of section 5, as amended, is further amended by adding the following: "Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;".

Approved September 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-177 accompanying H.R. 2609 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-181 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): June 4, considered and passed Senate.
Vol. 126 (1980): Feb. 7, H.R. 2609 considered and passed House; passage vacated and S. 496, amended, passed in lieu.
June 24, Senate concurred in House amendments with amendments.
Aug. 21, House concurred in Senate amendments.

Public Law 96-344
96th Congress

94 STAT. 1133

An Act

To improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666).

Sept. 8, 1980
[S. 2680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), the Secretary of the Interior may provide financial assistance for the maintenance and protection of the Folger Library and the Corcoran Gallery of Art.

Historic Sites, Buildings and Antiquities Act, administration improvement.
16 USC 462 note.
16 USC 462.

(b) Authority to enter into contracts or cooperative agreements, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

National Colonial Farm, operation and maintenance.

SEC. 2. Section 2 of the Joint Resolution entitled, "To provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes", approved October 4, 1961 (75 Stat. 780, 781), as amended, is further amended by adding the following after the final period in subsection (c): "The Secretary is authorized to cooperate with the Accokeek Foundation in the operation and maintenance of the National Colonial Farm, and funds appropriated to the Secretary for operation and maintenance of the farm may be made available to the Foundation for such purposes, subject to such terms and conditions as the Secretary may prescribe in furtherance of the purpose of this Act.".

Donation of land.
16 USC 461 note.

SEC. 3. (a) In order to preserve for the benefit and enjoyment of present and future generations significant properties associated with the life and cultural achievements of Georgia O'Keeffe, the Secretary may acquire—

(1) by donation, the site and structures comprising the home and studio situated in Abiquiu, New Mexico, and

(2) by purchase, donation, or exchange not to exceed one acre of detached land for off-site support facilities which the Secretary of the Interior deems necessary for the purposes of this section.

The Secretary may also accept the donation of furnishings and other personal property in connection with the site.

Georgia O'Keeffe National Historic Site. Publication in Federal Register.

(b) When the site, structures, and other properties authorized for acquisition under subsection (a) have been transferred to the United States, the Secretary shall establish the Georgia O'Keeffe National Historic Site by publication of notice to that effect in the Federal Register. The national historic site established pursuant to this section shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

16 USC 461-467.
Appropriation authorization.

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, not to exceed $40,000 for acquisition and $100,000 for development.

Plan, transmittal to congressional committees.

94 STAT. 1134

(d) Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the historic site, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.).

SEC. 4. The Act of October 27, 1972 (86 Stat. 1299; 16 U.S.C. 460bb) is amended as follows:

16 USC 460bb-1.

(1) in subsection 2(a), at the end thereof, add the following: "For the purposes of this Act, the southern end of the town of Marshall shall be considered to be the Marshall Boat Works. The following additional lands are also hereby included within the boundaries of the recreation area: Marin County Assessor's parcel numbered 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.".

16 USC 460bb-4.

(2) in subsection 5(b), change "three" to "five" and add at the end thereof: "*Provided*, That the terms of those members who have been either appointed or reappointed subsequent to January 1, 1979, shall be extended so as to expire not before June 1, 1985."; and

(3) in subsection 5(g), change "ten" to "twenty".

16 USC 410z note.
16 USC 410z.

SEC. 5. The Boston National Historical Park A[illegible] 1974 (88 Stat. 1184) is amended by inserting the following after the first sentence of subsection 2(d): "As used in this section, the Charlestown Navy Yard shall also include the properties known as the Ropewalk and Tar House and the Chain Forge and Round House, designated on such map as buildings numbered 58, 60, and 105.".

SEC. 6. Subsection 4(b) of the Act entitled "An Act to designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes", approved October 20, 1976 (90 Stat. 2692, 2694), is amended by revising the proviso to the first sentence in paragraph (2) to read as follows: "*Provided, however,* That, except for not more than approximately three and thirty-five one-hundredths acres designated herein as wilderness and approximately eleven and thirteen one-hundredths acres designated herein as potential wilderness additions, which may be excluded pursuant to an exchange consummated in accordance with paragraph (3) of this subsection, lands designated as wilderness pursuant to this Act may not be excluded from the monument.".

Golden Spike National Historic Site.
16 USC 461 note.

SEC. 7. (a) Section 1 of the Act entitled "An Act to authorize the Secretary of the Interior to acquire lands for, and to develop, operate, and maintain, the Golden Spike National Historic Site", approved July 30, 1965 (79 Stat. 426) is amended by striking out "Proposed Golden Spike National Historic Site, Utah, prepared by the National Park Service, Southwest Region, dated February 1963" and inserting in lieu thereof "Boundary Map, Golden Spike National Historic Site, Utah, numbered 431-80,026, and dated December 6, 1978".

79 Stat. 426.

(b) Section 3 of such Act is amended by striking out "$5,422,000, as may be necessary for the acquisition of land and interests in land and for the development" and inserting in lieu thereof "$348,000 for the acquisition of land and interests in land and $5,324,000 for development".

Report to congressional committees.

(c) Within two years from the effective date of this section, the Secretary shall complete and submit, in writing, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a report on the feasibility of providing passenger rail service from the city of Ogden, Utah, to the Golden Spike National Historic Site. Said report shall include an assessment of existing rail facilities and rolling stock, additional development as might be required, as well as alternatives with respective costs for the operation of passenger rail service. There is hereby authorized to be appropriated not to exceed $100,000 to carry out the provisions of this subsection.

Appropriation authorization.

16 USC 1a-5.

SEC. 8. Section 8 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.), is amended as follows—

(1) at the end of the second sentence, insert the following new sentence: "Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan."; and

(2) at the end of the fifth sentence, insert the following new sentence: "Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier.".

SEC. 9. The Land and Water Conservation Fund Act of 1965 (78 Stat. 987; 16 U.S.C. 460l), is amended—

78 Stat. 897;
16 USC 460*l*-4.
"Single visit."
16 USC 460*l*-6a.

(1) in subsection 4(a) by deleting the second sentence of paragraph (2) and substituting the following: "A 'single visit' means a more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.";

(2) by adding at the end of section 4(a) the following new paragraph:

Lifetime admission permit.

"(5) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is blind or permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be blind or permanently disabled for purposes of receiving benefits under Federal law as a result of said blindness or permanent disability as determined by the Secretaries. Such permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this subsection."; and

16 USC 460*l*-6a.

(3) by amending the last sentence of section 4(b) to read as follows: "Any Golden Age Passport permittee, or permittee

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under paragraph (5) of subsection (a) of this section, shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of 50 per centum of the established use fee.".

SEC. 10. Title III of the Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes", approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended by adding at the end thereof the following new section:

"USE OF FUNDS

16 USC 410cc-37.

"SEC. 307. (a) Any revenues or other assets acquired by the Commission by donation, the lease or sale of property or fees for services shall be available to the Commission, without fiscal year limitation, to be used for any function of the Commission authorized under this Act. The Commission shall keep financial records fully disclosing the amount and source of revenues and other assets acquired by the Commission, and shall keep such other financial records as the Secretary may prescribe.

Retention of records.

Audits.

"(b) The Secretary shall require audits of the financial records of the Commission to be conducted not less frequently than once each year in order to ensure that revenues and other assets of the Commission are being used in a manner authorized under this Act.".

SEC. 11. The Act of October 27, 1972 (86 Stat. 1308), is amended—

16 USC 460cc-2.

(1) in subsection 3(b) by deleting the word "constructed" and by adding at the end thereof: "To inform the public of the contributions of Representative Ryan to the creation of the recreation area, the Secretary shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate. Not later than December 31, 1980, the Secretary shall take such additional actions as he deems appropriate to recognize and commemorate the contributions of Representative Ryan to the recreation area."; and

16 USC 460cc-3.

(2) in subsection 4(b), by changing "eleven members" in the first sentence to "fifteen members" and by changing "three members" in paragraph (5) to "seven members".

Moores Creek National Battlefield.
16 USC 422, 422a, 422a-1, 422b, 422c.

SEC. 12. The area formerly known as "Moores Creek National Military Park", established pursuant to the Act of June 2, 1926 (44 Stat. 684), shall henceforth be known as the "Moores Creek National Battlefield".

16 USC 410ee.

SEC. 13. Section 201(e)(1) of the Act entitled "An Act to amend the Pennsylvania Avenue Development Corporation Act of 1972; to provide for the establishment of the San Antonio Missions National Historical Park; and for other purposes", approved November 10, 1978 (92 Stat. 3635), is amended—

(1) by changing "seven members" in the first sentence to "eleven members", and

(2) by changing "two members" in paragraph (F) to "six members".

SEC. 14. The National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by inserting the following new paragraph at the end of section 5(a):

16 USC 1244.
Overmountain Victory National Historic Trail.

"(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morganton, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3—Historic Features—1780 in the draft study report entitled 'Overmountain Victory Trail' dated December 1979. The map shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.".

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Map, public inspection.

Study.

SEC. 15. The Secretary shall conduct a study to determine appropriate measures to protect and interpret for the benefit and education of the public the Falls of the Ohio, including a three-hundred-million-year-old fossilized coral reef which is exposed along the Ohio River in the vicinity of Louisville, Kentucky, and Jeffersonville, Indiana. The Secretary shall, in the course of the study, consult with and seek the advice of, appropriate scientific organizations and representatives of interested municipal, State, and other Federal agencies. Not later than two complete fiscal years from the effective date of this section, the Secretary shall transmit a report of the study, including the estimated costs of alternative measures that may be undertaken to protect and interpret the resources of the area for the public, to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, together with his recommendations for such further legislation as may be appropriate.

Report to congressional committees.

16 USC 1274.

SEC. 16. Section 3(a) of the Wild and Scenic Rivers Act is amended in paragraph (22) by changing "which may be established" in the eighth sentence to "which shall be established".

George Meany commemoration.
Report to congressional committees.

SEC. 17. In order to provide for the appropriate commemoration of George Meany, past president of the American Federation of Labor and Congress of Industrial Organizations, and his contributions on behalf of the working people of the United States, the Secretary is authorized to investigate sites associated with the life and work of George Meany and to submit, within two complete fiscal years from the effective date of this Act, a report thereon to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The Secretary shall consult with representatives of the family of George Meany and the President of the American Federation of Labor and Congress of Industrial Organizations as a part of his investigation.

Man in Space commemoration.
Study.

SEC. 18. The Secretary shall conduct, in consultation with the National Aeronautics and Space Administration, the Department of Defense, and any other entities considered by the Secretary to be appropriate, a study of locations and events associated with the historical theme of Man in Space. The purpose of such study shall be to identify the possible locations, components, and features of a new unit of the national park system commemorative to this theme, with special emphasis to be placed on the internationally historic event of the first human contact with the surface of the moon. The study shall investigate practical methodologies to permanently safeguard from change the locations, structures, and at least symbolic instrumentation features associated with this theme, and to display and interpret these for visitor appreciation. Governmental entities controlling these locations, structures, and features are hereby requested to preserve them from destruction or change during the study and

Report to congressional committees.

congressional review period insofar as is possible. A comprehensive report derived from this study, including potential action alternatives, shall be submitted to the Committee on Interior and Insular

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Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate no later than one complete fiscal year after the effective date of this section.

"Secretary."

SEC. 19. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

Effective date.

SEC. 20. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Approved September 8, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-754 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
July 31, considered and passed House, amended.
Aug. 18, Senate concurred in House amendments.

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94 STAT. 1322

Public Law 96-366
96th Congress

An Act

Sept. 29, 1980
[H.R. 3292]

To assist the States in developing fish and wildlife conservation plans and actions, and for other purposes.

Fish and Wildlife Conservation Act of 1980.
16 USC 2901 note.
16 USC 2901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Fish and Wildlife Conservation Act of 1980".**

SEC. 2. DECLARATION OF FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the Nation.

(2) The improved conservation and management of fish and wildlife, particularly nongame fish and wildlife, will assist in restoring and maintaining fish and wildlife and in assuring a productive and more esthetically pleasing environment for all citizens.

(3) Many citizens, particularly those residing in urban areas, have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with fish and wildlife and thereby are unable to have a greater appreciation and awareness of the environment.

(4) Historically, fish and wildlife conservation programs have been focused on the more recreationally and commercially important species within any particular ecosystem. As a consequence such programs have been largely financed by hunting and fishing license revenues or excise taxes on certain hunting and fishing equipment. These traditional financing mechanisms are neither adequate nor fully appropriate to meet the conservation needs of nongame fish and wildlife.

(5) Each State should be encouraged to develop, revise, and implement, in consultation with appropriate Federal, State, and local and regional agencies, a plan for the conservation of fish

and wildlife, particularly those species which are indigenous to the State.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide financial and technical assistance to the States for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife; and

(2) to encourage all Federal departments and agencies to utilize their statutory and administrative authority, to the maximum extent practicable and consistent with each agency's statutory responsibilities, to conserve and to promote conservation of nongame fish and wildlife and their habitats, in furtherance of the provisions of this Act.

SEC. 3. DEFINITIONS.

16 USC 2902.

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As used in this Act—

(1) The term "approved conservation plan" means the conservation plan of a State approved by the Secretary pursuant to section 5(a) of this Act.

(2) The term "conservation plan" means a plan developed by a State for the conservation of fish and wildlife which meets the requirements set forth in section 4.

(3) The terms "conserve", "conserving", and "conservation" mean to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the ecological, educational, esthetic, cultural, recreational, and scientific enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(4) The term "designated State agency" means the commission, department, division, or other agency of a State which has primary legal authority for the conservation of fish and wildlife. If any State has placed such authority in more than one agency, such term means each such agency acting with respect to its assigned responsibilities but such agencies, for purposes of this Act, shall submit a single conservation plan.

(5) The term "fish and wildlife" means wild vertebrate animals that are in an unconfined state, including, but not limited to, nongame fish and wildlife.

(6) The term "nongame fish and wildlife" means wild vertebrate animals that are in an unconfined state and that—

(A) are not ordinarily taken for sport, fur, or food, except that if under applicable State law, any of such animals may be taken for sport, fur, or food in some, but not all, areas of the State, any of such animals within any area of the State in which such taking is not permitted may be deemed to be nongame fish and wildlife;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); and

(C) are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)).

Such term does not include any domesticated species that has reverted to a feral existence.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

16 USC 2903.

SEC. 4. CONSERVATION PLANS.

The conservation plan for any State must—

(1) provide for the vesting in the designated State agency of the overall responsibility for the development and revision of the conservation plan;

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(2) provide for an inventory of the nongame fish and wildlife, and such other fish and wildlife as the designated State agency deems appropriate, that are within the State and are valued for ecological, educational, esthetic, cultural, recreational, economic, or scientific benefits by the public;

(3) with respect to those species identified under paragraph (2) (hereinafter in this section referred to as "plan species"), provide for—

(A) the determination of the size, range, and distribution of their populations, and

(B) the identification of the extent, condition, and location of their significant habitats;

(4) identify the significant problems which may adversely affect the plan species and their significant habitats;

(5) determine those actions which should be taken to conserve the plan species and their significant habitats;

(6) establish priorities for implementing the conservation actions determined under paragraph (5);

(7) provide for the monitoring, on a regular basis, of the plan species and the effectiveness of the conservation actions determined under paragraph (5);

(8) provide for plan review and revision, if appropriate, at intervals of not more than 3 years;

Public views, consideration.

(9) ensure that the public be given opportunity to make its views known and considered during the development, revision, and implementation of the plan; and

Consultation.

(10) provide that the designated State agency consult, as appropriate, with Federal agencies, and other State agencies during the development, revision, and implementation of the plan, in order to minimize duplication of efforts and to ensure that the best information is available to all such agencies.

16 USC 2904.

SEC. 5. APPROVAL OF CONSERVATION PLANS AND CERTAIN NONGAME FISH AND WILDLIFE CONSERVATION ACTIONS.

(a) APPROVAL BY SECRETARY OF PLANS.—(1) Any State may apply to the Secretary for approval of a conservation plan.

Regulations.

(2) Applications for the approval of conservation plans shall be made and reviewed by the Secretary in such manner as the Secretary shall by regulation prescribe.

(3) As soon as practicable, but not later than 180 days, after the date on which a State submits (or resubmits in the case of prior disapproval) an application for the approval of a conservation plan the Secretary shall—

(A) approve the conservation plan, and designate it as an approved conservation plan, if he determines that the plan—

(i) meets the requirements set forth in section 4, and

(ii) is substantial in character and design; or

(B) disapprove the conservation plan if he determines that—

(i) the plan does not meet the requirements set forth in section 4, or

(ii) to implement any part of the plan on the basis of the specifications, determinations, identifications, or priorities therein would threaten the natural stability and continued viability of any of the plan species concerned.

Written disapproval statement; consultation.

If the Secretary disapproves a plan, he shall give the State concerned a written statement of the reasons for disapproval and provide the State opportunity for consultation with respect to deficiencies in the plan and the modifications required for approval.

(b) EFFECT OF APPROVAL OF PLANS.—If the Secretary approves the conservation plan of any State under subsection (a)—

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(1) that portion of such plan that pertains to wildlife conservation shall be deemed to be an approved plan for purposes of section 6(a)(1) of the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act; and

(2) that portion of such plan that pertains to fish conservation shall be deemed to be an approved plan for the purposes of section 6(a)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act. 16 USC 777e.

(c) CONSERVATION ACTIONS.—If the Secretary approves the conservation plan of any State under subsection (a), those conservation actions set forth in the plan which pertain to nongame fish and wildlife shall be deemed to be eligible as nongame fish and wildlife projects for which reimbursement is available under section 6.

(d) NONGAME CONSERVATION ACTIONS IN THE ABSENCE OF AN APPROVED PLAN.—In the absence of an approved conservation plan, and on a showing of need by the State, the Secretary may deem certain conservation actions to be nongame fish and wildlife projects for which reimbursement is available under section 6(a)(3) if they—

(1) are consistent with such of the requirements set forth in section 4 as may be appropriate, including, but not limited to, the requirements in paragraphs (3), (4), (5), and (7) of such section; and

(2) are substantial in character and design.

SEC. 6. REIMBURSEMENT OF STATE COSTS FOR DEVELOPING, REVISING, AND IMPLEMENTING CONSERVATION PLANS AND IMPLEMENTING CERTAIN NONGAME FISH AND WILDLIFE CONSERVATION ACTIONS.

16 USC 2905.

(a) IN GENERAL.—Any State may apply to the Secretary for reimbursement under this section for costs incurred by the State for the following:

(1) The development of a conservation plan.

(2) The revision of an approved conservation plan.

(3) The implementation of nongame fish and wildlife conservation actions approved under section 5(c) and (d).

(4) The implementation of conservation actions specified in an approved conservation plan.

(5) The coordination, consolidation, or implementation of the conservation plan or conservation actions approved under this Act with other related plans or actions developed pursuant to the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act and the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act. 16 USC 777e.

(b) APPLICATIONS.—Application for reimbursement under this section shall be made in such manner as the Secretary shall by regulation prescribe and shall contain such information as is necessary to enable the Secretary to determine whether the State meets the eligibility requirements set forth in subsection (c). Regulations.

(c) ELIGIBILITY.—No State is eligible for reimbursement under this section unless the Secretary finds that the costs, for which reimbursement is sought, have been incurred by the State as follows:

(1) If reimbursement is sought under subsection (a)(1), such costs have been incurred in developing a conservation plan that meets the requirements set forth in section 4.

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(2) If reimbursement is sought under subsection (a)(2), such costs have been incurred in revising the plan in a manner consistent with such requirements.

(3) If reimbursement is sought under subsection (a)(3), such costs have been incurred in implementing the conservation actions as approved by the Secretary.

(4) If reimbursement is sought under subsection (a)(4), such costs have been incurred in implementing conservation actions

specified in, and in a manner consistent with, the approved conservation plan.

(5) If reimbursement is sought under subsection (a)(5), such costs have been incurred in consolidating, coordinating or implementing conservation plans and actions approved under this Act with approved plans and actions under the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act and the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act in a manner consistent with sections 2 and 4 of this Act.

16 USC 777e.

(d) REIMBURSEMENT.—Subject to the limitations in subsection (c) and the terms and conditions imposed under section 7, and to the availability of funds appropriated under section 11, the Secretary shall reimburse each State which the Secretary finds to be eligible therefor under subsection (c).

(e) LIMITATIONS.—(1) The total amount of the reimbursement paid to any State under this section with respect to any fiscal year may not exceed the allocation available to the State under section 8 for such year.

(2) No reimbursement may be paid under this section to any State for any cost incurred by the State during any fiscal year—

(A) after September 30, 1991, in developing a conservation plan;

(B) after September 30, 1986, for costs incurred in implementing certain nongame fish and wildlife actions approved under section 5(d);

(C) in which less than 80 percent of the costs to be reimbursed are for the principal benefit of nongame fish and wildlife or the users of nongame fish and wildlife;

(D) in implementing an approved conservation plan, unless the cost was incurred in implementing actions approved under section 5 (c) or (d);

(E) in implementing an approved conservation plan covering only nongame fish and wildlife, or any nongame fish and wildlife conservation action approved under section 5 (c) or (d), to the extent that more than 10 percent of such costs are paid for with moneys collected during such year by the State—

(i) from the sale of hunting, fishing, and trapping licenses, and

(ii) as penalties (including forfeitures) for violations of the hunting, fishing, and trapping laws of the State; or

(F) in implementing an approved conservation plan or any nongame fish and wildlife conservation action approved under section 5 (c) or (d), to the extent that—

(i) more than 10 percent of such costs are applied for purposes of conservation law enforcement under any such plan or action, and

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(ii) more than 10 percent of such costs in any such year are accounted for by personal service or other inkind contributions.

(3) The amount of the reimbursement paid to any State under this section with respect to any fiscal year—

(A) may not exceed 75 percent for the development of a conservation plan except that during fiscal years 1982, 1983, and 1984 such amount shall not exceed 90 percent;

(B) for the implementation of nongame fish and wildlife conservation actions approved under section 5 (c) or (d), may not exceed 75 percent of the cost of implementing the action during such fiscal year, except that if such action is undertaken by two or more States such amount shall not exceed 90 percent;

(C) during and after the fiscal year in which the conservation plan of the State is approved under section 5(a), may not exceed 75 percent of the cost of implementing and revising the conservation plan during such fiscal year, or if two or more States cooperate in implementing or revising such plan, such cost shall not exceed 90 percent, and

(D) after September 30, 1991, may not exceed—

(i) 50 percent of the cost of implementing and revising the plan during the fiscal year, if the approved conservation plan of the State covers only nongame fish and wildlife, or

(ii) 75 percent of the cost of implementing and revising the plan during such fiscal year, if the approved conservation plan of the State coordinates and consolidates planning for fish and wildlife.

(4)(A) In computing the costs incurred by any State during any fiscal year in developing or revising conservation plans, in implementing approved conservation plans, or in implementing nongame fish and wildlife conservation actions approved under section 5 (c) or (d), for which reimbursement may be available under this section, the Secretary shall—

(i) take into account, in addition to each outlay, the value of inkind contributions and real and personal property received and applied during such year by the State for such purposes; and

(ii) not include any other Federal moneys received by such State and applied by it, directly or indirectly, for such purposes.

(B) For purposes of subparagraph (A), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies regarding fish and wildlife. The Secretary shall by regulation establish (i) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and (ii) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of subparagraph (A).

Regulations.

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be final and conclusive.

SEC. 7. TERMS AND CONDITIONS OF REIMBURSEMENT.

16 USC 2906.

Regulations.

Reimbursements made to the States under section 6 shall be subject to such terms and conditions as the Secretary shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States. Such terms and conditions shall include, but not be limited to, the following:

Recordkeeping.

(1) Each State and each designated State agency shall keep such records as the Secretary shall require as being necessary or appropriate for fully disclosing the amount and purposes of costs incurred by the State for which reimbursement under section 6 is, or may be, sought. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to such records.

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Access to record.

Hearing; ineligibility.

(2) Upon a finding by the Secretary, after notice and opportunity for an agency hearing on the record, that any State has received reimbursement under section 6 for which it is not eligible, or has violated any term or condition imposed under this section, the State shall thereafter be ineligible to receive reimbursement under such section until restitution satisfactory to the Secretary is made, such violation ceases, or adverse effects resulting from such violation are remedied.

SEC. 8. ALLOCATION OF FUNDS FOR ADMINISTRATION AND REIMBURSEMENT OF STATES.

16 USC 2907.

(a) In General.—The total amount appropriated pursuant to section 11 for any fiscal year shall be available for administration and for allocation among the States as provided in this section.

(b) Allocation Formula.—Of the total amount appropriated for any fiscal year pursuant to section 11—

(1) the Secretary shall deduct so much, but not to exceed 8 percent thereof, as may be necessary for administering during such fiscal year the provisions of this Act relating to the purposes for which so appropriated;

(2) less the deduction under paragraph (1), the Secretary shall allocate—

(A) for the District of Columbia and the Commonwealth of Puerto Rico each a sum equal to not more than one-half of 1 percent of such amount; and

(B) for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands each a sum equal to not more than one-sixth of 1 percent of such amount; and

(3) less the deduction under paragraph (1) and the sums allocated under paragraph (2), the Secretary shall allocate for each of the States (other than those provided for in paragraph (2)) a sum—

(A) one-third of which is based on the ratio to which the area of such State bears to the total area of all such States, and

(B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States,

except all sums allocated under this paragraph shall be adjusted equitably so that no State shall be allocated a sum which is less than one-half of 1 percent of the amount available for allocation under this paragraph for any fiscal year or more than 5 percent of such amount.

(c) TREATMENT OF AMOUNTS ALLOCATED BUT NOT USED FOR ANY FISCAL YEAR.—(1) That portion of any amount deducted by the Secretary under subsection (b)(1) for administrative purposes for any fiscal year and not expended during such fiscal year shall remain available for administrative purposes until the close of the next succeeding fiscal year and if not obligated or expended by the close of such succeeding fiscal year shall be available for disbursement by the Secretary without regard to subsection (b), to the States to carry out the purposes of this Act.

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(2) That portion of any amount allocated to any State under subsection (b) (2) or (3) for any fiscal year and not disbursed to the State for such fiscal years under section 6 shall remain available for disbursement to the State under such section for the next succeeding fiscal year and if not disbursed for such succeeding fiscal year shall be available for disbursement by the Secretary, without regard to subsection (b), to the States to carry out the purposes of this Act.

16 USC 2908.

SEC. 9. OTHER FEDERAL ASSISTANCE AND ACTIONS.

The Secretary and the chief executive officer of any other appropriate Federal department or agency may loan to any State such personnel and equipment of the department or agency, share such scientific or other appropriate information, and provide such other assistance as the Secretary or officer determines appropriate for purposes of assisting any State to develop or revise conservation plans.

16 USC 2909.

SEC. 10. DISCLAIMERS.

Nothing in this Act shall be construed as affecting—

(1) the authority, jurisdiction, or responsibility of the States to manage, control, or regulate fish and resident wildlife under State law;

(2) any requirement under State law that lands, waters, and interests therein may only be acquired for conservation purposes if the owner thereof is a willing seller; and

(3) the authority of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468–1469; 7 U.S.C. 426–426b).

16 USC 2910.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for purposes of making reimbursements under section 6 to States for the development and implementation of conservation plans and for administration of this Act under section 8 not to exceed $5,000,000 for each of fiscal years 1982, 1983, 1984, and 1985.

SEC. 12. STUDY.

16 USC 2911.

The Director of the United States Fish and Wildlife Service, in consultation with affected parties, shall conduct, out of funds available for the administration of this Act a comprehensive study to determine the most equitable and effective mechanism for funding State conservation plans and actions under this Act, including, but not limited to, funding by means of an excise tax on appropriate items. On or before the expiration of the 30-month period following the date of enactment of this Act, the Director shall report to the Committee on Environment and Public Works of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives the results of such study, together with his recommendations with respect thereto.

Report to congressional committees.

Approved September 29, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-168 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-768 accompanying S. 2181 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): July 9, considered and passed House.
    Vol. 126 (1980): May 22, S. 2181 considered and passed Senate.
    Sept. [illegible] considered and passed Senate, amended, in lieu of S. 2181.
    Sept. 16, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 40:
    Sept. 30, Presidential statement.

Public Law 96-375
96th Congress

94 STAT. 1505

An Act

Oct. 3, 1980
[H.R. 5278]

To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

Water resource developments, feasibility investigations.

(1) Hungry Horse Project, Hungry Horse Powerplant Enlargement and Reregulating Reservoir, located on the South Fork of the Flathead River in Flathead County, Montana.

(2) Boise Project, Power and Modification Study, located in southwestern Idaho (Ada, Boise, Canyon, Elmore, Gem, Payette, and Valley Counties) and in eastern Oregon (Malheur County).

(3) San Francisco Bay Area Waste Water Reclamation Project, located in the San Francisco Bay area and western San Joaquin Valley of California.

(4) San Joaquin Valley Drainage Investigation with a study area in the San Joaquin River basin, Tulare basin, and the Sacramento-San Joaquin Delta-Suisun Bay area of California.

(5) Delta Overland Water Service Facilities, located in the Sacramento, San Joaquin, Solano, and Contra Costa Counties of California.

(6) Chino Valley Project, located in north central Yavapai County and south central Coconino County in Arizona.

(7) North Platte River Hydroelectric Power Study, Pick-Sloan Missouri Basin Program, Western Division, located in Natrona and Carbon Counties, Wyoming.

(8) Wind-Hydroelectric Energy Project in Carbon and Albany Counties, Wyoming.

(9) Lake Meredith Salinity Project, in Quay County, New Mexico,

and Oldham, Potter, Moore, Carson, and Hutchinson Counties in Texas.

(10) Colorado-Big Thompson Powerplants of the Pick-Sloan Missouri Basin Program in Colorado.

(11) The relocation of the intake of the Contra Costa County Water District Canal from Rock Slough to the vicinity of the Clifton Court Forebay in Contra Costa County, California.

(12) The Los Vaqueros Dam, pump-generating plant, and related features at a site approximately eight miles west of the Clifton Court Forebay in Contra Costa County, California.

(13) The obtaining of a water supply of up to ten thousand acre-feet per year for existing and potential domestic, recreational, and municipal water users along the Colorado River in California who do not hold water rights or whose rights are insufficient to meet their requirements.

(14) To determine the cause and extent of the high groundwater levels which developed in and adjacent to the town of Moses Lake, Washington, following the initiation of irrigation of the lands in and adjacent to the town and determine by the studies authorized herein measures to resolve the problems caused by the high water levels in the area.

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(15) The Cle Elum Dam and Tieton Dam powerplants, Yakima Project, Washington.

(16) The Owyhee Dam powerplant, Owyhee Project, Oregon.

(17) The Wickiup Dam powerplant, Deschutes Project, Oregon.

(18) The Tiber Dam powerplant, Lower Marias Unit, Marias Division, Pick-Sloan Missouri Basin Program, Montana.

(19) The New Siphon Drop powerplant, Yuma Project, Arizona-California.

(20) The Guernsey Dam powerplant enlargement, North Platte Project, Wyoming.

(21) Increasing the height of the Theodore Roosevelt Dam, Salt River Project, Arizona.

(22) The Sly Park Extension Unit, American River Division, Central Valley Project, California.

(23) The Prineville Dam powerplant, Crooked River Project, Oregon.

Shasta Dam and Reservoir, Central Valley Project, Calif.

SEC. 2. (a) The Secretary of the Interior is hereby authorized to engage in feasibility studies relating to enlarging Shasta Dam and Reservoir, Central Valley Project, California, or to the construction of a larger dam on the Sacramento River, California, to replace the present structure.

(b) The Secretary of the Interior is further authorized to engage in feasibility studies for the purpose of determining the potential costs, benefits, environmental impacts, and feasibility of using the Sacramento River for conveying water from the enlarged Shasta Dam and Reservoir or the larger dam to points of use downstream from the dam.

(c) Before funds are expended for the feasibility studies authorized by this section, the State of California shall agree to participate in the studies and to participate in the costs of the studies. The State's share of the costs may be partly or wholly in the form of services directly related to the conduct of the studies.

Kellogg Unit, Central Valley Project, Calif.

SEC. 3. The Secretary of the Interior is authorized to review and revise, as may be necessary, the feasibility study of the Kellogg Unit, Central Valley Project, Contra Costa County, California.

SEC. 4. In preparing the studies and review authorized by subsections (11) and (12) of section 1 and section 3, the Secretary of the Interior shall fully describe all potential beneficial or detrimental impacts resulting from the construction or operation of the projects under study. The Secretary shall further make recommendations to the Congress for assuring that neither the construction nor the operation of any such project results in the deterioration of the water quality and ecology of the Sacramento-San Joaquin Delta or the San Francisco Bay estuarine system.

Recommendations to Congress.

Lake Berryessa, Calif.; concession agreements.
Term, renewal.

SEC. 5. (a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized to enter into new negotiated concession agreements with the present concessionaires at Lake Berryessa, California. Such agreements shall be for a term ending not later than May 26, 1989, and may be renewed at the request of the concessionaire with the consent of the Secretary of the Interior for no more than two consecutive terms of 10 years each. Concession agreements may be renegotiated preceding renewal. Such agreements must comply with the 1959 National Park Service Public Use Plan for Lake Berryessa, as amended, and with the Water and Power Resources Service Reservoir Area Management Plan: *Provided*, That the authority to enter into contracts or agreements to incur obligations or to make payments under this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

94 STAT. 1507

Certain facilities, ownership.

(b) Notwithstanding any other laws to the contrary, all permanent facilities placed by the concessionaires in the seven resorts at Lake Berryessa shall be considered the property of the respective current concessionaires. Further, any permanent additions or modifications to these facilities shall remain the property of said concessionaires: *Provided*, That at the option of the Secretary of the Interior, the United States may require that the permanent facilities mentioned herein not be removed from the concession areas, and instead, pay fair value for the permanent facilities or, if a new concessionaire assumes operation of the concession, require that new concessionaire to pay fair value for the permanent facilities to the existing concessionaire.

SEC. 6. The Reclamation Project Authorization Act of 1972 (Public Law 92-514, 86 Stat. 964) is amended—

(a) by inserting in section 101 of such Act, following "on this project", "as modified by the plans shown in the Definite Plan Report of the Water and Power Resources Service, dated November 1979";

86 Stat. 965.

(b) by inserting in section 102(b) of such Act, following "domestic wells in existence", "outside the project boundary"; and

86 Stat. 966.

(c) by striking in section 109 of such Act "$18,246,000 (April 1972 prices)" and inserting in lieu thereof "$57,139,000 (October 1979 prices)".

Wayne N. Aspinall Storage Unit, designation.
43 USC 620, 621i, 620k note.

SEC. 7. The Curecanti Storage Unit of the Colorado River Storage Project constructed under the authority of the Act of April 11, 1956 (70 Stat. 106) is hereby designated and hereafter shall be known as the Wayne N. Aspinall Storage Unit of the Colorado River Storage Project. Any law, regulation, record, map, or other document of the United States referring to the Curecanti Storage Unit shall be held to refer to the Wayne N. Aspinall Storage Unit.

43 USC 485h-1.

SEC. 8. Section 1(5) of the Act of July 2, 1956 (70 Stat. 483), is hereby amended to read as follows: "(5) Provide for payment of rates under any contract entered into pursuant to said subsection (e) in advance of delivery of water on an annual, semiannual, bimonthly, or monthly basis as specified in the contract.".

Solar powerplant, three-year study.

SEC. 9. The Secretary of the Interior in coordination with the Secretary of Energy shall conduct a three-year study of the feasibility of integrating a solar powerplant in Arizona, Nevada, and California into the Federal hydroelectric system, including but not limited to consideration of the applicable solar technology, the operation of the Federal hydroelectric system and the integration of electric power generated by such a powerplant in the Federal system. The study shall specifically consider operations of Department of Energy Project 76-2-b, 10 MW Solar Thermal Power and related technology development. The Secretary shall complete the study by January 1, 1984 and submit a report to the President and the Congress.

Report to President and Congress.

SEC. 10. That the proviso contained in section 201 of the Colorado River Basin Project Act (43 U.S.C. 1511) is amended by striking out "the Secretary" and inserting in lieu thereof "any Federal official".

SEC. 11. Section 206 of Public Law 92-514 is amended to read as

Appropriation authorization.

follows: "There is hereby authorized to be appropriated for construction of the Brantley project the sum of $172,728,000 (based on April 1979 prices), plus or minus such amounts, if any, as may be justified by reason of changes in the construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project.".

94 STAT. 1508

Salinity control proposals, study.

SEC. 12. The Secretary of the Interior is hereby authorized to engage in feasibility studies of the following salinity control proposals:

(1) Lower Gunnison Basin unit, located in Delta, Montrose, and Ouray Counties, Colorado.

(2) Glenwood-Dotsero Springs unit, located in Garfield and Eagle Counties, Colorado.

(3) Meeker Dome unit, located in Rio Blanco County, Colorado.

(4) McElmo Creek unit, located in Montezuma County, Colorado.

(5) Uinta Basin unit, located in Duchesne and Uintah Counties, Utah.

(6) Dirty Devil River unit, located in Sanpete, Sevier, Emery, and Wayne Counties, Utah.

(7) Price-San Rafael Rivers unit, located in Carbon, Emery, and Sanpete Counties, Utah.

(8) La Verkin Springs unit, located in Washington County, Utah.

(9) Lower Virgin River unit, located in Clark County, Nevada, and Mohave County, Arizona.

(10) Big Sandy River unit, located in Sweetwater County, Wyoming.

SEC. 13. Nothing in this Act shall be interpreted to preclude or delay issuance of a license by the Federal Energy Regulatory Commission.

Approved October 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-710 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-890 accompanying H.R. 5278, and No. 96-938 accompanying S. 3017 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Feb. 5, considered and passed House.
Sept. 17, considered and passed Senate, amended, in lieu of S. 3017.
Sept. 24, House concurred in Senate amendment.

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94 STAT. 1785

Public Law 96-420
96th Congress

An Act

Oct. 10, 1980
[H.R. 7919]

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

Maine Indian Claims Settlement Act of 1980.
25 USC 1721 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maine Indian Claims Settlement Act of 1980".

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

25 USC 1721.

SEC. 2. (a) Congress hereby finds and declares that:

(1) The Passamaquoddy Tribe, the Penobscot Nation, and the Maliseet Tribe are asserting claims for possession of lands within the State of Maine and for damages on the ground that the lands in question were originally transferred in violation of law,

including, but without limitation, the Trade and Intercourse Act of 1790 (1 Stat. 137), or subsequent reenactments or versions thereof.

(2) The Indians, Indian nations, and tribes and bands of Indians, other than the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, that once may have held aboriginal title to lands within the State of Maine long ago abandoned their aboriginal holdings.

(3) The Penobscot Nation, as represented as of the time of passage of this Act by the Penobscot Nation's Governor and Council, is the sole successor in interest to the aboriginal entity generally known as the Penobscot Nation which years ago claimed aboriginal title to certain lands in the State of Maine.

(4) The Passamaquoddy Tribe, as represented as of the time of passage of this Act by the Joint Tribal Council of the Passamaquoddy Tribe, is the sole successor in interest to the aboriginal entity generally known as the Passamaquoddy Tribe which years ago claimed aboriginal title to certain lands in the State of Maine.

(5) The Houlton Band of Maliseet Indians, as represented as of the time of passage of this Act by the Houlton Band Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Maliseet Tribe which years ago claimed aboriginal title to certain lands in the State of Maine.

(6) Substantial economic and social hardship to a large number of landowners, citizens, and communities in the State of Maine, and therefore to the economy of the State of Maine as a whole, will result if the aforementioned claims are not resolved promptly.

(7) This Act represents a good faith effort on the part of Congress to provide the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians with a fair and just settlement of their land claims. In the absence of congressional action, these land claims would be pursued through the courts, a process which in all likelihood would consume many years and thereby promote hostility and uncertainty in the State of Maine to the ultimate detriment of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, their members, and all other citizens of the State of Maine. 94 STAT. 1786

(8) The State of Maine, with the agreement of the Passamaquoddy Tribe and the Penobscot Nation, has enacted legislation defining the relationship between the Passamaquoddy Tribe, the Penobscot Nation, and their members, and the State of Maine.

(9) Since 1820, the State of Maine has provided special services to the Indians residing within its borders, including the members of the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians. During this same period, the United States provided few special services to the respective tribe, nation, or band, and repeatedly denied that it had jurisdiction over or responsibility for the said tribe, nation, and band. In view of this provision of special services by the State of Maine, requiring substantial expenditures by the State of Maine and made by the State of Maine without being required to do so by Federal law, it is the intent of Congress that the State of Maine not be required further to contribute directly to this claims settlement.

(b) It is the purpose of this Act—

(1) to remove the cloud on the titles to land in the State of Maine resulting from Indian claims;

(2) to clarify the status of other land and natural resources in the State of Maine;

(3) to ratify the Maine Implementing Act, which defines the relationship between the State of Maine and the Passamaquoddy Tribe, and the Penobscot Nation, and

(4) to confirm that all other Indians, Indian nations and tribes

and bands of Indians now or hereafter existing or recognized in the State of Maine are and shall be subject to all laws of the State of Maine, as provided herein.

DEFINITIONS

25 USC 1722.

SEC. 3. For purposes of this Act, the term—

(a) "Houlton Band of Maliseet Indians" means the sole successor to the Maliseet Tribe of Indians as constituted in aboriginal times in what is now the State of Maine, and all its predecessors and successors in interest. The Houlton Band of Maliseet Indians is represented, as of the date of the enactment of this Act, as to lands within the United States, by the Houlton Band Council of the Houlton Band of Maliseet Indians;

(b) "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including but without limitation minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights;

(c) "Land Acquisition Fund" means the Maine Indian Claims Land Acquisition Fund established under section 5(c) of this Act;

(d) "laws of the State" means the constitution, and all statutes, regulations, and common laws of the State of Maine and its political subdivisions and all subsequent amendments thereto or judicial interpretations thereof;

94 STAT. 1787

(e) "Maine Implementing Act" means section 1, section 30, and section 31, of the "Act to Implement the Maine Indian Claims Settlement" enacted by the State of Maine in chapter 732 of the public laws of 1979;

(f) "Passamaquoddy Indian Reservation" means those lands as defined in the Maine Implementing Act;

(g) "Passamaquoddy Indian Territory" means those lands as defined in the Maine Implementing Act;

(h) "Passamaquoddy Tribe" means the Passamaquoddy Indian Tribe, as constituted in aboriginal times and all its predecessors and successors in interest. The Passamaquoddy Tribe is represented, as of the date of the enactment of this Act, by the Joint Tribal Council of the Passamaquoddy Tribe, with separate councils at the Indian Township and Pleasant Point Reservations;

(i) "Penobscot Indian Reservation" means those lands as defined in the Maine Implementing Act;

(j) "Penobscot Indian Territory" means those lands as defined in the Maine Implementing Act;

(k) "Penobscot Nation" means the Penobscot Indian Nation as constituted in aboriginal times, and all its predecessors and successors in interest. The Penobscot Nation is represented, as of the date of enactment of this Act, by the Penobscot Nation Governor and Council;

(l) "Secretary" means the Secretary of the Interior;

(m) "Settlement Fund" means the Maine Indian Claims Settlement Fund established under section 5(a) of this Act; and

(n) "transfer" includes but is not limited to any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event, or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources.

APPROVAL OF PRIOR TRANSFERS AND EXTINGUISHMENT OF INDIAN TITLE AND CLAIMS OF THE PASSAMAQUODDY TRIBE, THE PENOBSCOT NATION, THE HOULTON BAND OF MALISEET INDIANS, AND ANY OTHER INDIANS, INDIAN NATION, OR TRIBE OR BAND OF INDIANS WITHIN THE STATE OF MAINE

25 USC 1723.

SEC. 4. (a)(1) Any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the

Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or any of their members, and any transfer of land or natural resources located anywhere within the State of Maine, from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including but without limitation the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, Sec. 4, 1 Stat. 137, 138), and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer: *Provided however*, That nothing in this section shall be construed to affect or eliminate the personal claim of any individual Indian (except for any Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

94 STAT. 1788

(2) The United States is barred from asserting on behalf of any Indian, Indian nation, or tribe or band of Indians any claim under the laws of the State of Maine arising before the date of this Act and arising from any transfer of land or natural resources by any Indian, Indian nation, or tribe or band of Indians, located anywhere within the State of Maine, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, on the grounds that such transfer was not made in accordance with the laws of the State of Maine.

(3) The United States is barred from asserting by or on behalf of any individual Indian any claim under the laws of the State of Maine arising from any transfer of land or natural resources located anywhere within the State of Maine from, by, or on behalf of any individual Indian, which occurred prior to December 1, 1873, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State.

(b) To the extent that any transfer of land or natural resources described in subsection (a)(1) of this section may involve land or natural resources to which the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or any of their members, or any other Indian, Indian nation, or tribe or band of Indians had aboriginal title, such subsection (a)(1) shall be regarded as an extinguishment of said aboriginal title as of the date of such transfer.

(c) By virtue of the approval and ratification of a transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or any of their members or by any other Indian, Indian nation, tribe or band of Indians, or any predecessors or successors in interest thereof, arising at the time of or subsequent to the transfer and based on any interest in or right involving such land or natural resources, including but without limitation claims for trespass damages or claims for use and occupancy, shall be deemed extinguished as of the date of the transfer.

Effective date.

(d) The provisions of this section shall take effect immediately upon appropriation of the funds authorized to be appropriated to implement the provisions of section 5 of this Act. The Secretary shall publish notice of such appropriation in the Federal Register when such funds are appropriated.

Publication in Federal Register.

ESTABLISHMENT OF FUNDS

Maine Indian Claims Settlement Fund.
25 USC 1724.

SEC. 5. (a) There is hereby established in the United States Treasury a fund to be known as the Maine Indian Claims Settlement Fund in which $27,000,000 shall be deposited following the appropriation of sums authorized by section 14 of this Act.

(b)(1) One-half of the principal of the settlement fund shall be held in trust by the Secretary for the benefit of the Passamaquoddy Tribe, and the other half of the settlement fund shall be held in trust for the

Waiver.

25 USC 162a.

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benefit of the Penobscot Nation. Each portion of the settlement fund shall be administered by the Secretary in accordance with reasonable terms established by the Passamaquoddy Tribe or the Penobscot Nation, respectively, and agreed to by the Secretary: *Provided,* That the Secretary may not agree to terms which provide for investment of the settlement fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the respective tribe or nation first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment: *Provided, further,* That until such terms have been agreed upon, the Secretary shall fix the terms for the administration of the portion of the settlement fund as to which there is no agreement.

(2) Under no circumstances shall any part of the principal of the settlement fund be distributed to either the Passamaquoddy Tribe or the Penobscot Nation, or to any member of either tribe or nation: *Provided, however,* That nothing herein shall prevent the Secretary from investing the principal of said fund in accordance with paragraph (1) of this subsection.

(3) The Secretary shall make available to the Passamaquoddy Tribe and the Penobscot Nation in quarterly payments, without any deductions except as expressly provided in subsection 6(d)(2) and without liability to or on the part of the United States, any income received from the investment of that portion of the settlement fund allocated to the respective tribe or nation, the use of which shall be free of regulation by the Secretary. The Passamaquoddy Tribe and the Penobscot Nation annually shall each expend the income from $1,000,000 of their portion of the settlement fund for the benefit of their respective members who are over the age of sixty. Once payments under this paragraph have been made to the tribe or nation, the United States shall have no further trust responsibility to the tribe or nation or their members with respect to the sums paid, any subsequent distribution of these sums, or any property or services purchased therewith.

Maine Indian Claims Land Acquisition Fund, establishment.

(c) There is hereby established in the United States Treasury a fund to be known as the Maine Indian Claims Land Acquisition Fund in which $54,500,000 shall be deposited following the appropriation of sums authorized by section 14 of this Act.

(d) The principal of the land acquisition fund shall be apportioned as follows:

(1) $900,000 to be held in trust for the Houlton Band of Maliseet Indians;

(2) $26,800,000 to be held in trust for the Passamaquoddy Tribe; and

(3) $26,800,000 to be held in trust for the Penobscot Nation.

Land or natural resources, acquisition.

The Secretary is authorized and directed to expend, at the request of the affected tribe, nation or band, the principal and any income accruing to the respective portions of the land acquisition fund for the purpose of acquiring land or natural resources for the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians and for no other purpose. The first 150,000 acres of land or natural resources acquired for the Passamaquoddy Tribe and the first 150,000 acres acquired for the Penobscot Nation within the area described in the Maine Implementing Act as eligible to be included within the Passamaquoddy Indian Territory and the Penobscot Indian Territory shall be held in trust by the United States for the benefit of the respective tribe or nation. The Secretary is also authorized to take in trust for the Passamaquoddy Tribe or the Penobscot Nation any land or natural resources acquired within the aforesaid area by purchase, gift, or exchange by such tribe or nation. Land or natural resources acquired outside the boundaries of the aforesaid areas shall be held in fee by the respective tribe or nation, and the United States shall have no further trust responsibility with respect thereto. Land or natural resources acquired within the State of Maine for the Houlton Band of Maliseet Indians shall be held in trust by the United States for the benefit of the band: *Provided,* That no land or natural resources shall be so acquired for or on behalf of the Houlton Band of Maliseet Indians without the prior enactment of

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appropriate legislation by the State of Maine approving such acquisition: *Provided further*, That the Passamaquoddy Tribe and the Penobscot Nation shall each have a one-half undivided interest in the corpus of the trust, which shall consist of any such property or subsequently acquired exchange property, in the event the Houlton Band of Maliseet Indians should terminate its interest in the trust.

State of Maine and Houlton Band of Maliseet Indians, negotiations.

(4) The Secretary is authorized to, and at the request of either party shall, participate in negotiations between the State of Maine and the Houlton Band of Maliseet Indians for the purpose of assisting in securing agreement as to the land or natural resources to be acquired by the United States to be held in trust for the benefit of the Houlton Band. Such agreement shall be embodied in the legislation enacted by the State of Maine approving the acquisition of such lands as required by section 5(d)(3). The agreement and the legislation shall be limited to:

(A) provisions providing restrictions against alienation or taxation of land or natural resources held in trust for the Houlton Band no less restrictive than those provided by this Act and the Maine Implementing Act for land or natural resources to be held in trust for the Passamaquoddy Tribe or Penobscot Nation;

(B) provisions limiting the power of the State of Maine to condemn such lands that are no less restrictive than the provisions of this Act and the Maine Implementing Act that apply to the Passamaquoddy Indian Territory and the Penobscot Indian Territory but not within either the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation;

(C) consistent with the trust and restricted character of the lands, provisions satisfactory to the State and the Houlton Band concerning:

(i) payments by the Houlton Band in lieu of payment of property taxes on land or natural resources held in trust for the band, except that the band shall not be deemed to own or use any property for governmental purposes under the Maine Implementing Act;

(ii) payments of other fees and taxes to the extent imposed on the Passamaquoddy Tribe and the Penobscot Nation under the Maine Implementing Act, except that the band shall not be deemed to be a governmental entity under the Maine Implementing Act or to have the powers of a municipality under the Maine Implementing Act;

(iii) securing performance of obligations of the Houlton Band arising after the effective date of agreement between the State and the band.

(D) provisions on the location of these lands.

Except as set forth in this subsection, such agreement shall not include any other provisions regarding the enforcement or application of the laws of the State of Maine. Within one year of the date of enactment of this Act, the Secretary is directed to submit to the appropriate committees of the House of Representatives and the Senate having jurisdiction over Indian affairs a report on the status of these negotiations.

Report to congressional committees.

(e) Notwithstanding the provisions of section 1 of the Act of August 1, 1888 (25 Stat. 357), as amended, and section 1 of the Act of February 26, 1931 (46 Stat. 1421), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner. Except for the provisions of this Act, the United

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States shall have no other authority to acquire lands or natural resources in trust for the benefit of Indians or Indian nations, or tribes, or bands of Indians in the State of Maine.

(f) The Secretary may not expend on behalf of the Passamaquoddy Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians any sums deposited in the funds established pursuant to the subsections (a) and (c) of this section unless and until he finds that authorized officials of the respective tribe, nation, or band have executed appropriate documents relinquishing all claims to the extent provided by sections 4, 11, and 12 of this Act and by section 6213 of the Maine Implementing Act, including stipulations to the final judicial dismissal with prejudice of their claims.

25 USC 177.

(g)(1) The provisions of section 2116 of the Revised Statutes shall not be applicable to (A) the Passamaquoddy Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians or any other Indian, Indian nation, or tribe or band of Indians in the State of Maine, or (B) any land or natural resources owned by or held in trust for the Passamaquoddy Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians or any other Indian, Indian nation or tribe or band of Indians in the State of Maine. Except as provided in subsections (d)(4) and (g)(2), such land or natural resources shall not otherwise be subject to any restraint on alienation by virtue of being held in trust by the United States or the Secretary.

(2) Except as provided in paragraph (3) of this subsection, any transfer of land or natural resources within Passamaquoddy Indian Territory or Penobscot Indian Territory, except (A) takings for public uses consistent with the Maine Implementing Act, (B) takings for public uses pursuant to the laws of the United States, or (C) transfers of individual Indian use assignments from one member of the Passamaquoddy Tribe or Penobscot Nation to another member of the same tribe or nation, shall be void ab initio and without any validity in law or equity.

Land or natural resources held in trust.

(3) Land or natural resources within the Passamaquoddy Indian Territory or the Penobscot Indian Territory or held in trust for the benefit of the Houlton Band of Maliseet Indians may, at the request of the respective tribe, nation, or band, be—

25 USC 415-415d, 396.

(A) leased in accordance with the Act of August 9, 1955 (69 Stat. 539), as amended;

25 USC 396a-396f and notes.

(B) leased in accordance with the Act of May 11, 1938 (52 Stat. 347), as amended;

25 USC 407.

(C) sold in accordance with section 7 of the Act of June 25, 1910 (36 Stat. 857), as amended;

25 USC 323-328 and note.

(D) subjected to rights-of-way in accordance with the Act of February 5, 1948 (62 Stat. 17);

(E) exchanged for other land or natural resources of equal value, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary for deposit in the land acquisition fund for the benefit of the affected tribe, nation, or band, as the circumstances require, so long as payment does not exceed 25 per centum of the total value of the interests in land to be transferred by the tribe, nation, or band; and

(F) sold, only if at the time of sale the Secretary has entered into an option agreement or contract of sale to purchase other lands of approximate equal value.

Land or natural resources, administration.

(h) Land or natural resources acquired by the Secretary in trust for the Passamaquoddy Tribe and the Penobscot Nation shall be managed and administered in accordance with terms established by the respective tribe or nation and agreed to by the Secretary in accordance with section 102 of the Indian Self-Determination and Education Assistance Act (88 Stat. 2206), or other existing law.

25 USC 450f.

(i)(1) Trust or restricted land or natural resources within the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation may be condemned for public purposes pursuant to the Maine Implementing Act. In the event that the compensation for the taking is in the form of substitute land to be added to the reservation, such land shall become a part of the reservation in accordance with the Maine Implementing Act and upon notification to the Secretary of the location and boundaries of the substitute land. Such substitute land shall have the same trust or restricted status as the land taken. To the extent that the compensation is in the form of monetary proceeds, it shall be deposited and reinvested as provided in paragraph (2) of this subsection.

(2) Trust land of the Passamaquoddy Tribe or the Penobscot Nation not within the Passamaquoddy Reservation or Penobscot Reservation may be condemned for public purposes pursuant to the Maine Implementing Act. The proceeds from any such condemnation shall be deposited in the land acquisition fund established by section 5(c) and shall be reinvested in acreage within unorganized or unincorporated areas of the State of Maine. When the proceeds are reinvested in land whose acreage does not exceed that of the land taken, all the land shall be acquired in trust. When the proceeds are invested in land whose acreage exceeds the acreage of the land taken, the respective tribe or nation shall designate, with the approval of the United States, and within thirty days of such reinvestment, that portion of the land acquired by the reinvestment, not to exceed the area taken, which shall be acquired in trust. The land not acquired in trust shall be held in fee by the respective tribe or nation. The Secretary shall certify, in writing, to the Secretary of State of the State of Maine the location, boundaries, and status of the land acquired.

Condemnation proceedings.

State jurisdiction, U.S. judicial review.

(3) The State of Maine shall have initial jurisdiction over condemnation proceedings brought under this section. The United States shall be a necessary party to any such condemnation proceedings. After exhaustion of all State administrative remedies, the United States is authorized to seek judicial review of all relevant matters in the courts of the United States and shall have an absolute right of removal, at its discretion, over any action commenced in the courts of the State.

(j) When trust or restricted land or natural resources of the Passamaquoddy Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians are condemned pursuant to any law of the United States other than this Act, the proceeds paid in compensation for such condemnation shall be deposited and reinvested in accordance with subsection (i)(2) of this section.

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APPLICATION OF STATE LAWS

State civil and criminal jurisdiction.
25 USC 1725.

SEC. 6. (a) Except as provided in section 8(e) and section 5(d)(4), all Indians, Indian nations, or tribes or bands of Indians in the State of Maine, other than the Passamaquoddy Tribe, the Penobscot Nation, and their members, and any lands or natural resources owned by any such Indian, Indian nation, tribe or band of Indians and any lands or natural resources held in trust by the United States, or by any other person or entity, for any such Indian, Indian nation, tribe, or band of Indians shall be subject to the civil and criminal jurisdiction of the State, the laws of the State, and the civil and criminal jurisdiction of the courts of the State, to the same extent as any other person or land therein.

(b)(1) The Passamaquoddy Tribe, the Penobscot Nation, and their members, and the land and natural resources owned by, or held in trust for the benefit of the tribe, nation, or their members, shall be subject to the jurisdiction of the State of Maine to the extent and in the manner provided in the Maine Implementing Act and that Act is hereby approved, ratified, and confirmed.

(2) Funds appropriated for the benefit of Indian people or for the administration of Indian affairs may be utilized, consistent with the purposes for which they are appropriated, by the Passamaquoddy Tribe and the Penobscot Nation to provide part or all of the local share as provided by the Maine Implementing Act.

(3) Nothing in this section shall be construed to supersede any Federal laws or regulations governing the provision or funding of

services or benefits to any person or entity in the State of Maine unless expressly provided by this Act.

Report to congressional committees.

(4) Not later than October 30, 1982, the Secretary is directed to submit to the appropriate committees of the House of Representatives and the Senate having jurisdiction over Indian affairs a report on the Federal and State funding provided the Passamaquoddy Tribe and Penobscot Nation compared with the respective Federal and State funding in other States.

State criminal jurisdiction, effective date.

(c) The United States shall not have any criminal jurisdiction in the State of Maine under the provisions of sections 1152, 1153, 1154, 1155, 1156, 1160, 1161, and 1165 of title 18 of the United States Code. This provision shall not be effective until sixty days after the publication of notice in the Federal Register as required by subsection 4(d) of this Act.

(d)(1) The Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and all members thereof, and all other Indians, Indian nations, or tribes or bands of Indians in the State of Maine may sue and be sued in the courts of the State of Maine and the United States to the same extent as any other entity or person residing in the State of Maine may sue and be sued in those courts; and section 1362 of title 28, United States Code, shall be applicable to civil actions brought by the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians: *Provided, however,* That the Passamaquoddy Tribe, the Penobscot Nation, and their officers and employees shall be immune from suit to the extent provided in the Maine Implementing Act.

31 USC 203.

(2) Notwithstanding the provisions of section 3477 of the Revised Statutes, as amended, the Secretary shall honor valid final orders of a Federal, State, or territorial court which enters money judgments for causes of action which arise after the date of the enactment of this Act against either the Passamaquoddy Tribe or the Penobscot Nation by making an assignment to the judgment creditor of the right to receive income out of the next quarterly payment from the settlement fund established pursuant to section 5(a) of this Act and out of such future quarterly payments as may be necessary until the judgment is satisfied.

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(e)(1) The consent of the United States is hereby given to the State of Maine to amend the Maine Implementing Act with respect to either the Passamaquoddy Tribe or the Penobscot Nation: *Provided,* That such amendment is made with the agreement of the affected tribe or nation, and that such amendment relates to (A) the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe, the Penobscot Nation, and the State within their respective jurisdictions; (B) the allocation or determination of governmental responsibility of the State and the tribe or nation over specified subject matters or specified geographical areas, or both, including provision for concurrent jurisdiction between the State and the tribe or nation; or (C) the allocation of jurisdiction between tribal courts and State courts.

(2) Notwithstanding the provisions of subsection (a) of this section, the State of Maine and the Houlton Band of Maliseet Indians are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands owned by or held in trust for the benefit of the band or its members.

Separate jurisdiction.

(f) The Passamaquoddy Tribe and the Penobscot Nation are hereby authorized to exercise jurisdiction, separate and distinct from the civil and criminal jurisdiction of the State of Maine, to the extent authorized by the Maine Implementing Act, and any subsequent amendments thereto.

(g) The Passamaquoddy Tribe, the Penobscot Nation, and the State of Maine shall give full faith and credit to the judicial proceedings of each other.

(h) Except as other wise provided in this Act, the laws and regulations of the United States which are generally applicable to Indians, Indian nations, or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations, or tribes or bands of Indians shall be applicable in the State of Maine, except that no law or regulation of the United States (1) which accords or relates to a special status or right of or to any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, and also (2) which affects or preempts the civil, criminal, or regulatory jurisdiction of the State of Maine, including, without limitation, laws of the State relating to land use or environmental matters, shall apply within the State.

Certain Indian tribes, financial benefits and tax treatment.

(i) As federally recognized Indian tribes, the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians shall be eligible to receive all of the financial benefits which the United States provides to Indians, Indian nations, or tribes or bands of Indians to the same extent and subject to the same eligibility criteria generally applicable to other Indians, Indian nations or tribes or bands of Indians. The Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians shall be treated in the same manner as other federally recognized tribes for the purposes of Federal taxation and any lands which are held by the respective tribe, nation, or band subject to a restriction against alienation or which are held in trust for the benefit of the respective tribe, nation, or band shall be considered Federal Indian reservations for purposes of Federal taxation.

TRIBAL ORGANIZATION

94 STAT. 1795

25 USC 1726.

SEC. 7. (a) The Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians may each organize for its common welfare and adopt an appropriate instrument in writing to govern the affairs of the tribe, nation, or band when each is acting in its governmental capacity. Such instrument and any amendments thereto must be consistent with the terms of this Act and the Maine Implementing Act. The Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians shall each file with the Secretary a copy of its organic governing document and any amendments thereto.

Houlton Band of Maliseet Indians, membership.

(b) For purposes of benefits under this Act and the recognition extended the Houlton Band of Maliseet Indians, no person who is not a citizen of the United States may be considered a member of the Houlton Band of Maliseets, except persons who, as of the date of this Act, are enrolled members on the band's existing membership roll, and direct lineal descendants of such members. Membership in the band shall be subject to such further qualifications as may be provided by the band in its organic governing document or amendments thereto subject to the approval of the Secretary.

IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT

Indian child custody proceedings, tribal jurisdiction.
25 USC 1727.
25 USC 1901 note.
25 USC 1918.

SEC. 8. (a) The Passamaquoddy Tribe or the Penobscot Nation may assume exclusive jurisdiction over Indian child custody proceedings pursuant to the Indian Child Welfare Act of 1978 (92 Stat. 3069). Before the respective tribe or nation may assume such jurisdiction over Indian child custody proceedings, the respective tribe or nation shall present to the Secretary for approval a petition to assume such jurisdiction and the Secretary shall approve that petition in the manner prescribed by sections 108(a)-(c) of said Act.

(b) Any petition to assume jurisdiction over Indian child custody proceedings by the Passamaquoddy Tribe or the Penobscot Nation shall be considered and determined by the Secretary in accordance with sections 108 (b) and (c) of the Act.

(c) Assumption of jurisdiction under this section shall not affect any action or proceeding over which a court has already assumed jurisdiction.

"Reservation."

(d) For the purposes of this section, the Passamaquoddy Indian Reservation and the Penobscot Indian Reservation are "reservations" within section 4(10) of the Act.

"Indian tribe."

(e) For the purposes of this section, the Houlton Band of Maliseet

Indians is an "Indian tribe" within section 4(8) of the Act, provided, that nothing in this subsection shall alter or effect the jurisdiction of the State of Maine over child welfare matters as provided in subsection 6(e)(2) of this Act.

Indian child custody proceedings, jurisdiction.

(f) Until the Passamaquoddy Tribe or the Penobscot Nation has assumed exclusive jurisdiction over the Indian child custody proceedings pursuant to this section, the State of Maine shall have exclusive jurisdiction over Indian child custody proceedings of that tribe or nation.

EFFECT OF PAYMENTS TO PASSAMAQUODDY TRIBE, PENOBSCOT NATION, AND HOULTON BAND OF MALISEET INDIANS

25 USC 1728.

SEC. 9. (a) No payments to be made for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the terms of this Act shall be considered by any agency or department of the United States in determining or computing the eligibility of the State of Maine for participation in any financial aid program of the United States.

(b) The eligibility for or receipt of payments from the State of Maine by the Passamaquoddy Tribe and the Penobscot Nation or any of their members pursuant to the Maine Implementing Act shall not be considered by any department or agency of the United States in determining the eligibility of or computing payments to the Passamaquoddy Tribe or the Penobscot Nation or any of their members under any financial aid program of the United States: *Provided*, That to the extent that eligibility for the benefits of such a financial aid program is dependent upon a showing of need by the applicant, the administering agency shall not be barred by this subsection from considering the actual financial situation of the applicant.

(c) The availability of funds or distribution of funds pursuant to section 5 of this Act may not be considered as income or resources or otherwise utilized as the basis (1) for denying any Indian household or member thereof participation in any federally assisted housing program, (2) for denying or reducing the Federal financial assistance or other Federal benefits to which such household or member would otherwise be entitled, or (3) for denying or reducing the Federal financial assistance or other Federal benefits to which the Passamaquoddy Tribe or Penobscot Nation would otherwise be eligible or entitled.

DEFERRAL OF CAPITAL GAINS

25 USC 1729.

SEC. 10. For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer by private owners of land purchased or otherwise acquired by the Secretary with moneys from the land acquisition fund whether in the name of the United States or of the respective tribe, nation or band shall be deemed to be an involuntary conversion within the meaning of section 1033 of the Internal Revenue Code of 1954, as amended.

26 USC 1033.

TRANSFER OF TRIBAL TRUST FUNDS HELD BY THE STATE OF MAINE

25 USC 1730.

SEC. 11. All funds of either the Passamaquoddy Tribe or the Penobscot Nation held in trust by the State of Maine as of the effective date of this Act shall be transferred to the Secretary to be held in trust for the respective tribe or nation and shall be added to the principal of the settlement fund allocated to that tribe or nation. The receipt of said State funds by the Secretary shall constitute a full discharge of any claim of the respective tribe or nation, its predecessors and successors in interest, and its members, may have against the State of Maine, its officers, employees, agents, and representatives, arising from the administration or management of said State funds. Upon receipt of said State funds, the Secretary, on behalf of the respective tribe and nation, shall execute general releases of all claims against the State of Maine, its officers, employees, agents, and representatives, arising from the administration or management of said State funds.

OTHER CLAIMS DISCHARGED BY THIS ACT

SEC. 12. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Maine and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of any Indian nation, or tribe or band of Indians or the United States as trustee therefor, including those actions now pending in the United States District Court for the District of Maine captioned United States of America against State of Maine (Civil Action Nos. 1966-ND and 1969-ND). 25 USC 1731.

LIMITATION OF ACTIONS

SEC. 13. Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act. 25 USC 1732.

AUTHORIZATION

SEC. 14. There is hereby authorized to be appropriated $81,500,000 for the fiscal year beginning October 1, 1980, for transfer to the funds established by section 5 of this Act. 25 USC 1733.

INSEPARABILITY

SEC. 15. In the event that any provision of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect. 25 USC 1734.

CONSTRUCTION

SEC. 16. (a) In the event a conflict of interpretation between the provisions of the Maine Implementing Act and this Act should emerge, the provisions of this Act shall govern. 25 USC 1735.

(b) The provisions of any Federal law enacted after the date of enactment of this Act for the benefit of Indians, Indian nations, or tribes or bands of Indians, which would affect or preempt the application of the laws of the State of Maine, including application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the Maine Implementing Act, shall not apply within the State of Maine, unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of Maine.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1353 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-957 accompanying S. 2829 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Sept. 22, considered and passed House.
    Sept. 23, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
    Oct. 11, Presidential statement.

94 STAT. 2032

Public Law 96-457
96th Congress

An Act

Oct. 15, 1980
[S. 1640]

To extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes.

Water resources research and development, authorities extension.
42 USC 7872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(a) of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is amended as follows:

(a) In paragraph (1) following "September 30, 1980", delete the period, insert a comma, and add "an amount sufficient to provide $150,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1981, and an amount sufficient to provide $160,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1982.";

(b) In paragraph (2) following "September 30, 1980," insert "the sum of $1,000,000 for the fiscal year ending September 30, 1981, and the sum of $1,000,000 for the fiscal year ending September 30, 1982,".

Sec. 2. (a) Section 401 of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is further amended as follows:

(1) in subsection (b) following "$8,500,000," insert "the sum of $8,000,000 for the fiscal year ending September 30, 1981, and the sum of $9,000,000 for the fiscal year ending September 30, 1982,";

(2) in subsection (c) following "$8,000,000" insert a comma and add "the sum of $5,200,000 for the fiscal year ending September 30, 1981, and the sum of $8,000,000 for the fiscal year ending September 30, 1982,"; and

(3) in subsection (d) following "$1,000,000" insert a comma and add "for the fiscal year ending September 30, 1981, and thereafter, the sum of $1,000,000,".

(b) The Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is further amended as follows:

42 USC 7873.
(1) in section 402, following "$14,000,000," insert "the sum of $14,000,000 for the fiscal year ending September 30, 1981, and the sum of $17,400,000 for the fiscal year ending September 30, 1982,";

42 USC 7874.
(2) in section 403, following "September 30, 1980," insert "the sum of $6,500,000 for the fiscal year ending September 30, 1981, and the sum of $8,500,000 for the fiscal year ending September 30, 1982,"; and

42 USC 7882.
(3) in section 411, following the word "rules" strike from the word "regulations" through the word "prescribed" and substitute "and regulations promulgated".

Water desalting processes.
42 USC 7836.

Sec. 3. (a) Subsection 2(a) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, is amended to read as follows:

"(a) The Secretary of the Interior is authorized and directed to demonstrate the engineering and economic viability of membrane and phase-change desalting processes. Such demonstrations shall

94 STAT. 2033

include the study, design, construction, operation, and maintenance of desalting plants at locations in the United States (which may include the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, the Mariana Islands, and the Trust Territory of the Pacific Islands): *Provided,* That at least two such plants shall demonstrate desalting of brackish ground water: *And provided further,* That the plants constructed pursuant to this section shall be for the purpose of showing that the technology being demonstrated is ready for application; such plants shall be sufficient to demonstrate the specific application of the technology, and shall be significantly different in operation and process so as not to duplicate any other demonstration plant constructed pursuant to this section. The Secretary is further authorized to conduct such demonstrations or any portion thereof by means of cooperative agreements (as defined and authorized by 41 U.S.C. 504 et seq. (the Federal Grant and Cooperative Agreement Act of 1977; Public Law 95-224)) with duly authorized non-Federal public entities. Title to demonstration facilities constructed by the non-Federal public entity under a cooperative agreement shall vest in the non-Federal public entity.".

42 USC 7836.

Proposed contract.

(b) Subsection 2(b) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, is amended by inserting after "but is not limited to," the phrase, "how the plant being proposed differs from others, if any, already constructed under this section," and further, by deleting all after "ancillary facilities" and inserting the following: "Such report shall be accompanied by a proposed contract (or cooperative agreement) between the Secretary and a duly authorized non-Federal entity, in which such entity shall agree to provide not less than 15 per centum and not more than 35 per centum of the total cost of the demonstration; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for a period of four years following final acceptance of the construction of the plant from the plant contractor. The contributions of the non-Federal entity under such proposed contract may be in-kind. During the participation by the Secretary in the construction and the operation and maintenance of such demonstration, access to the demonstration and its operating data will not be denied to the Secretary or his representatives. The period of participation by the Secretary in the operation and maintenance of any such demonstration shall be four years. The Secretary is authorized to include in the proposed contract a provision for conveying, as appropriate, and in such amounts as are appropriate, rights, title, and interest of the Federal Government in the demonstration project to the non-Federal public entity.".

Appropriation authorization.

(c) Subsection 2(c) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), is amended to read as follows:

"(c) There is authorized to be appropriated, to remain available until expended, for the fiscal year ending September 30, 1978, and thereafter, the sum of $50,000,000 to finance the total Federal share of the cost of the demonstration plants authorized by this section; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for the four-year period of Federal participation in such costs.".

Contracts.
42 USC 7836.

(d) At the end of section 2 of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, add the following new subsection:

94 STAT. 2034

"(d) When appropriations have been made for the commencement or continuation of design, construction, or operation and maintenance of any demonstration plant authorized under this Act, the Secretary may, in connection with such design, construction, or operation and maintenance, enter into contracts and cooperative agreements for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.".

Repeal.
42 USC 7836 note.

SEC. 4. Section 205(c) of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is hereby repealed.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-989 accompanying H.R. 5340 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-773 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 3, considered and passed Senate.
Sept. 22, 23, H.R. 5340 considered and passed House; passage vacated and S. 1640, amended, passed in lieu.
Sept. 24, Senate concurred in House amendment with an amendment.
Sept. 30, House concurred in Senate amendment.

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94 STAT. 2371

Public Law 96-487
96th Congress

An Act

Dec. 2, 1980
[H.R. 39]

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alaska National Interest Lands Conservation Act.
16 USC 3101 note.

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Public Law 96-495
96th Congress

94 STAT. 2581

An Act

To provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California.

Dec. 3, 1980
[H.R. 4084]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Suisun Marsh Preservation and Restoration Act of 1979".

Suisun Marsh Preservation and Restoration Act of 1979.

Sec. 2. It is the purpose of this Act to—

(1) provide for partial mitigation of the adverse effects on the fish and wildlife resources of the Suisun Marsh in Solano County, California of the Central Valley project; and

(2) assist in the preservation and restoration of the fish and wildlife resources of the Marsh by authorizing the Secretary of the Interior to enter into a cooperative agreement with the State of California for the planning, design, construction, operation and maintenance of certain facilities for the Marsh which will not materially enhance the overall resources of the Marsh; and

(3) to provide for such facilities as part of the more extensive system of preservation and restoration facilities to be developed for the Solano County region by the State of California, the Secretary of the Interior, or both.

Cooperative agreement.

Sec. 3. The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to enter into a cooperative agreement with the State of California (hereinafter in this Act referred to as the "State") to provide for mitigation of the adverse effects of the Central Valley project on the fish and wildlife resources of the Suisun Marsh, Solano County, California, and for the preservation and restoration of these resources. The cooperative agreement shall include the following provisions:

Contracts.

(1) The State shall design, construct, operate, and maintain certain channels, levees, and control structures in the Marsh in a manner which substantially conforms to the provisions of the development plan contained in the Report on the Suisun Marsh Interim Facilities (dated May 1978), prepared by the State of California with the assistance of the Water and Power Resources Service and the Fish and Wildlife Service. The State may enter into contracts with appropriate non-Federal public agencies

within the State for the operation and maintenance of such facilities.

Costs, Federal share.

(2) The Secretary of the Interior shall pay to the State the Federal share of the costs of the activities described in paragraph (1), whether such costs are incurred before or after the date the cooperative agreement is entered into, upon a determination that such activities are in substantial conformity with the development plan referred to in such paragraph.

Water-use study.

(3) A study shall be conducted by the State, the Secretary of the Interior, or both parties, for the purpose of identifying management techniques which could result in more efficient water use on the managed wetlands of the Marsh.

94 STAT. 2582

(4) Appropriate arrangements shall be made by the Secretary of the Interior and the State to provide for the monitoring of the salinity levels in the Marsh.

Costs, Federal share.

(5) The Federal share of the costs of the activities referred to in paragraphs (1) through (4) shall be 50 per centum: *Provided*, That the Federal share may be altered when the system of preservation and restoration facilities referred to in section 2, subsection (3) is authorized: *And provided further*, That any such altered division of costs shall be made retroactively applicable to the cost of the facilities herein provided for.

SEC. 4. The authority to enter into cooperative agreements under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Appropriation authorization.

SEC. 5. There are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1981 for the Federal share of the costs of the construction and the initial operation and maintenance of the facilities described in section 3(1) of this Act. Sums appropriated under this section shall remain available until expended.

Approved December 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-597, Pt. 1 (Comm. on Interior and Insular Affairs) and No. 96-597, Pt. 2 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-928 (Comm. on Environment and Public Works) and (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 10, considered and passed House.

Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.
Nov. 18, House concurred in Senate amendments.

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94 STAT. 2745

Public Law 96-506
96th Congress

An Act

Dec. 8, 1980
[S. 3152]

To amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years.

Public Works and Economic Development Act of 1965, amendment.
Appalachian Regional Development Act of 1965, amendment.
42 USC 3132.
42 USC 3135.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(2) Section 105 is amended by striking out "and September 30, 1979." at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 105 is further amended by striking out "and September 30, 1979," in the third sentence

thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(3) Section 201(c) is amended by striking out "and September 30, 1979." at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". 42 USC 3141.

(4) Section 204(c) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". 42 USC 3144.

(5) Section 303(a) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". 42 USC 3152.

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". 42 USC 3153.

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". 42 USC 3171.

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". 42 USC 3172.

(9) Section 509(d)(1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". Section 509(d)(2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". 42 USC 3188a.

94 STAT. 2746

(10) Section 905 is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". 42 USC 3245.

(11) Section 1007 is amended by striking out "September 30, 1979." and inserting in lieu thereof "September 30, 1982.". 42 USC 3246g.

SEC. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982,". 42 USC 3162 note.

SEC. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).". 40 USC app. 105.

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1982". 40 USC app. 106.

(3) Section 201(g) is amended by striking out "and $170,000,000" and inserting in lieu thereof "$215,000,000" and by inserting before the period at the end of such section the following: "; and $215,000,000 for fiscal year 1982". 40 USC app. 201.

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980". 40 USC app. 214.

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $300,000,000 for the two-fiscal-year period ending September 30, 1981, and $140,000,000 for the fiscal year ending September 30, 1982.". 40 USC app. 401.

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982". 40 USC app. 405.

Approved December 8, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 26, considered and passed Senate.
Nov. 20, considered and passed House, amended; Senate concurred in House amendment.

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94 STAT. 2987

Public Law 96-515
96th Congress

An Act

Dec. 12, 1980
[H.R. 5496]

To amend the National Historic Preservation Act of 1966, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Historic Preservation Act Amendments of 1980".

National Historic Preservation Act Amendments of 1980.
16 USC 470 note.

TITLE I—FINDINGS AND POLICY OF NATIONAL HISTORIC PRESERVATION ACT

SEC. 101. (a) The first section of the Act of October 15, 1966 (16 U.S.C. 470-470t), hereinafter in this Act referred to as the "National Historic Preservation Act", is amended to read as follows:

Short title.
16 USC 470.

"SEC. 1. (a) This Act may be cited as the 'National Historic Preservation Act'.

"(b) The Congress finds and declares that—

"(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

"(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

"(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

"(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

"(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

"(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

"(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

16 USC 470-1.

"SEC. 2. It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

"(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

"(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations;

"(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

"(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

"(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

"(6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.".

TITLE II—HISTORIC PRESERVATION PROGRAM

National Register of Historic Places, expansion and maintenance.
16 USC 470a.

SEC. 201. (a) Section 101 of the National Historic Preservation Act is amended to read as follows:

"SEC. 101. (a)(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

National Historic Landmarks.

Publication in Federal Register.
Submittal to congressional committees.
Ante, p. 2987.

"(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as 'National Historic Landmarks' and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of the enactment of the National Historic Preservation Act Amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as 'National Historic Landmarks' or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

16 USC 450m.

Criteria and regulations.

"(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for

94 STAT. 2989

properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

"(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

"(B) designating properties as National Historic Landmarks and removing such designation;

"(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

"(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

"(E) making determinations of eligibility of properties for inclusion on the National Register; and

"(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

Nominations.

Post, p. 2996.

"(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b), shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a)(2) shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

Determinations.

"(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b). The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

Appeals.

"(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

Regulations.
Owner concurrence or objections.

"(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National

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Review.

Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

Regulations.

"(7) The Secretary shall promulgate, or revise, regulations—

"(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

Post, p. 2996.

"(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

"(C) certifying local governments, in accordance with subsection (c)(1) and for the allocation of funds pursuant to section 103(c) of this Act.

Post, p. 2994.

State Historic Preservation Programs, regulations.

"(b)(1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program—

"(A) provides for the designation and appointment by the Governor of a 'State Historic Preservation Officer' to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

"(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

"(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

Evaluation.

"(2) Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to make a determination as to whether or not it is in compliance with the requirements of this Act. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1), unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section.

Audits.

State Historic Preservation Officer, responsibilities.

"(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to—

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"(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

"(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

"(C) prepare and implement a comprehensive statewide historic preservation plan;

"(D) administer the State program of Federal assistance for historic preservation within the State;

"(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

"(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

"(G) provide public information, education, and training and technical assistance relating to the Federal and State Historic Preservation Programs; and

"(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c).

"(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

"(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of—

"(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

"(B) three years after the date of the enactment of the National Historic Preservation Act Amendments of 1980.

Ante, p. 2987.

Certification.

Post, p. 2994.

Requirements.

"(c)(1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c), of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government—

"(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

"(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

"(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);

"(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

"(E) satisfactorily performs the responsibilities delegated to it under this Act.

Grants-in-aid.

94 STAT. 2992

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

Notification.

Report.

Ante, p. 2988.

"(2)(A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a). The State may expedite such process with the concurrence of the certified local government.

Unrecommended nominations.

"(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National

Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

Appeals.
Ante, p. 2988.

"(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provisions of section 103(c) of this Act, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

Post, p. 2994.

"(d)(1) The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register.

Grants-in-aid.

"(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), for the purposes of carrying out the responsibilities of the National Trust.

16 USC 468-468e.

"(3)(A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

Direct grants.
16 USC 470h.

"(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance,

"(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,

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"(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

"(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

"(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

Grants or loans.

"(C) Grants may be made under subparagraph (A) (i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104.

16 USC 470d.

"(e) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

"(f) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this title.

Post, p. 2996.

"(g) Within one year after the date of enactment of the National Historic Preservation Act Amendments of 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

Ante, p. 2987.

"(h) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information

Historic property preservation, information availability.

concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.".

16 USC 470b.

Sec. 202. (a) Section 102(a)(3) of the National Historic Preservation Act is amended to read as follows:

Ante, p. 2988.

"(3) for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in section 101(d) (1) and (2) in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year.".

(b) Section 102(a) of such Act is amended by adding the following at the end thereof: "Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1954.".

26 USC 1.

Repeal.

(c) Subsection (c) of section 102 of such Act is repealed.

Apportionment.
16 USC 470c.

Sec. 203. (a) Subsection (b) of section 103 of the National Historic Preservation Act is amended by inserting after "projects" the words "and programs" and by striking out the second sentence thereof and substituting the following: "The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act.".

94 STAT. 2994

16 USC 470c.

(b) Section 103 of such Act is amended by adding at the end thereof the following:

"(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c).

Funds, distribution guidelines.

"(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c), nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.".

Loan insurance.
16 USC 470d.

Sec. 204. Section 104 of the National Historic Preservation Act is amended to read as follows:

"Sec. 104. (a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

"(b) A loan may be insured under this section only if—

"(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

"(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

"(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

"(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

"(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

"(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

"(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

Interest rates.

"(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 and subsections (g) and (i) of this section, as in effect on the date of the enactment of this Act but which has not been appropriated for any purpose.

16 USC 470h.

"(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

Insurance contract.

94 STAT. 2995

"(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

"(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may—

Federal financial interests, protection.

"(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

"(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g).

"(g)(1) In any case in which a historic property is obtained pursuant to subsection (f), the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

Property conveyance.

"(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

16 USC 470h.

"(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out purposes of this Act.

Fees.

"(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

Appropriation authorization.

"(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e).

"(k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.".

16 USC 470h.

SEC. 205. Section 108 of the National Historic Preservation Act is amended by inserting after the term "1981" the phrase "and $150,000,000 for each of fiscal years 1982 through 1987".

94 STAT. 2996

SEC. 206. Title I of the National Historic Preservation Act is amended by adding the following new section at the end thereof:

Federal agencies, responsibilities.
16 USC 470h-2.

"SEC. 110. (a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

Ante, p. 2988.

Agency-owned properties.

"(2) With the advice of the Secretary and in cooperation with the State historic preservation officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 101(a)(2)(A). Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

Ante, p. 2988.

Records, storage.

"(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a), in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

Preservation officer.
Post, p. 3000.

"(c) The head of each Federal agency shall, unless exempted under section 214, designate a qualified official to be known as the agency's 'preservation officer' who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(g).

Ante, p. 2988.

"(d) Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

Plans, review and approval.

"(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

"(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

Preservation costs.

94 STAT. 2997

"(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

Preservation awards program.

"(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

42 USC 4321 note.

"(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

Regulations.

"(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.".

SEC. 207. Title I of the National Historic Preservation Act is amended by adding the following at the end thereof:

Leases.
16 USC 470h-3.

"SEC. 111. (a) Notwithstanding any other provision of law, any Federal agency may, after consultation with the Advisory Council on Historic Preservation, lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

Proceeds.

"(b) The proceeds of any lease under subsection (a) may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency.

Surplus funds.

Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

Contracts.

"(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of the historic property.".

16 USC 469c-2.

SEC. 208. Notwithstanding section 7(a) of the Act of June 27, 1960 (16 U.S.C. 469c), or any other provision of law to the contrary—

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

94 STAT. 2998

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

Waiver.

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Interior and Insular Affairs of the United States House of Representatives and the

Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7(a) of such Act.

16 USC 469c.

TITLE III—AMENDMENTS TO TITLE II OF NATIONAL HISTORIC PRESERVATION ACT

16 USC 470i.

SEC. 301. (a) Section 201(a) of the National Historic Preservation Act is amended by striking out "twenty-nine" and all that follows and substituting: "the following members:

"(1) a Chairman appointed by the President selected from the general public;

"(2) the Secretary of the Interior;

"(3) the Architect of the Capitol;

"(4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior) the activities of which affect historic preservation, appointed by the President;

"(5) one Governor appointed by the President;

"(6) one mayor appointed by the President;

"(7) the President of the National Conference of State Historic Preservation Officers;

"(8) the Chairman of the National Trust for Historic Preservation;

"(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines; and

"(10) three at-large members from the general public, appointed by the President.".

(b) Section 201(b) of such Act is amended by deleting (1) through (17) and substituting (2) through (8) (other than (5) and (6))" and by inserting the following before the period ", except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated".

Term of office.

(c) Section 201(c) of such Act is amended to read as follows: "(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) and (10) of subsection (a) shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.".

Vacancies.

(d) Section 201(d) of such Act is amended to read as follows: "(d) A vacancy in the Council shall not affect its powers, but shall be filled, not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on

94 STAT. 2999

Historic Preservation appointed by the President under this Act as in effect on the day before the enactment of the National Historic Preservation Act Amendments of 1980 shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after the enactment of the National Historic Preservation Act Amendments of 1980.".

Ante, p. 2987.

16 USC 470i.

(e) Section 201(e) of such Act is amended to read as follows: "(e) The President shall designate a Vice Chairman, from the members appointed under paragraph (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.".

(f) Section 201(f) of such Act is amended by deleting the word "Fifteen" and substituting in lieu thereof the word "Nine".

16 USC 470j.

(g)(1) Section 202(a) of such Act is amended by striking out "and" after the semicolon in paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs:

> "(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and
>
> "(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.".

(2) Section 202(b) of such Act is amended by inserting the following before the period at the end thereof: "and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act".

16 USC 470*l*.

Ante, p. 2998.

(h) Section 204 of such Act is amended by striking out the first sentence and so much of the second sentence as precedes the words "shall receive" and substituting "The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council".

16 USC 470m.

(i) The third sentence of section 205(b) of such Act is amended by inserting after the words "whenever appropriate" the phrase ", including enforcement of agreements with Federal agencies to which the Council is a party".

(j) Section 205(g) of such Act is amended by (1) inserting after the word "duties" in the second sentence "and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act"; and (2) striking out "(1) through (16)" and substituting "(2) through (4)".

16 USC 470r.

(k) Section 210 of such Act is amended by striking out the first sentence thereof.

16 USC 470s.

16 USC 470f.

(l) Section 211 of such Act is amended by adding the following at the end thereof: "The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 which affect such local governments.".

94 STAT. 3000

SEC. 302. (a) Title II of the National Historic Preservation Act is amended by adding the following new sections at the end thereof:

Report.
16 USC 470u.

"SEC. 213. To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

Regulations or guidelines.
16 USC 470v.

"SEC. 214. The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.".

16 USC 470t.

(b) Section 212(b) of such Act is amended by striking out "Senate Committee on Interior and Insular Affairs" and substituting "Senate Committee on Energy and Natural Resources".

TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

16 USC 470a-1.
27 UST 37.

SEC. 401. (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

World Heritage Committee nominations.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Notification of congressional committees.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

16 USC 470a-2.

SEC. 402. Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

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TITLE V—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 501. The National Historic Preservation Act is amended by adding the following new title at the end thereof:

"TITLE III

Definitions.
16 USC 470w.
Ante, p. 3000.

"SEC. 301. As used in this Act, the term—

"(1) 'Agency' means agency as such term is defined in section 551 of title 5, United States Code, except that in the case of any Federal program exempted under section 214, the agency administering such program shall not be treated as an agency with respect to such program.

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

"(3) 'Local government' means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

"(4) 'Indian tribe' means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.). 43 USC 1601 note.

"(5) 'Historic property' or 'historic resource' means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

"(6) 'National Register' or 'Register' means the National Register of Historic Places established under section 101. *Ante*, p. 2988.

"(7) 'Undertaking' means any action as described in section 106.

"(8) 'Preservation' or 'historic preservation' includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities.

"(9) 'Cultural park' means a definable urban area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

"(10) 'Historic conservation district' means an urban area of one or more neighborhoods and which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

"(11) 'Secretary' means the Secretary of the Interior except where otherwise specified.

"(12) 'State historic preservation review board' means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B)— *Ante*, p. 2988.

"(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law), Membership.

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"(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, and architecture, and

"(C) which has the authority to— Authority.

"(i) review National Register nominations and appeals from nominations;

"(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

"(iii) provide general advice and guidance to the State Historic Preservation Officer, and

"(iv) perform such other duties as may be appropriate.

"(13) 'Historic preservation review commission' means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B), and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among— *Ante*, p. 2988.

"(A) professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related disciplines, to the extent such professionals are available in the community concerned, and

"(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

"SEC. 302. Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise. Expenditures. 16 USC 470w-1.

"SEC. 303. (a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act Gifts or donations. 16 USC 470w-2.

and shall hold, use, expend, and administer the same for such purposes.

"(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

Information disclosure. 16 USC 470w-3.

"Sec. 304. The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

16 USC 470w-4.

"Sec. 305. In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

National Museum for the Building Arts. 16 USC 470w-5.

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"Sec. 306. (a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

"(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

"(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

"(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

"(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

"(5) encourage contributions to the building arts.

"(b) The cooperative agreement referred to in subsection (a) shall include provisions which—

"(1) make the site available to the Committee referred to in subsection (a) without charge;

"(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

"(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

Grants-in-aid.

"(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

Renovation.

"(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

"(1) be commenced immediately,

"(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

"(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

Report submittal.

"(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

"Building arts."

"(f) For purposes of this section, the term 'building arts' includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professsions, skills, trades, and crafts.

Publication in Federal Register. Regulations, transmittal to congressional committees. 16 USC 470w-6.

"SEC. 307. (a) At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

Final regulations. Notification of congressional committees.

"(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

Noneffective regulations.

"(c) Except as provided in subsection (b), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of   , which regulation was transmitted to Congress on   ,' the blank spaces therein being appropriately filled.

"(d) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

"(e) For the purposes of this section—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.".

Report to President and Congress.
16 USC 470a note.

SEC. 502. The Secretary, in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

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Report to President and Congress.
16 USC 470j note.

SEC. 503. The Advisory Council on Historic Preservation, in cooperation with the Secretary and the Secretary of the Treasury, shall submit a report to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation. Such report shall include recommendations respecting amendments to such laws which would further the purposes of this Act. Such report shall be submitted within one year after the date of enactment of this Act.

Report to President and Congress.
16 USC 470h note.

SEC. 504. The Secretary shall submit a report directly to the President and the Congress on or before June 1, 1986, reviewing the operation of the Historic Preservation Fund and the national historic preservation program since the enactment of this Act and recommending appropriate funding levels, the time period for the reauthorization for appropriations from the fund, and other appropriate legislative action to be undertaken upon the expiration of the current fund authorization.

Development plan, review.
40 USC 874 note.

SEC. 505. The Pennsylvania Avenue Development Corporation shall review the development plan for those parts of the development area which are not under development or committed for development as of the date of the enactment of this Act, to identify means by which the historic values of such parts of the development area may be preserved and enhanced to the maximum extent feasible. The foregoing review shall not be limited by the applicable provisions of the development plan in effect at the time of the review; nor shall the review require any actions by the Corporation during the course of the review or during its consideration by the Congress. Within one year of the date of this Act the Corporation shall submit to the appropriate committees of Congress a report containing the findings of the review required under this section, together with the Corporation's recommendations for any legislative measures or funding necessary to carry out the purposes of this section. The report shall also include a description of those activities which the Corporation proposes to undertake to carry out the purposes of this section and the financial implications of carrying out those activities.

Report to congressional committees.

Study.
16 USC 470a note.

SEC. 506. The Secretary shall undertake a comprehensive study and formulate recommendations for a coordinated system of cultural parks and historic conservation districts that provide for the preservation, interpretation, development, and use by public and private entities of the prehistoric, historic, architectural, cultural, and recreational resources found in definable urban areas throughout the Nation. The study shall propose alternatives concerning the management and funding of such system by public and private entities and by various levels of government. The Secretary shall submit a report of his study and recommendations to the President and the Congress within two years after the enactment of this Act.

Report to President and Congress.

Report to President and Congress.
16 USC 470a note.

SEC. 507. The Secretary, in cooperation with the Secretary of the Treasury, the Administrator of the United States Fire Administration, and the Administrator of the Federal Insurance Administration, shall submit a report to the President and the Congress on fire in historic properties. Such report shall include a review of Federal laws to determine any relationship between these laws and arson or fire by "suspicious origin", and to make recommendations respecting

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amendments to such laws should a correlation be found to exist. Such report shall include the feasibility and necessity of establishing or developing protective measures at the Federal, State, or local level for the prevention, detection, and control of arson or fire by "suspicious origin" in historic properties. Such report shall also include recommendations regarding the Federal role in assisting the States and local governments with protecting historic properties from damage by fire. Such report shall be submitted within eighteen months after the date of enactment of this Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1457 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-943 accompanying S. 3116 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Nov. 19, considered and passed Senate, in lieu of S. 3116.

Public Law 96-522
96th Congress

94 STAT. 3038

An Act

To authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

Dec. 12, 1980
[H.R. 7805]

American Folklife Center. Appropriation authorization, fiscal years 1982-1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by inserting a comma after "1978";

(2) by striking out "and" after "1980,"; and

(3) by inserting after "1981" the following: ", $740,000 for the fiscal year ending September 30, 1982, $890,000 for the fiscal year ending September 30, 1983, and $990,000 for the fiscal year ending September 30, 1984".

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 20, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 96-537
96th Congress

94 STAT. 3173

An Act

To amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

Dec. 17, 1980
[S. 2728]

Indian Health Care Amendments of 1980. 25 USC 1601 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Indian Health Care Amendments of 1980".

25 USC 1601 note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (90 Stat. 1400).

DEFINITIONS

25 USC 1603. SEC. 2. (a) Section 4(a) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(b) Section 4(h) is amended by striking out "composed of urban Indians" and inserting in lieu thereof "governed by an Indian controlled board of directors".

(c) Section 4 is amended by adding the following new subsections at the end thereof:

"(i) 'Rural Indian' means any individual who resides in a rural community as defined in subsection (j), who is an Indian within the meaning of subsection (c), and who is not otherwise eligible to receive health services from the Service.

"(j) 'Rural community' means any community that—

"(1) is not located on a Federal Indian reservation or trust area;

"(2) is not an Alaskan Native village;

"(3) is not an urban center; and

"(4) has a sufficient rural Indian population with unmet health needs, as determined by the Secretary, to warrant assistance under title V of this Act.

"(k) 'Rural Indian organization' means a nonprofit corporate body governed by a board of directors controlled by rural Indians and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).".

INDIAN HEALTH MANPOWER

25 USC 1612. SEC. 3. (a) Section 102(c) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $2,300,000 for the fiscal year ending September 30, 1981, $2,600,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,500,000 for the fiscal year ending September 30, 1984.".

25 USC 1613. (b)(1) Section 103(b) is amended to read as follows:

94 STAT. 3174 "(b) Scholarship grants made pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any grantee, such scholarship not to exceed two years.

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry curriculum, such scholarship not to exceed four years.".

(2) Section 103(d) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $3,510,000 for the fiscal year ending September 30, 1981, $4,000,000 for the fiscal year ending September 30, 1982, $4,620,000 for the fiscal year ending September 30, 1983, and $5,300,000 for the fiscal year ending September 30, 1984.".

25 USC 1614. (c) Section 105(d) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $990,000 for the fiscal year ending September 30, 1981, $1,140,000 for the fiscal year ending September 30, 1982, $1,310,000 for the fiscal year ending September 30, 1983, and $1,510,000 for the fiscal year ending September 30, 1984.".

42 USC 294y-1. (d)(1) The first sentence of section 757(a) of the Public Health Service Act is amended by striking out "and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section" and inserting in lieu thereof "$9,000,000 for the fiscal year ending September 30, 1981, $10,300,000 for the fiscal year ending September

30, 1982, $11,800,000 for the fiscal year ending September 30, 1983, and $13,600,000 for the fiscal year ending September 30, 1984".

(2) Section 757(b)(2) is amended—

(A) by striking out "his" and inserting in lieu thereof "the applicable"; and

(B) by striking out "him" and inserting in lieu thereof "the Secretary".

INDIAN HEALTH SERVICES

Appropriation authorization. 25 USC 1621.

SEC. 4. (a)(1) Section 201(c)(1) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $20,250,000 for the fiscal year ending September 30, 1981, $23,000,000 for the fiscal year ending September 30, 1982, $26,500,000 for the fiscal year ending September 30, 1983, and $30,500,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(2) Section 201(c)(2) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $6,400,000 for the fiscal year ending September 30, 1981, $7,350,000 for the fiscal year ending September 30, 1982, $8,450,000 for the fiscal year ending September 30, 1983, and $9,700,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(3) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $1,875,000, for the fiscal year ending September 30, 1981, $2,150,000 for the fiscal year ending September 30, 1982, $2,500,000 for the fiscal year ending September 30, 1983, and $2,875,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

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25 USC 1621.

(b)(1) Section 201(c)(4)(A) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1981, $2,875,000 for the fiscal year ending September 30, 1982, $3,300,000 for the fiscal year ending September 30, 1983, and $3,800,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(2) Section 201(c)(4)(B) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $750,000 for the fiscal year ending September 30, 1981, $870,000 for the fiscal year ending September 30, 1982, $1,000,000 for the fiscal year ending September 30, 1983, and $1,150,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(4)(C) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,350,000 for the fiscal year ending September 30, 1981, $2,700,000 for the fiscal year ending September 30, 1982, $3,100,000 for the fiscal year ending September 30, 1983, and $3,600,000 for the fiscal year ending September 30, 1984, and such further positions are authorized as may be necessary for each such fiscal year.".

(4) Section 201(c)(4)(D) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $460,000 for the fiscal year ending September 30, 1981, $525,000 for the fiscal year ending September 30, 1982, $600,000 for the fiscal year ending September 30, 1983, and $690,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(5) Section 201(c)(4)(E) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $250,000 for the fiscal year ending September 30, 1981, $285,000 for the fiscal year ending September 30, 1982, $325,000 for the fiscal year ending September 30, 1983, and $375,000 for the fiscal year ending September 30, 1984.".

(c)(1) Section 201(c)(5) is amended by adding the following sentence

at the end thereof: "There are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1981, $19,000,000 for the fiscal year ending September 30, 1982, $22,000,000 for the fiscal year ending September 30, 1983, and $25,100,000 for the fiscal year ending September 30, 1984.".

(2) Section 201(c)(6) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,600,000 for the fiscal year ending September 30, 1983, and $7,600,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c) is amended by striking out paragraph (7).

INDIAN HEALTH FACILITIES

SEC. 5. Title III is amended by adding the following new section at the end thereof:

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"AUTHORIZATIONS

25 USC 1634.

"SEC. 305. There are authorized to be appropriated to carry out sections 301 and 302 for the fiscal year ending September 30, 1981, for the fiscal year ending September 30, 1982, for the fiscal year ending September 30, 1983, and for the fiscal year ending September 30, 1984, such sums as may be necessary.".

ACCESS TO HEALTH SERVICES

SEC. 6. Title IV is amended by adding the following new section at the end thereof:

"GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS

25 USC 1622.

"SEC. 404. (a) The Secretary, acting through the Service, shall make grants to or enter into contracts with tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under section 1818 of part A and sections 1836 and 1837 of part B of title XVIII of the Social Security Act; (42 USC 1395i-2, 1395o, 1395p.)

"(2) pay monthly premiums for coverage due to financial need of such individual; and

"(3) apply for medical assistance provided pursuant to title XIX of the Social Security Act. (42 USC 1396.)

"(b) The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any contract or grant which the Secretary makes with any tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits under titles XVIII and XIX of the Social Security Act; (42 USC 1395gg note, 1396.)

"(2) assist individual Indians in becoming familiar with and utilizing such benefits;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or application for medical assistance;

"(4) develop and implement a schedule of income levels to determine the extent of payment of premiums by such organization for coverage of needy individuals; and methods of improving the participation of Indians in receiving the benefits provided pursuant to titles XVIII and XIX of the Social Security Act.

"(c) There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,615,000 for the fiscal year ending September 30, 1983, and $7,610,000 for the fiscal year ending September 30, 1984.". Appropriation authorization.

HEALTH SERVICES FOR URBAN AND RURAL INDIANS

SEC. 7. Title V is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN AND RURAL INDIANS

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"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban areas and rural communities to make health services more accessible to the urban and rural Indian populations, respectively. 25 USC 1651.

"CONTRACTS WITH URBAN AND RURAL INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations and with rural Indian organizations to assist such organizations to establish and administer, in the urban centers or rural communities in which such organizations are situated, programs which meet the requirements set forth in sections 503 and 504. 25 USC 1652.

"CONTRACT ELIGIBILITY

"SEC. 503. (a) The Secretary, acting through the Service, shall place such conditions as deemed necessary to effect the purpose of this title in any contract which the Secretary makes with any urban or rural Indian organization pursuant to this title. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to— 25 USC 1653.

"(1) determine the population of urban or rural Indians which are or could be recipients of health referral or care services;

"(2) identify all public and private health service resources within the urban center or rural community in which the organization is situated which are or may be available to urban Indians or rural Indians, respectively;

"(3) assist such health services resources in providing service to such urban or rural Indians;

"(4) assist such urban or rural Indians in becoming familiar with and utilizing such resources;

"(5) provide basic health education to such urban or rural Indians;

"(6) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (3) through (5) of this subsection;

"(7) identify gaps between unmet health needs of urban Indians or rural Indians and the resources available to meet such needs;

"(8) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban or rural Indians; and

"(9) where necessary, provide or contract for health care services to urban or rural Indians.

"(b) The Secretary, acting through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations and rural Indian organizations to enter into contracts pursuant to this title. Such criteria shall, among other factors, take into consideration—

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"(1) the extent of the unmet health care needs of urban Indians in the urban center or of rural Indians in the rural community involved;

"(2) the size of the urban Indian population or the rural Indian community to receive assistance;

"(3) the relative accessibility of health care services to such population in such urban center or rural community;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate any previous or current public or private health services project in such urban center or rural community that was or is funded in a manner other than pursuant to this title;

"(5) the appropriateness and likely effectiveness of the activities set forth in subsection (a) in such urban center or rural community;

"(6) the existence of an urban Indian organization or a rural Indian organization capable of performing the activities set forth in subsection (a) and entering into a contract with the Secretary pursuant to this title; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"OTHER CONTRACT REQUIREMENTS

Federal laws and regulations, exceptions. 25 USC 1654.

"SEC. 504. (a) Contracts with urban Indian organizations or rural Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

Payments.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

Amendments and revisions.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization or a rural Indian organization, revise or amend any contract made by the Secretary with such organization under this title as necessary to carry out the purposes of this title: *Provided, however,* That whenever an urban Indian organization or a rural Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

Federal facility utilization.

"(d) In connection with any contract made pursuant to this title, the Secretary may permit an urban Indian organization or a rural Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban or rural Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban or rural Indians of services and assistance under such contracts by such organizations.

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"REPORTS AND RECORDS

25 USC 1655.

"SEC. 505. For each fiscal year during which an urban Indian organization or a rural Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a report including information gathered pursuant to section 503(a) (7) and (8), information on activities conducted by the organization pursuant to the contract, an accounting of the amounts and purposes for which Federal funds were expended, and such other information as the Secretary may request. The reports and records of the urban Indian organization or the rural Indian organization with respect to such contract shall be subject to audit by the Secretary and the Comptroller General of the United States.

"AUTHORIZATIONS

25 USC 1656.

"Sec. 506. (a) There are authorized to be appropriated for contracts with urban Indian organizations under this title $18,750,000 for the fiscal year ending September 30, 1981, $21,500,000 for the fiscal year ending September 30, 1982, $24,725,000 for the fiscal year ending September 30, 1983, and $28,500,000 for the fiscal year ending September 30, 1984.

"(b) There are authorized to be appropriated for contracts with rural Indian organizations under this title $3,000,000 for the fiscal year ending September 30, 1981, $3,000,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,000,000 for the fiscal year ending September 30, 1984.

"REVIEW OF PROGRAM

Submittal to Congress.
25 USC 1657.

"Sec. 507. Not later than the date six months after September 30, 1983, the Secretary, acting through the Service and with the assistance of the urban and rural Indian organizations that have entered into contracts under this title, shall review the program established under this title and submit to the Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title.".

MISCELLANEOUS

25 USC 1674.

Sec. 8. (a) Section 704 is amended by adding the following new sentence at the end thereof: "Property leased by the Secretary from an Indian tribe may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.".

(b) Title VII is amended by adding the following new sections at the end thereof:

"RESOURCE ALLOCATION PLAN

Submittal to Congress.
25 USC 1676.

"Sec. 706. Within one year from the date of the enactment of this section, the Secretary shall submit to the Congress a resource allocation plan. Such plan shall explain the future allocation of services and funds among the service population of the Service and shall provide a schedule for reducing deficiencies in resources of tribes and nontribal specific entities.

"NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

Study.
25 USC 1677.

"Sec. 707. (a) The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian tribes and organizations, a study of the health hazards to Indian miners and Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development. Such study shall include—

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"(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future nuclear resource development on or near Indian reservations and communities;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the five years prior to the date of the enactment of this section that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such nuclear resource development.

Health care plan, development.

"(b) Upon completion of such study the Secretary and the Service shall take into account the results of such study and develop a health care plan to address the health problems studied under subsection (a). The plan shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear development activities, may experience health problems.

Report to Congress.

"(c) The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than the date eighteen months after the date of enactment of this section. The health care plan prepared under subsection (b) shall be submitted in a report no later than the date one year after the date that the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

Intergovernmental Task Force, establishment.

"(d)(1) There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees): the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Bureau of Mines, the Assistant Secretary for Occupational Safety and Health, and the Secretary of the Interior.

"(2) The Task Force shall identify existing and potential operations related to nuclear resource development that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community and enter into activities to correct existing health hazards and insure that current and future health problems resulting from nuclear resource development activities are minimized or reduced.

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"(3) The Secretary shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

Medical care.

"(e) In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill, suffers from a work related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from a Service facility; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator;

the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator from such operator. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

"(f) There is authorized to be appropriated $300,000 to carry out the study as provided in subsection (a), such amount to be expended by the date eighteen months after the date of the enactment of this section.

Appropriation authorization.

"ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

Designation.
25 USC 1678.

"SEC. 708. (a) For the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to Indians in such State.

"(b) The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

Appropriation authorization.

"(c) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year ending September 30, 1982, $2,000,000 for the fiscal year ending September 30, 1983, and $2,000,000 for the fiscal year ending September 30, 1984.

"CALIFORNIA FORMER FEDERALLY RECOGNIZED TRIBES

Health services, eligibility.
25 USC 1679.

"SEC. 709. Indians in the State of California who are members or descendants of members of former federally recognized tribes of the State of California shall be eligible for services from the Service in the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984.

"PERSONNEL CEILINGS DEMONSTRATION PROJECT

25 USC 1680.

"SEC. 710. (a) In order to determine whether the Service can be better managed through fiscal controls without personnel ceilings the Service shall, in conjunction with the Office of Personnel Management and the Secretary, conduct a demonstration project in which certain personnel ceilings in the Service are lifted. Such demonstration project shall be conducted in two of the Indian Health Service areas and shall be closely monitored by the Service.

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Report to Congress.

"(b) Not later than the date 2 years after the date of the enactment of this section, the Service shall submit a report to Congress regarding the demonstration project carried out under subsection (a). Such report shall include a discussion of whether the lifting of personnel ceilings would improve the Service's ability to deliver services, what potential negative impact the lifting of personnel ceilings might have on the control of Federal employment, and a determination as to whether the lifting of personnel ceilings should be expanded to the entire Service.".

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-975, Pt. 1 accompanying H.R. 6629 (Comm. on Interior and Insular Affairs) and No. 96-1483 (Comm. of Conference).
SENATE REPORT No. 96-758 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 2, considered and passed Senate.
Sept. 8, 9, H.R. 6629 considered and passed House; passage vacated and S.2728, amended, passed in lieu.
Dec. 2, House agreed to conference report.
Dec. 3, Senate agreed to conference report.

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Public Law 96-549
96th Congress

An Act

Dec. 18, 1980
[S. 1972]

To authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes.

Sangre de Cristo Development Company, Inc.

Reimbursements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to reimburse persons who are determined by the Secretary to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated (a corporation incorporated under the laws of the State of New Mexico), for subdivision lots on the Pueblo of Tesuque Indian Reservation near Santa Fe, New Mexico. The Secretary is authorized to reimburse such persons for the amounts they have expended in the acquisition of a sublease or subleases and upon receipt of such compensation such persons must relinquish all claims or rights, if any, they may have arising from their sublease.

Applications.

(b) Applications for reimbursement under this Act shall be in such form and contain such information as the Secretary of the Interior, by regulation, shall prescribe. No application for reimbursement shall be considered by the Secretary unless it is submitted on or before the date of expiration of the twenty-four-month period following the date of enactment of this Act.

(c) Subject to the availability of appropriations, the Secretary shall reimburse those applicants who are determined to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated, pursuant to its master lease with Tesuque Pueblo initially approved May 24, 1970, by the Bureau of Indian Affairs and subsequently disapproved on August 24, 1977. As used in this Act, the term "bona fide purchasers" shall mean anyone who purchased a sublease in an arm's-length transaction, for value and without notice.

(d) Within the one-hundred-and-eighty-day period following the date of the enactment of this Act, the Secretary of the Interior shall take such action as may be necessary to inform purchasers of such subleases from the Sangre de Cristo Development Company, Incorporated, of the fact that the Secretary of the Interior has authority to reimburse any such person determined by the Secretary to be a bona fide purchaser of such sublease for the amounts expended by such purchaser in the acquisition of such sublease. The Secretary shall further inform such purchasers that any application for reimbursement must be submitted on or before the date of expiration of the twenty-four-month period following the date of the enactment of this Act.

SEC. 2. (a) Subject to the availability of appropriations, the Secretary of the Interior shall reimburse bona fide creditors of the Sangre de Cristo Development Company, Incorporated, who shall have been certified as such by the United States District Court for the District of New Mexico, Bankruptcy Division, in the action entitled "Sangre de Cristo Development Company, Incorporated, No. 77-1044 in Bankruptcy", for the amount the court determines is owing to such creditors from such corporation. The United States shall have a right to intervene in such action as its interests may warrant in consideration of the provisions of this section and shall have the rights of a party in interest under section 502 of title II, United States Code. No person or entity having or having had an equity interest in the Sangre de Cristo Development Company, Incorporated, shall be deemed to be a bona fide creditor of the corporation for purposes of this section.

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(b) Any creditor, who has accepted a sublease from the corporation for subdivision lots in compensation for services or materials provided to the corporation and who is otherwise a bona fide creditor under subsection (a) of this section, may be reimbursed pursuant to

subsection (a) for the actual value of such services or materials upon certification by the court as provided in subsection (a) or upon proof satisfactory to the Secretary.

Jurisdiction.

Sec. 3. Jurisdiction is hereby conferred on the United States District Court for the District of New Mexico to hear, determine, and render judgment on any legal claim for damages, under existing law, that the Sangre de Cristo Development Company, Incorporated, may have against the United States arising from the action of the United States in the initial approval and subsequent disapproval of the lease described in section 1(c) of this Act or from the preparation of the environmental impact statement attendant to such lease. Such action must be filed within one year from the date of enactment of this Act and jurisdiction conferred by this section includes jurisdiction of any setoff, counterclaim, or other claim or demand whatever on the part of the United States against such corporation.

Appropriation authorization.

Sec. 4. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1 and 2 of this Act.

Approved December 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1408 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-798 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 20, considered and passed Senate.
Nov. 17, considered and passed House amended.
Dec. 4, Senate concurred in House amendments.

Public Law 96-550
96th Congress

94 STAT. 3221

An Act

To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

Dec. 19, 1980
[H.R. 8298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Forest System lands, New Mex. Designation.

TITLE I

Sec. 101. The purposes of this Act are to—

(1) designate certain National Forest System lands in New Mexico for inclusion in the National Wilderness Preservation System in order to promote, perpetuate, and preserve the wilderness character of the land, to protect watersheds and wildlife habitat, preserve scenic and historic resources, and to promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people;

(2) insure that certain other National Forest System lands in New Mexico be promptly available for nonwilderness uses including, but not limited to, campground and other recreation site development, timber harvesting, intensive range management, mineral development, and watershed and vegetation manipulation; and

(3) designate certain other National Forest System land in New Mexico for further study in furtherance of the purposes of the Wilderness Act.

16 USC 1131 note.

Sec. 102. (a) In furtherance of the purposes of the Wilderness Act, the following National Forest System lands in the State of New

Mexico are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

16 USC 1132 note. (1) certain lands in the Gila National Forest, New Mexico, which comprise approximately two hundred and eleven thousand three hundred acres, as generally depicted on a map entitled "Aldo Leopold Wilderness—Proposed", dated August 1980, and which shall be known as the Aldo Leopold Wilderness;

16 USC 1132 note. (2) certain lands in the Cibola National Forest, New Mexico, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Apache Kid Wilderness—Proposed", dated November 1980, and which shall be known as the Apache Kid Wilderness;

16 USC 1132 note. (3) certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Blue Range Wilderness—Proposed", dated August 1980, and which shall be known as the Blue Range Wilderness;

16 USC 1132 note. (4) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately thirty-four thousand acres, as generally depicted on a map entitled "Capitan Mountains Wilderness—Proposed", dated August 1980, and which shall be known as the Capitan Mountains Wilderness;

16 USC 1132 note. (5) certain lands in the Carson National Forest, New Mexico, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Cruces Basin Wilderness—Proposed", dated November 1980, and which shall be known as the Cruces Basin Wilderness: *Provided, however,* That the designation of this area as wilderness shall not interfere with the construction of additional fencing authorized by the grazing allotment management plan for the area, and shall not be cause to require reductions in existing potential animal unit months under the applicable grazing allotment management plan for the area;

16 USC 1132 note. (6) certain lands in the Santa Fe National Forest, New Mexico, which comprise approximately five thousand two hundred acres, as generally depicted on a map entitled "Dome Wilderness—Proposed", dated August 1980, and which shall be known as the Dome Wilderness;

(7) certain lands in the Gila National Forest, New Mexico, which comprise approximately one hundred and forty thousand acres, as generally depicted on a map entitled "Gila Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Gila Wilderness as designated by Public Law 88-577; 16 USC 1131 note.

16 USC 1132 note. (8) certain lands in the Carson National Forest, New Mexico, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Latir Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Latir Peak Wilderness;

(9) certain lands in the Carson and Santa Fe National Forests, New Mexico, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Pecos Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Pecos Wilderness as designated by Public Law 88-577: *Provided,* That nothing in this Act shall interfere with the management of, or rules, regulations and law applying to the Santa Fe Municipal Watershed;

(10) certain lands in the Carson National Forest, New Mexico, which comprise approximately fourteen thousand seven hundred acres, as generally depicted on a map entitled "Wheeler Peak Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Wheeler Peak Wilderness as designated by Public Law 88-577;

(11) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately sixteen thousand eight hundred and sixty acres, as generally depicted on a map entitled "White Mountain Wilderness Additions—Proposed", dated August 1980, and which are hereby incorporated in and shall be deemed to be a part of the White Mountain Wilderness as designated by Public Law 88-577;

(12) certain lands in the Cibola National Forest, New Mexico, which comprise approximately nineteen thousand acres, as generally depicted on a map entitled "Withington Wilderness—Proposed", dated August 1980, and which shall be known as the Withington Wilderness;

16 USC 1132 note.

(b) The previous classifications of the Black Range Primitive Area, the Blue Range Primitive Area in the State of New Mexico, and the Gila Primitive Area are hereby abolished.

Maps and legal descriptions, filing with congressional committees.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

16 USC 1131 note.

Lands review, report to President and Presidential recommendations to Congress.
16 USC 1132 note.
16 USC 1600 note.

SEC. 103. (a) The Secretary of Agriculture shall review the following lands, in conjunction with the requirements of the National Forest Management Act of 1976 and in furtherance of the purposes of the Wilderness Act, as to their suitability or nonsuitability for preservation as wilderness, and shall submit his report and findings to the President, and the President shall submit his recommendations to the United States Senate and the United States House of Representatives no later than January 1, 1986:

(1) Certain lands in the Coronado National Forest, New Mexico, which comprise approximately fifteen thousand one hundred and ten acres, as generally depicted on a map entitled "Bunk Robinson Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Bunk Robinson Wilderness Study Area.

(2) Certain lands in the Carson National Forest, New Mexico, which comprise approximately forty-six thousand acres, as generally depicted on a map entitled "Columbine Hondo Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Columbine Hondo Wilderness Study Area.

(3) Certain lands in the Lincoln National Forest, New Mexico, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Guadalupe Escarpment Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Guadalupe Escarpment Wilderness Study Area.

(4) Certain lands in the Gila National Forest, New Mexico, which comprise approximately eighteen thousand eight hundred and sixty acres, as generally depicted on a map entitled "Hell Hole Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Hell Hole Wilderness Study Area.

(5) Certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Lower San Francisco Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Lower San Francisco Wilderness Study Area.

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(6) Certain lands in the Coronado National Forest, New Mexico, which comprise approximately seven thousand seven hundred and sixty acres, as generally depicted on a map entitled "Whitmire Canyon Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Whitmire Canyon Wilderness Study Area.

Administration.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That within the areas, current levels of motorized and other uses and improvements shall be permitted to continue subject to such reasonable rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 104. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of New Mexico and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than New Mexico such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Mexico;

16 USC 1600 note.

(2) with respect to the National Forest System lands in the State of New Mexico which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those areas designated for Wilderness Study by section 103 of this Act, or designated as wilderness by this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans, and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of New Mexico reviewed in such Final Environmental Statement and not designated as wilderness, or for wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans.

(c) Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

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SEC. 105. Congress does not intend that designation of wilderness areas in the State of New Mexico lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

TITLE II—TO ESTABLISH THE LANGMUIR RESEARCH SITE IN THE STATE OF NEW MEXICO

Establishment.
16 USC 542.

SEC. 201. That in order to encourage scientific research into atmospheric processes and astronomical phenomena, and to preserve conditions necessary for that research, there is hereby established the Langmuir Research Site (hereinafter referred to as the "research site") in the Cibola National Forest in the State of New Mexico.

16 USC 542a.

SEC. 202. The Congress finds that the high altitude and freedom from air pollution and night luminosity caused by human activity, make the research site uniquely suited to the conduct of research probes into thunder clouds and for other atmospheric and astronomical research purposes.

Administration.
16 USC 542b.

SEC. 203. The Secretary of Agriculture shall administer, protect, and regulate use of the research site in accordance with the laws, rules, and regulations applicable to National Forest System lands, and in such manner as will best contribute to purposes of this Act.

Land use agreement.
16 USC 542c.

SEC. 204. The Secretary of Agriculture in furtherance of the purposes of this Act, is hereby authorized, and directed, to enter into an appropriate land use agreement with New Mexico Institute of Mining and Technology for the Langmuir Research Site for the purpose of establishing conditions for use of the national forest land, and to set forth working relationships during such period of use.

16 USC 542d.

SEC. 205. (a) The research site shall consist of approximately thirty-one thousand acres, including a principle research facility of approximately one thousand acres. The boundaries are depicted on a map entitled "Langmuir Research Site", dated August 1980, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture.

Management plan, development.

(b) As soon as practicable, after enactment of this Act, the Secretary of Agriculture shall develop a comprehensive management plan for the research site consistent with requirements of the National Forest Management Act of 1976 (Public Law 94-588) (16 U.S.C. 1604), which shall be incorporated into the initial Cibola National Forest land and resource management plan as provided for under that Act.

Notice to congressional committees.

Minor boundary adjustments.

(c) Following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of his intention to do so, the Secretary may make minor adjustments in the boundaries of the research site to provide for more effective management or to encourage further research activity. For the purposes of this subsection, minor boundary adjustments shall not increase or decrease the amount of land within the research site by more than seven thousand acres.

(d) In developing the plan, the Secretary shall consult with the National Science Foundation, the New Mexico Institute of Mining and Technology, the New Mexico Academy of Science and appropriate conservation, wilderness, wildlife, industry, and other public interest groups.

(e) The plan shall prescribe specific research and management

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objectives necessary for the protection, management, and regulation of the research site as outlined in subsection (f) of this section.

Management.

(f) The research site shall be managed in accordance with the following objectives:

(1) The principal research facility shall be managed primarily for scientific research purposes. Dispersed recreation, grazing, and other uses which the Secretary determines to be compatible with scientific research may be permitted.

(2) The research site shall be managed to enhance scientific research objectives. Scientific research activities and associated research equipment and structures shall be permitted within the research site in accordance with the plan.

(3) Roads shall be limited to those necessary for scientific research activities and other reasonable activities as determined by the Secretary. Motor vehicle use shall be restricted to roads designated in the plan.

(4) The landing of small instrumented research rockets shall be permitted to continue in portions of the research site designated for such purposes in the plan.

TITLE III—FOR THE RELIEF OF ALBERT AND EULALIA RODRIGUEZ

SEC. 301. The Secretary of the Interior is authorized and directed to reimburse Albert and Eulalia Rodriguez for improvements to land situated in section 5, township 25 north, range 13 east of the New Mexico principal meridian within the Taos Pueblo Grant, State of New Mexico.

Appropriation authorization.

SEC. 302. Beginning October 1, 1981, there is hereby authorized to be appropriated not more than $20,000 for the purposes of this Act.

TITLE IV—FOR THE RELIEF OF THE VERMEJO CONSERVANCY DISTRICT

SEC. 401. That, notwithstanding any other provision of law, the Secretary of the Interior is authorized, subject to the written consent of the Vermejo Conservancy District, to amend contract numbered 178r-458, dated August 7, 1952, as amended, between the Vermejo Conservancy District, located in the State of New Mexico, and the United States for the construction, operation, and maintenance of the Vermejo reclamation project, to defer payments on the remaining repayment obligation of the Vermejo Conservancy District under such contract, until such time or times as the Secretary determines additional repayment to be reasonably feasible, to relieve the district of such other penalties, assessments, or costs, including interest, which have accrued or may become due under the existing contract prior to enactment of this Act, and to transfer all right, title, and interest in or to the project facilities serving the Vermejo Conservancy District: *Provided*, That the Vermejo Conservancy District shall, to the extent practicable, continue to operate and maintain the facilities of the Vermejo project for the benefit of all authorized project beneficiaries, including the Maxwell National Wildlife Refuge, and in accordance with the authorized project purposes: *Provided further*, That with the exception of assistance, if needed, under the Disaster Relief Act of 1974, as amended, the Federal Government shall incur no further expense on behalf of the Vermejo project or the Vermejo Conservancy District for the operation and maintenance or rehabilitation of existing facilities or for the development of any new facilities related to the delivery or impoundment of water, and further Federal expenditures related to the Vermejo Federal reclamation project shall be limited to administration of such amended contract for the purpose of determining and obtaining such reasonable repayment as may be feasible, and to necessary expenses for fish and wildlife purposes. Transfer of project facilities to the district shall be without any additional consideration in excess of the existing repayment obligation of the district, and shall include any related lands or interest in lands acquired by the Federal Government for the project, except that any lands or interests in land, or interests in water, or other contractual arrangements which may be held by the Secretary for management of the Maxwell National Wildlife Refuge, for wildlife enhancement purposes, shall not be transferred and shall be maintained consistently with existing arrangements. Any amended contract which provides for deferral of the district's repayment obligation shall provide that the obligation shall continue in effect until repaid or for the useful life of the existing facilities, and the Secretary shall provide for a flexible plan of repayment of the remaining obligation of the district according to the district's ability to repay as determined by the Secretary. Deter-

42 USC 5121 note.

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minations of ability to repay shall include water deliveries achieved in a given year, as well as such other factors as the Secretary considers to be pertinent.

TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

16 USC 410ii.

SEC. 501. (a) The Congress finds that—

(1) archeological research in the San Juan Basin conducted over the past several years has greatly increased public knowledge of the scope of the prehistoric culture referred to as Chacoan Anasazi;

(2) the discoveries and the increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;

(3) development of the San Juan Basin's important natural resources and the valid existing rights of private property owners will not be adversely affected by the preservation of the archeological integrity of the area; and

(4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archeological research.

(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the San Juan Basin; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

Establishment.
16 USC 410ii-1.

Abolishment.
16 USC 431 note.

SEC. 502. (a) There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be available for the purpose of the Chaco Culture National Historical Park.

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(b) Thirty three outlying sites generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-A and dated August 1980, are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty three archeological protection sites totaling approximately eight thousand seven hundred and seventy one acres are identified as follows:

Name:	Acres
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10
Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halfway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14

Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870

List additions or deletions, submittal to Congress.
16 USC 410ii-2.
Supra.

SEC. 503. The Secretary of the Interior shall continue to search for additional evidences of Chacoan sites and submit to Congress within two years of date of enactment of this Act and thereafter as needed, his recommendations for additions to, or deletions from, the list of archeological protection sites in section 502(b) of this title. Additions to or deletions from such list shall be made only by an Act of Congress.

Lands, waters, and interests, acquisition.
16 USC 410ii-3.

SEC. 504. (a) The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park (hereinafter referred to as the "park") and the archeological protection sites as identified in section 502 of this title by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of New Mexico or any political subdivision thereof, may be acquired by exchange or donation only. Property held in trust for the benefit of any Indian tribe or for the benefit of any individual member thereof may be acquired only with the consent of such owner or beneficial owner as the case may be.

(b) The respective tribal authorities are authorized to convey by exchange, purchase, on donation the beneficial interest in any lands designated by section 502 of this Act and held in trust by the United States for the respective tribes, to the Secretary, subject to such terms and conditions as the tribal authority deems necessary and which the Secretary deems are consistent with the purposes of this title.

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Private lands or interests, acquisition.

(c)(1) The Secretary shall attempt to acquire private lands or interests therein by exchange prior to acquiring lands by any other method authorized pursuant to section 504 of this Act.

Private property owners, cooperative agreements.

(2) The Secretary shall attempt to enter into cooperative agreements pursuant to section 505 of this Act with owners of private property for those archeological protection sites described in section 502(b) of this Act. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be effected.

Pool, acreage designation.

(d)(1) For purposes of completing an exchange pursuant to subsections (a) and (b), the Secretary shall designate a pool of at least three times the private acreage described in subsections (a) and (b), comprised of Federal property interests of a similar resource character to property to be exchanged. Federal property shall, whenever possible, be designated in blocks of at least one section in size, but in no event shall the blocks designated be less than one-quarter of a section in size.

(2) The Secretary may include within the pool any Federal property under his jurisdiction except units of the National Park System, National Forest System, or the National Wildlife Refuge System that are nominated by the owner of the private property to be exchanged. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal values.

Federal lands exchanged for non-Federal property.

(e) All Federal lands, waters, and interests therein excluded from the boundaries of Chaco Canyon National Monument by this title may be exchanged for non-Federal property to be acquired pursuant to this title. Any lands so excluded shall be managed by the Secretary under the provisions of the Federal Land Policy and Management Act of 1976. Transfer of administration of such lands to the Bureau of Land Management shall not be considered a withdrawal as that term

43 USC 1701 note.

is defined in section 103(j) of the Federal Land Policy and Management Act of 1976.

43 USC 1702.

16 USC 410ii-4.

SEC. 505. The Secretary shall seek to enter into cooperative agreements with the owners, including the beneficial owners, of the properties located in whole or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this title shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

Administration.

16 USC 410ii-5.

SEC. 506. (a) The Secretary shall administer the park in accordance with the provisions of this title and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

94 STAT. 3230

(b) The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this title and the provisions of law generally applicable to public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976: *Provided, however,* That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

43 USC 1702.

(c) No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this title, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this title shall be deemed to prevent exploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

(d) Nothing in this title shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

General management plan, transmittal to congressional committees.

(e) Within three complete fiscal years from the date of enactment, the Secretary shall transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the identification, research, and protection of the park, pursuant to the provisions of subsection (12)(b) of the Act of August 18, 1970, to be developed by the Director, National Park Service, in consultation with the Directors, Bureau of Land Management and Bureau of Indian Affairs and the Governor, State of New Mexico, and a joint management plan for the identification, research, and protection of the archeological protection sites, to be developed by the Director, National Park Service, in consultation and concurrence with the Directors, Bureau of Land Management and Bureau of Indian Affairs, and the Governor, State of New Mexico.

16 USC 1a-7.

16 USC 410ii-6.

SEC. 507. (a) Consistent with and in furtherance of the purposes of the Division of Cultural Research of the Southwest Cultural Resources Center, operated by the National Park Service, the Secretary shall continue such research and data gathering activities as may be appropriate to further the purposes of this title and knowledge of the Chaco culture. The Secretary shall submit in writing within six months of the effective date of this section, to the Committee on

Plan, submittal to congressional committees.

Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for the continued operational program of the Division. The Secretary is authorized and encouraged to establish a committee composed of professional archeologists and others with related professional expertise including the designee of the Governor of the State of New Mexico to advise the Secretary in matters related to the surveying, excavation, curation, interpretation, protection, and management of the cultural resources of the historical park and archeological protection sites.

Computer-generated data base, development.

(b) The Secretary shall, through the Division of Cultural Research of the Southwest Cultural Resources Center of the National Park Service, be responsible for the development of a computer-generated data base of the San Juan Basin, and make such information available to Federal and private groups when to do so will assist such groups in the preservation, management, and development of the resources of the basin.

94 STAT. 3231

(c) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall prior to the approval of the expenditure of any Federal funds on such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established.

Appropriation authorization.
16 USC 410ii-7.

SEC. 508. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title but not to exceed $11,000,000 for acquisition and $500,000 for development.

TITLE VI—SALINAS NATIONAL MONUMENT

Designation.
16 USC 43 note.

SEC. 601. (a) In order to set apart and preserve for the benefit and enjoyment of the American people the ruins of prehistoric Indian pueblos and associated seventeenth century Franciscan Spanish mission ruins, the Secretary is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, not to exceed four hundred and sixty six acres of land in the State of New Mexico which, in addition to the lands now comprising Gran Quivira National Monument, shall be designated as the Salinas National Monument. The Secretary is further authorized to acquire, in or near the town of Mountainair, such additional lands as may be necessary for an administrative site for the monument.

Additional lands, acquisition.

Abolishment.
16 USC 431 note.

(b) Gran Quivira National Monument is hereby abolished as such, and any funds available for purposes of the monument shall be available for purposes of the Salinas National Monument.

Administration.

(c) The Secretary shall administer and protect the monument in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary is encouraged to transfer to the employment of the National Park Service such personnel associated with the administration of the State-owned lands as are interested in and qualified for such transfer, as such State lands are acquired by the Secretary.

Personnel transfer.

Appropriation authorization.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,140,000 for acquisition and $500,000 for development.

94 STAT. 3232

Approved December 19, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Oct. 1, S. 2583 considered and passed Senate.
Nov. 21, H.R. 8298 considered and passed House, in lieu of S. 2583.
Dec. 1, considered and passed Senate.

Public Law 96-586
96th Congress

94 STAT. 3381

An Act

To provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

Dec. 23, 1980
[H.R. 7306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nevada and Lake Tahoe Basin, land disposal and acquisition.

SECTION 1. (a) The Congress finds that—

(1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;

(2) for orderly development of the communities in that county certain of those lands should be sold by the Federal Government;

(3) the Lake Tahoe Basin is a closed basin two-thirds of which is located within the State of California and one-third within the State of Nevada;

(4) the environmental quality of the Lake Tahoe Basin is seriously jeopardized by overdevelopment of sensitive land areas;

(5) a majority of the acreage developed within the Lake Tahoe Basin and the potential for further development of sensitive land areas is within California;

(6) further tourist oriented development within the basin encourages significant permanent development of other kinds as well as tourist visitation; and

(7) the unique character of the Lake Tahoe Basin is of national significance deserving of further protection and management.

(b) The purpose of this Act is to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for acquisition of environmentally sensitive lands in the Lake Tahoe Basin.

Clark County, Nev.; land disposal.

SEC. 2. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized and directed to dispose of lands under the jurisdiction of the Bureau of Land Management in Clark County, Nevada, as shown on the map numbered 7306A, dated May 1980, and entitled "Las Vegas Valley, Nevada, Land Sales Map", which map shall be on file and available for public inspection in the offices of the Bureau of Land Management. Such disposal shall be in accordance with regulations developed jointly by the Secretary and the affected local governmental jurisdictions and shall be consistent with the provisions of the Federal Land Policy and Management Act and other applicable law except to the extent necessary to expeditiously carry out the provisions of this Act.

43 USC 1701 note.

Annual acreage limit.

(b) No more than seven hundred acres per calendar year may be offered for sale by the Bureau of Land Management in Clark County.

Land selection.

(c) Notwithstanding section 1(b), the Secretary and the affected local governmental jurisdictions shall jointly select lands to be offered for sale under this Act. The Secretary may not offer any land for sale if in his judgment such land has not been appropriately classified in accordance with adjacent land use by the local governmental jurisdiction. In the event agreement cannot be reached on joint selection, no lands shall be offered for sale.

Revenues.

(d)(1) Except as otherwise provided in this subsection, the revenues from the sale of public lands under this subsection within Clark County, Nevada, shall, notwithstanding any other provision of law, be deposited annually, in the general fund of the Treasury of the United States: *Provided,* That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation

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Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.

(2) Five per centum of the annual revenues referred to in paragraph (1) shall be returned to the State of Nevada annually for use in the general education program of the State.

(3) Ten per centum of the net annual revenues referred to in paragraph (1) shall be returned annually directly to the county or municipality within the boundaries of which such land sale occurred to be used for the purpose of acquisition and development of recreational lands and facilities. The total annual revenue returned under this paragraph to each such county or municipality shall be an amount proportional to the amount of revenues generated under this section from sales under this section of Federal land located within each such county or municipality.

(e) The revenues deposited in the general fund of the Treasury of the United States under subsection (d) are deemed to be in the nature of repayment for those authorizations set forth in section 3 of this Act. The Secretary, in cooperation with the Secretary of Agriculture, shall submit an accounting report biannually of income and expenditure provided for by this Act to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

Report to congressional committees.

(f) The Secretary shall, subject to the provisions of subsection (c), make the first land sale offering of Clark County, Nevada, land no later than one year after the date of enactment of this Act.

Payments to localities.

(g)(1) The Secretary of Agriculture is authorized and directed to make annual payments to the governing bodies of each of the political subdivisions any portion of which is located in the area depicted on the final map filed pursuant to section 3(a). Such payments may be used only for water pollution control, soil erosion mitigation, or acquisition by local government authorities of lands and interests in lands within the Lake Tahoe Basin, or for any combination of the foregoing purposes.

(2) The total amounts appropriated for payments pursuant to this subsection shall be allocated proportionately among such political subdivisions in any fiscal year on the basis of the relative amounts of acreage acquired under this Act in each such political subdivision.

(3) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated for making payments under this subsection a sum equal to 15 per centum of the amount appropriated under such section 3.

Water pollution control and land management.

(h) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated a sum equal to 5 per centum of the amount appropriated under such section 3 to be used by the Secretary of Agriculture only for purposes of preventing, controlling, or mitigating water pollution associated with National Forest System lands in the Lake Tahoe Basin and for managing acquired lands within the Lake Tahoe Basin. Such sum shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

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(i) The provisions of section 3 of the Act of October 20, 1976 (31 U.S.C. 1601) and the provisions of subsections (a) through (c) of section 106 of the Act of March 27, 1978 (16 U.S.C. 79o) shall apply to lands acquired by the Secretary of Agriculture under this Act in the same manner and to the same extent as such provisions apply to lands owned by the United States and referred to in such section 106. For purposes of applying such provisions, any reference in such provisions to the lands referred to in such section 106 or to the National Park System shall be treated as including reference to the lands acquired by the Secretary of Agriculture under this Act.

SEC. 3. (a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2). The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

Map, preparation; notice and hearing.

(2)(A) The Secretary of Agriculture, in consultation with the governments of Nevada and California, the Tahoe Regional Planning Agency and with local governments, including the appropriate planning and regulatory agencies, after notice and opportunity for public hearing, shall prepare a map of the lands to be acquired pursuant to this subsection.

Submittal to congressional committees.

(B) The Secretary of Agriculture shall, within six months of the date of enactment of this Act, and after notice and opportunity for public hearing, file with the United States Senate Committee on Energy and Natural Resources and the United States House of Representatives Committee on Interior and Insular Affairs a map which in the Secretary of Agriculture's judgment best achieves the objectives set forth in this Act and includes the environmentally sensitive land defined in subparagraph (C) of this paragraph.

"Environmentally sensitive land."

(C) For purposes of this paragraph, the term "environmentally sensitive land" means—

(i) stream environment zones which are—

(I) areas generally located within the one-hundred-year flood plain;

(II) areas containing soils which are associated with high runoff or high water tables;

(III) areas of riparian vegetation types; or

(IV) minimum protective buffer areas for the areas referred to in subclauses (I) through (III);

(ii) high hazard lands which are characterized by steep slopes and a fragile environmental balance or with a high erosion potential;

(iii) unimproved lands previously modified by man which are causing unacceptably high rates of sedimentation; and

(iv) shore zone areas which are sensitive to cliff erosion, beach erosion, and near-shore instability.

(D) The map filed pursuant to subparagraph (B) shall be prepared at such scale as to clearly identify the affected land tracts by ownership and shall designate such tracts for acquisition or nonacquisition.

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(3) Before initiating acquisition proceedings for any lands under this subsection, the Secretary shall consult annually with State and local government agencies, the Tahoe Regional Planning Agency as to the necessity for such acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis.

Public notice.

Donation.

(4) Lands within the boundaries of the area subject to acquisition under this section which are owned by any State or local government may be acquired only by donation.

Administration.

(b) Lands acquired under this section shall be administered as a part of the United States National Forest System; except that the Secretary of Agriculture, acting through the Chief of the Forest Service, may, in the case of lands which are unsuitable for Forest Service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.

Improved lands, acquisition.

(c)(1) Except as provided in paragraph (2), with respect to that portion of the Lake Tahoe Basin, as defined as of the date of the enactment of this Act by the Secretary of Agriculture, which lies within the boundary of the State of California, as in effect on the date of the establishment of the Tahoe National Forest (October 3, 1905), the Secretary of Agriculture may acquire improved lands or interests in improved lands with the consent of the owner thereof or upon a finding by the Secretary of Agriculture that such lands are being used, or that an imminent threat exists that they will be used, in a manner detrimental to the preservation of the existing water quality of the basin.

Single family dwellings, acquisition restrictions.

(2) No single family dwelling which is improved land (as defined in this subsection) may be acquired under the provisions of this subsection without the consent of the owner thereof unless the Secretary of Agriculture with the concurrence of the Tahoe Regional Planning Agency finds that (A) a change in the use of such dwelling has occurred subsequent to the date of enactment of this Act or that such a change in use is threatened, and (B) in the case of a single family dwelling having a change or threatened change in use but maintained as a single family dwelling, such change or threatened change will result in a detriment to the preservation of the existing water quality of the basin.

(3) At such time as the Tahoe Regional Planning Agency has adopted final requirements for the protection of the water quality of the basin, the Secretary of Agriculture shall make the findings provided for in sections 3(c)(1) and 3(c)(2) herein in a manner consistent with such requirements.

(4) For purposes of this Act, the term—

"Improved land."

(A) "improved land" means any land on which there is located a single family dwelling or other residential or commercial building, the construction of which commenced before the date of enactment of this Act, together with so much of the land on which such building is located as is reasonably necessary to the use and enjoyment of such building; and

"Unimproved land."

(B) "unimproved land" means any land other than improved land.

Right of use and occupancy.

(5)(A) The owner or owners of any improved land acquired by the Secretary of Agriculture under this Act may retain a right of use and occupancy of such land for—

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(i) a definite term of not more than twenty-five years from the date of the enactment of this Act, or,

(ii) a term ending at the death of the owner or owners of such land.

The owner shall elect the term to be reserved, except that if the owner is a corporation, the term shall not exceed twenty-five years from the date of the enactment of this Act. Unless the improved land is wholly or partially donated, the Secretary of Agriculture shall pay to the owner the fair market value of the improved land on the date of its acquisition, less the fair market value on that date of the right retained by the owner. For purposes of applying the preceding provisions of this subparagraph, ownership shall be determined as of the date of acquisition, except that in applying clause (ii) ownership shall be determined as of May 1, 1980.

(B) A right retained by the owner pursuant to this paragraph shall be subject to termination by the Secretary of Agriculture upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary of Agriculture to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

Acquisition without owner's consent.

(d) Lands and interests therein may be acquired by the Secretary of Agriculture with concurrence of the Tahoe Regional Planning Agency in accordance with this section without the consent of the owner thereof only where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed.

Fair market value.

(e) The fair market value of any land or interest in land to be acquired by the Secretary of Agriculture under this section shall be determined by an independent appraisal made, where practicable, on the basis of comparable sales at the time of such acquisition. For purposes of the appraisal of any property to be acquired under this section, in determining the comparability of other property sales, the independent appraisal shall take into account the utilities, services, and facilities associated with the property concerned. Any change after the date of the enactment of this Act in the value of any property to be acquired under this section shall not be taken into account for purposes of determining the fair market value of such property to the extent that such change is attributable to the enactment of this Act.

Purchase price, installments.

(f) In acquiring any property under this section, the Secretary of Agriculture and the owner of the property to be acquired may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid principal balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity comparable to average maturities on the installments.

Appropriation authorization.

(g) There is hereby authorized to be appropriated, for the purposes of this Act, from the Land and Water Conservation Fund, $10,000,000 for the fiscal year 1982, and $20,000,000 for the fiscal year 1983. In addition there is hereby authorized to be appropriated for these and subsequent fiscal years an amount equal to the amount of revenue obtained by the Federal Government from the sale of federally owned lands in Clark County, Nevada, after October 1, 1978, reduced for any fiscal year by the amount appropriated, pursuant to this sentence, in the prior fiscal years. Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965. Amounts authorized to be appropriated under this subsection shall remain available until expended. Authorizations of moneys to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into contracts and agreements and to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

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16 USC 460*l*-9.

Mar-A-Lago National Historic Site. Repeal.
16 USC 467a and note, 467a-1.
16 USC 461 note, 467a note.

SEC. 4. (a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

Marjorie Merriweather Post Foundation, property transfer.
16 USC 467a note.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Majorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

D.C. Code 29-1001.

Funds, adjustments.

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1023 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1026 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 Sept. 8, considered and passed House.
 Dec. 4, considered and passed Senate, amended.
 Dec. 5, House concurred in Senate amendments.

94 STAT. 3387

Public Law 96-587
96th Congress

An Act

Dec. 23, 1980
[S. 1142]

Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

John F. Kennedy Center for the Performing Arts.
Appropriation authorization.
20 USC 76*l*.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 76l) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981.".

SEC. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-179 (Comm. on Public Works and Transportation) accompanying H.R. 3051 and No. 96-1530 (Comm. of Conference).
SENATE REPORT No. 96-150 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 6, considered and passed Senate.
Vol. 126 (1980): Jan. 24, H.R. 3051 considered and passed House; proceedings vacated and S. 1142, amended, passed in lieu.
Aug. 22, Senate concurred in House amendment with an amendment.
Dec. 9, Senate agreed to conference report.
Dec. 10, House agreed to conference report.

94 STAT. 3477

Public Law 96-597
96th Congress

An Act

Dec. 24, 1980
[H.R. 8444]

To authorize appropriations for certain insular areas of the United States, and for other purposes.

United States insular areas.
Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMERICAN SAMOA

48 USC 1662 note.

SEC. 101. Notwithstanding any other provision of law and subject to valid existing rights, all right, title, and interest of the Government of the United States in personal property situated in American Samoa shall be transferred, without reimbursement, to the American Samoa government on October 1, 1981, unless the agency of the Government of the United States having administrative responsibility for the property advises the Secretary of the Interior in writing before the date of transfer that it has a continuing requirement for such property.

TITLE II—GUAM

Repeal.

SEC. 201. (a) Section 3 and section 5 of the Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes" (Public Law 88-170; 77 Stat. 302) are hereby repealed.

(b) The Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes" is amended by adding at the end thereof the following new section:

"SEC. 7. The government of Guam shall not be liable to the United States on and after the effective date of this section for repayment of any amount appropriated under this Act which was not repaid to the United States before such date.".

Effective date.

(c) This section shall take effect October 1, 1981.

TITLE III—NORTHERN MARIANA ISLANDS

Report to congressional committees.

SEC. 301. Within six months from the date of enactment of this Act, the Secretary of the Interior is directed to submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a report on the existing dock and harbor facilities in the Northern Mariana Islands; the need, if any, for repair, improvement, or replacement of such facilities; the cost of such rehabilitation; and the amount of Federal assistance which would be necessary to achieve such rehabilitation.

16 USC 777k.

SEC. 302. (a) Section 12 of the Act of August 9, 1950 (64 Stat. 434), as amended, is further amended by deleting "Governor of American Samoa," and inserting in lieu thereof "Governor of American Samoa, the Governor of the Commonwealth of the Northern Mariana Islands,"; by deleting "to apportion to Puerto Rico, Guam, American Samoa," and inserting in lieu thereof "to apportion to Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,"; by deleting "Samoa one-third of 1 per centum," and inserting in lieu thereof "Samoa one-third of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-third of 1 per centum,"; and by deleting "expenditure in Puerto Rico, Guam," and inserting in lieu thereof "expenditure in Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,".

94 STAT. 3478

16 USC 669g-1.

(b) Section 8(a) of the Act of September 2, 1937 as added August 18, 1941 (55 Stat. 632), as amended, is further amended by deleting "Governor of Guam," and inserting in lieu thereof "Governor of Guam, the Governor of the Commonwealth of the Northern Mariana Islands,"; by deleting "apportion to Puerto Rico, Guam," and inserting in lieu thereof "apportion to Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,"; by deleting "Guam one-sixth of 1 per centum," and inserting in lieu thereof "Guam one-sixth of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-sixth of 1 per centum,"; and by deleting "expenditure in Puerto Rico, Guam," and inserting in lieu thereof "expenditure in Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,".

48 USC 1681 note.

SEC. 303. (a) The Act of March 12, 1980 (Public Law 96-205; 94 Stat. 87) is hereby amended as follows: In section 205(a) change "and before January 1, 1981." to "until, but not after, January 1, 1983.".

Suspension and effective date.

(b) The provisions of section 205(c) shall be suspended and shall be of no force or effect until January 1, 1983.

TITLE IV—TRUST TERRITORY OF THE PACIFIC ISLANDS

48 USC 1681 note.

SEC. 401. Section 101 of the Act of March 12, 1980 (94 Stat. 84), is amended by changing the commas after "program" and "system" to semicolons; by deleting the word "and" after "system"; and by inserting after "Ponape;" the following: "for expenditure by grant or contract for the installation, operation, and maintenance of communications systems which will provide internal and external communications;".

Property transfer.
48 USC 1681 note.

SEC. 402. (a) Notwithstanding any other provision of law, subject to valid existing rights, and subject to subsection (b) of this section, all right, title, and interest of the Government of the United States in personal property situated in the Trust Territory of the Pacific Islands and of the government of the Trust Territory of the Pacific Islands in personal property wherever located shall be transferred, without reimbursement, by October 1, 1982, to the government of the Northern Mariana Islands, Palau, the Marshall Islands, or the

Federated States of Micronesia according to a list of distribution established by the High Commissioner of the Trust Territory of the Pacific Islands in consultation with the recipient government.

(b) Personal property referred to in subsection (a) of this section shall be transferred upon declaration by the High Commissioner of the Trust Territory of the Pacific Islands that such property is surplus to the needs of the government of the Trust Territory of the Pacific Islands, which declaration shall be approved, if applicable, by the head of the agency of the Government of the United States having administrative responsibility for the property.

(c) If no government exists in Palau at the time of enactment of this section that is capable of receiving title to such property in its own name, the government of the Trust Territory of the Pacific Islands shall hold such property in trust for the prospective government of Palau until such government is established.

48 USC 1695.

94 STAT. 3479

SEC. 403. Section 104 of the Act of March 12, 1980 is amended as follows:

(a) strike "nor shall participation" and insert "and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation";

(b) change "governments be denied" to "governments shall not be denied"; and

(c) strike the period and insert "and shall continue at such levels as the Congress may provide in appropriation Acts.".

TITLE V—VIRGIN ISLANDS AND GUAM

48 USC note prec. 1391.

SEC. 501. Section 5 of the Act of October 21, 1976 (Public Law 94-584; 90 Stat 2899) is amended by changing "sixty days after its submission" to "sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission".

Release of parcel obligation.

SEC. 502. Notwithstanding any other provision of law, with regard to parcels 2 and 22 (Estate Upper Bethlehem, Saint Croix, United States Virgin Islands) and parcels 2A and 23 (Fredensborg and Upper Bethlehem, Saint Croix, United States Virgin Islands) and parcel 24 (Estate Body Slob and Upper Bethlehem, Saint Croix, United States Virgin Islands), the government of the Virgin Islands is hereby released from all obligation under the mortgage and note given by the government of the Virgin Islands when such parcels were conveyed to the government of the Virgin Islands by the Government of the United States.

TITLE VI—MISCELLANEOUS

48 USC 1469d.

SEC. 601. GENERAL TECHNICAL ASSISTANCE.—(a) The Secretary of the Interior is authorized to extend to the governments of American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands, and their agencies and instrumentalities, with or without reimbursement, technical assistance on subjects within the responsibility of the respective territorial governments. Such assistance may be provided by the Secretary of the Interior through members of his staff, reimbursements to other departments or agencies of the Federal Government under the Economy Act (31 U.S.C. 686), grants to or cooperative agreements with such governments, agreements with Federal agencies or agencies of State or local governments, or the employment of private individuals, partnerships, or corporations. Technical assistance may include research, planning assistance, studies, and demonstration projects.

(b) The Secretary of the Interior is further authorized to provide technical assistance to, and maintenance of agricultural plantings and physical facilities for, the peoples from Enewetak Atoll and Bikini Atoll, as well as for the purchase of food and equipment and for the transportation of such food, equipment and persons as he deems necessary and appropriate until such areas produce sufficient food to fully sustain the residents after resettlement. This provision shall not cease to be applicable either before or after the termination of the trusteeship without the express approval of the United States Congress.

Waiver.

94 STAT. 3480

Congressional notification.

(c) The Secretary of Agriculture is authorized to extend, in his discretion, programs administered by the Department of Agriculture to Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, and American Samoa (hereinafter called the territories). Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to waive or modify any statutory requirements relating to the provision of assistance under such programs when he deems it necessary in order to adapt the programs to the needs of the respective territory: *Provided*, That not less than sixty days prior to extending any program pursuant to this section or waiving or modifying any statutory requirement pursuant to this section, the Secretary of Agriculture shall notify the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate of his proposed action together with an explanation of why his action is necessary and the anticipated benefits to each territory affected. Such programs shall be carried out in cooperation with the respective governments of the territories and shall be covered by a memorandum of understanding between the respective territorial government and the Department of Agriculture. Any sums appropriated pursuant to this paragraph shall be allocated to the agencies of the Department of Agriculture concerned with the administration of programs in the territories.

Effective date. Appropriation authorization.

(d) Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Politicial unification of insular areas. 48 USC 1681 note.

SEC. 602. In the event that a political union is effected at a future time between the Territory of Guam and the Commonwealth of the Northern Mariana Islands, the Federal Government and each of its agencies is authorized and directed to assure that—

(i) there will be no diminution of any rights or entitlements otherwise eligible to said territory and Commonwealth in effect on the effective date of such union,

(ii) there will be no adverse effect on any funds which have been or may hereafter be authorized or appropriated for said territory or Commonwealth, as of the effective date of such union, or

(iii) no action is taken that would in any manner discourage such unification.

Whenever any discrepancy exists or arises between the benefits available for either said territory or Commonwealth under any policies or programs authorized by law (including, but not limited to, any formulas for matching grants-in-aid or comparable programs or benefits), the most favorable terms available to either said territory or Commonwealth shall be deemed applicable to said unified area after the effective date of unification.

SEC. 603. Notwithstanding any other provision of law to the contrary, funds appropriated under the Emergency School Aid Act for fiscal year 1980 which are available for use in American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be available in such areas for the purposes set forth in section 702 of the Emergency School Aid Act as such section was in effect immediately before September 30, 1979.

20 USC 1601 note.

20 USC 1601 note.

Energy resources. 48 USC 1492.

SEC. 604. (a) The Congress finds that—

(1) the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau are virtually completely dependent on imported sources of energy;

94 STAT. 3481

(2) the dependence of such areas on imported sources of energy coupled with the increasing cost and the uncertain availability and supply of such sources of energy will continue to frustrate the political, social, and economic development of such areas by placing increasingly severe fiscal burdens on the local governments of these areas;

(3) these insular areas are endowed with a variety of renewable sources of energy which, if developed, would alleviate their dependence on imported sources of energy, relieve the fiscal burden on local governments imposed by the costs of imported fuel, and strengthen the base for political, social, and economic development;

(4) appropriate technologies are presently available to develop the renewable energy resources of these insular areas but that comprehensive energy plans have not been adequately developed to meet the energy demands of these areas from renewable energy resources.

Energy resources, development.

(b) The Congress declares that it is the policy of the Federal Government to—

(1) develop the renewable energy resources of the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau; and

(2) to assist other insular areas in the Caribbean and Pacific Basin in the development of their renewable energy resources.

Comprehensive energy plan.

(c) The Secretary of Energy or any administrative official who may succeed him shall prepare a comprehensive energy plan with emphasis on indigenous renewable sources of energy for Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands and Palau. The plan shall be prepared with the approval of the Secretary of the Interior and in cooperation with the chief executive officer of each insular area by—

(1) surveying existing sources and uses of energy;

(2) estimating future energy needs to the year 2020, giving due consideration to a range of economic development possibilities;

(3) assessing, in depth, the availability and potential for development of indigenous energy sources, including solar, wind, hydropower, ocean current and tidal, biogas, biofuel, geothermal and ocean thermal energy conversion;

(4) assessing the mix of energy sources (including fossil fuels) and identifying those technologies that are needed to meet the projected demands for energy; and

(5) drafting long-term energy plans for such insular areas with the objective of minimizing their reliance on energy imports and making maximum use of their indigenous energy resources.

(d) The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs.

Plan submittal to Congress.

(e) Within two years from the date of enactment of this Act, the Secretary of Energy or any administrative official who may succeed him shall submit the comprehensive energy plan for each insular area to the Congress.

Appropriation authorization.

(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Effective date.
42 USC 1962d-16.

SEC. 605. Effective October 1, 1981, section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof the following:

"State."

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.".

94 STAT. 3482

SEC. 606. (a) The Congress finds that—

(1) the Trust Territory of the Pacific Islands is composed over two thousand islands scattered over three million square miles of the North Pacific Ocean with a total land area of only seven hundred square miles supporting approximately one hundred thousand persons;

(2) the health, safety, welfare, as well as the political, social, and economic development of the peoples of the Trust Territory of the Pacific Islands are totally dependent on the adequacy and regularity of inter-island transportation;

(3) the principal form of inter-island transportation, especially for the outer islands is and will continue to be surface transportation;

(4) at present inter-island surface transportation is completely dependent on uncertain supplies of increasingly expensive imported fuel;

(5) recent developments in sail-assisted technology offer the potential for alleviating the dependence of the peoples of the Trust Territory of the Pacific Islands on imported fuel for surface transportation, thereby improving the capability for regular supply schedules to the various islands, relieving the fiscal burden on local governments caused by the costs of imported fuel, and strengthening the base for political, social, and economic development of the peoples of the Trust Territory of the Pacific Islands.

Transportation. Report to Congress.

(b) In order to ascertain the potential for sail-assisted technology for inter-island transportation in the Trust Territory of the Pacific Islands, the Secretary of the Interior is directed to review the transportation needs of the Trust Territory of the Pacific Islands and submit a report to the Congress by October 1, 1981, on his findings and recommendations.

(c) In preparing his report, the Secretary of the Interior shall consider, but is not limited to, frequency of services, present and alternative routes, cargo delivery, operating costs, port and docking availability and adequacy, and the impact on energy costs of the use of a second generation of inter-island field trip vessels using sail-assisted technology. The report shall set forth a scientific analysis of the potential applications of sail-assisted technology as a means of reducing energy costs for inter-island transportation including, but not limited to, statistics on windspeed, direction, wave heights and currents; possible design configurations and specifications for sail-assisted vessels; cost estimates for construction, financing, and operation; and such other information as he deems appropriate to determine the feasibility of sail-assisted technology for inter-island transportation.

(d) The Secretary is directed to consult with appropriate representatives of the various local government units in the Trust Territory of the Pacific Islands as well as the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Defense in preparing the report.

Appropriation authorization. 48 USC 1641 note.

94 STAT. 3483

SEC. 607. (a) In order to assist the governments of Guam and the Virgin Islands in eliminating general fund deficits, there is authorized to be appropriated to the Secretary of the Interior for payment to Guam not to exceed $15,000,000 for fiscal year 1982, and $11,000,000 for fiscal year 1983, $7,500,000 for fiscal year 1984, and $4,000,000 for fiscal year 1985; and for payment to the Virgin Islands not to exceed $12,000,000 for fiscal year 1982, $9,000,000 for fiscal year 1983, $6,000,000 for fiscal year 1984, and $3,000,000 for fiscal year 1985.

Plan submittal to Secretary of Interior.

(b) The Governors of Guam and the Virgin Islands shall each submit a plan for approval to the Secretary of the Interior in consultation with the Secretary of the Treasury which is designed to eliminate the respective territory's general fund deficits by the beginning of fiscal year 1986. Such plan shall provide for—

(1) implementation of an effective budgeting and accounting system;

(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1986;

(3) financing of accumulated general fund deficits;

(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

Report submittal to Secretaries of Interior and Treasury.

(c) Not more than thirty days after the close of each quarter which occurs after the plan required under subsection (a) of this section has been approved by the Secretary of the Interior in consultation with the Secretary of the Treasury and through the close of fiscal year 1985, the respective Governor shall submit a report to the Secretary of the Interior and the Secretary of the Treasury, certified by the respective government comptroller, describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.

Payments.

(d) No payment shall be made under this title until the plan required under this section has been approved by the Secretary of the Interior in consultation with the Secretary of the Treasury. Before making any payment under this title after such plan has been approved, the Secretary shall determine whether the respective territory is meeting the goals and timetables prescribed in such plan. If the Secretary determines that such territory is not meeting such goals or timetables, he shall withhold payments otherwise due such territory until he determines that such goals and timetables are being met.

94 STAT. 3484

SEC. 608. Authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 9, considered and passed House.
Dec. 12, considered and passed Senate.

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94 STAT. 3500

Public Law 96-602
96th Congress

An Act

Dec. 28, 1980
[S. 1803]

To modify the boundary of the Cibola National Forest in the State of New Mexico, and for other purposes.

Cibola National Forest, N. Mex. Boundary modification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundary of the Cibola National Forest in New Mexico is hereby modified to include an area of approximately fourteen thousand four hundred and seventy-six acres as shown on United States Department of Agriculture, Forest Service map entitled "Boundary Modification, Cibola National Forest", dated April 1980.

SEC. 2. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the Cibola National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

16 USC 460l-9.

SEC. 3. For the purpose of section 6 (renumbered section 7 by the Act of July 11, 1972, 86 Stat. 459) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903 as amended; 16 U.S.C. 4601-9 (1976)) the boundary of the Cibola National Forest, as modified by section 1 of this Act, shall be treated as if it were the boundary of that forest on January 1, 1965.

20 USC 238 note.

SEC. 4. The Act of March 14, 1978 (92 Stat. 154), is amended as follows:

(a) In section 1(a), in the first sentence, delete the phrase "two-year", and change "September 30, 1980" to "September 30, 1985"; and

Appropriation authorization.

(b) In section 1(c) strike the second sentence in its entirety and insert the following: "There is authorized to be appropriated an amount not to exceed $1,500,000 annually for fiscal years 1979 through 1982 to carry out the provisions of this Act: *Provided*, That any appropriations made pursuant to this Act shall be reduced by the amount of any payments made to said districts pursuant to the Acts of September 23, 1950 (64 Stat. 906), as amended (20 U.S.C. 631 et seq.), and September 30, 1950 (64 Stat. 1100), as amended (20 U.S.C. 236 et seq.). For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.".

SEC. 5. (a) The Secretary of the Army, acting through the Chief of Engineers, is prohibited from taking any legal or administrative action in connection with the operation and maintenance of the Conchas Lake project, New Mexico, seeking to remove improvements, including dwelling, that are presently located within the flowage easement below elevation 4,220 feet mean sea level: *Provided*, That this prohibition shall not be construed as creating any liability in the United States, or any of its officers, agents, or assigns, for any injury, loss, or damage accruing to the owners of such improvements, their leasees or occupants, as a result of any flooding or inundation of such improvements by the waters of the reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the dam and reservoir in any manner.

94 STAT. 3501

(b)(1) The Secretary of the Army is prohibited from determining the forty-five-acre cabin site in the south recreation area at Conchas Lake, New Mexico, to be excess of project needs prior to 1996, unless such a determination is agreed to by the Governor of the State of New Mexico or his designee.

(2) The Secretary of the Army shall not require the removal or sale and purchase of existing cabins, cottages, or other privately owned improvements located on the site referred to in paragraph (1) of this subsection prior to 1996, unless agreed to by the Governor of the State of New Mexico or his designee. Existing and prospective lease arrangements shall reflect the requirements of this section.

SEC. 6. (a) The Secretary of the Treasury shall pay out of any funds in the Treasury, not otherwise appropriated, to the estate of Demetrio Madrid or into a court of competent jurisdiction, for distribution to such persons as shall be lawfully entitled thereto, the sum of $21,054.

(b) Upon payment being made as provided in subsection (a), the United States and all officers and employees thereof shall be forever released and discharged of and from any and all claims at law or in equity, if any, arising out of or in any way connected with the erroneous inclusion of certain lands in homestead entry and patent numbered 323419, issued on April 3, 1913, to Demetrio Madrid, a resident of New Mexico.

(c) No amount in excess of 10 per centum of any payment referred to in this section shall be paid to or received by any agent or attorney in consideration for services rendered in connection with such payment. Any violation of this subsection shall be a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

SEC. 7. Any mining claim located under the Mining Laws of the United States subsequent to June 18, 1879, and prior to January 17, 1969, in the northwest quarter of the northwest quarter of section 9, township 1 north, range 5 east of the Gila and Salt River base and meridian, State of Arizona, shall be effective to the same extent in all respects as if such lands at the time of location, and at all times

96 STAT. 3502

thereafter had been open to the operation of the Mining Laws of the United States: *Provided, however,* That the claimants have complied with all requirements of the Mining Laws of the United States, including section 314 of the Federal Land Policy and Management Act of 1976 and that the claims would be subject to any valid intervening rights by private parties under the laws of the United States.

43 USC 1744.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1465 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-661 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 June 6, considered and passed Senate.
 Dec. 9, considered and passed House, amended.
 Dec. 12, Senate agreed to House amendment.

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94 STAT. 3539

Public Law 96-607
96th Congress

An Act

Dec. 28, 1980
[S. 2363]

To provide, with respect to the national park system: for the establishment of new units; for adjustments in boundaries; for increases in appropriation authorizations for land acquisition and development; and for other purposes.

National Park System, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

ROGER WILLIAMS NATIONAL MEMORIAL

16 USC 450pp 3.

SEC. 101. Section 4 of the Act of October 22, 1965 (79 Stat. 1069) entitled "An Act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, Rhode Island, and for other purposes" is amended to read as follows:

Appropriation authorization.

"SEC. 4. There are hereby authorized to be appropriated not more than $146,000 for the acquisition of lands and interests in land and not more than $1,862,000 for the development of the Roger Williams National Memorial, as provided in this Act.".

TITLE II

HAMILTON GRANGE NATIONAL MEMORIAL

SEC. 201. Section 3 of the Joint Resolution of April 27, 1962 (76 Stat. 57) is amended by changing "$460,000" to "$960,000".

TITLE III

CORONADO NATIONAL MEMORIAL

SEC. 301. Section 301 of the National Parks and Recreation Act of 1978 (92 Stat. 3467, 3473) is amended by striking out "$1,410,000" in paragraph (4) and inserting in lieu thereof "$2,875,000".

TITLE IV

BIG BEND NATIONAL PARK

16 USC 157c.

SEC. 401. The boundary of the Big Bend National Park in the State of Texas is hereby revised to include the lands and interests therein within the area generally depicted on the map entitled "Big Bend

National Park, Boundary Additions", numbered 155/80,019-A and dated June 1980 which shall be on file and available for public inspection in the local and Washington, District of Columbia, Offices of the National Park Service, Department of the Interior. The Secretary is authorized to acquire the lands and interests therein added to the park by this section by donation, purchase with donated or appropriated funds, or exchange, except that lands and interests therein owned by the State of Texas or any political subdivision thereof may be acquired only by donation or exchange. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,500,000 for the acquisition of lands and interests therein.

94 STAT. 3540

Appropriation authorization.

TITLE V

GENERAL MANAGEMENT PLANS

SEC. 501. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, comprehensive general management plans for the areas established pursuant to titles XII and XVI of this Act, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.).

Submitted to congressional committees.
16 USC 410 *ll* note.

TITLE VI

LYNDON B. JOHNSON NATIONAL HISTORICAL PARK

SEC. 601. The Act entitled "An Act to establish the Lyndon B. Johnson National Historic Site", approved December 2, 1969 (83 Stat. 274) is amended—

(1) in the first section, by changing "by donation or by purchase with donated funds" to "by donation or by purchase with donated or appropriated funds" and by changing "drawing entitled 'Lyndon B. Johnson National Historic Site Boundary Map', numbered NHS-LBJ-20,000 and dated September 1969" to "drawings entitled 'Boundary Map, Lyndon B. Johnson National Historical Park', numbered 447-40,008B and 447-40,000A, and dated January 1980";

16 USC 410kk.

(2) in section 3, by changing "not more than $680,000 to provide for the development of" to "such sums as may be necessary to carry out the provisions of this Act, but not more than $4,100,000 for development and not more than $1,400,000 for the acquisition of lands and interests therein for"; and

16 USC 410kk-2.

(3) by changing "National Historic Site" whenever it appears to "National Historical Park".

16 USC 410kk, 401 kk-1, 401kk-2, 461 note.

TITLE VII

MOUND CITY GROUP NATIONAL MONUMENT

SEC. 701. (a) In order to preserve in public ownership certain prehistoric archeological resources of outstanding significance for the benefit and education of the people of the United States, the boundary of Mound City Group National Monument, Ohio, is revised to include the lands within the area generally depicted as "Parcel X" on the map entitled "Hopeton Earthworks Study Area", numbered 353/40,025B, and dated May 1980, and within the area generally depicted as "Revised Monument Boundary" on the map entitled "Transfer of Jurisdiction, Mound City Group National Monument", numbered 353/40,001A, and dated March 1978, which maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. With respect to the lands within "Parcel X" above, the lands may be acquired only in fee and shall be

Lands acquired by fees.

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limited to the mound area depicted on the above referenced map plus such other lands immediately adjacent to the mounds so as to assure adequate access and protection to the area: *Provided*, That the total area acquired in fee shall not exceed one hundred and fifty acres. Access to lands in the vicinity of the mounds by existing roadways shall in no manner be encumbered by Federal acquisition or by the administration of the monument.

Procurement of lands and waters.

(b) Within the boundary of the national monument, the Secretary is authorized to acquire lands and waters by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange. Notwithstanding any other provision of law to the contrary, Federal lands in the vicinity of the monument which are determined to be surplus to the needs of the United States shall upon the request of the Secretary be transferred to the Secretary for use by him in acquiring lands within the monument by exchange.

Consultation.

Report to congressional committees.

(c) The Secretary shall, in consultation with interested organizations and individuals, investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization that flourished in the Eastern United States, and as a part of this investigation he shall identify those sites which he determines should be protected as part of the Mound City Group National Monument. Not later than two complete fiscal years from the effective date of this section, the Secretary shall transmit a report of his investigation to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, together with his recommendations for such further legislation as may be appropriate.

Appropriation authorization.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, not to exceed $1,000,000 for the acquisition of lands and waters and not to exceed $100,000 for the development of facilities and the conduct of archeological investigations on the properties acquired pursuant to this section.

TITLE VIII

THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE

Ansley Wilcox House, acquisition.
16 USC 461 note.

SEC. 801. The first two sections of the Act entitled "An Act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, New York, as a national historic site", approved November 2, 1966 (Public Law 89-708), are amended to read as follows: "That, notwithstanding any other provision of law, the Secretary of the Interior shall acquire on behalf of the United States the real property described in section 3 of this Act, known as the Ansley Wilcox House, which real property is of national historic significance as the place in which Theodore Roosevelt took the oath of office as President of the United States on September 14, 1901, following the assassination of President William McKinley. Such property is hereby designated as the Theodore Roosevelt Inaugural National Historic Site.

"SEC. 2. (a) Notwithstanding any other provision of law, the property referred to in the first section of this Act shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1,

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2-4), and the provisions of the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance and for other purposes', approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

"(b) The Secretary of the Interior shall enter into cooperative agreements with the Theodore Roosevelt Inaugural Site Foundation or other qualified public or private entities for the operation, maintenance, management, development, and interpretation of the Theodore Roosevelt Inaugural National Historic Site.

"(c) Notwithstanding any other provision of law, the Department of the Interior share in any fiscal year of the annual operating costs of the Theodore Roosevelt Inaugural National Historic Site shall not exceed two-thirds of such operating cost.".

TITLE IX

STUDY COMMITTEE

SEC. 901. The Congress finds that those portions of the Mississippi, Saint Croix, and Minnesota River corridors lying within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties in the State of Minnesota—

(a) represent a significant recreation resource which would benefit a large population in the immediate vicinity;

(b) represent a significant historical and cultural resource worthy of preservation for the enjoyment and benefit of present and future generations;

(c) contain significant natural and scientific values that enhance the diversity and esthetic character of the metropolitan area;

(d) are important commercial resources vital to the continued economic well-being of the region and the Nation;

(e) are of national significance and constitute an area of national concern;

(f) are in need of cooperative recreational planning and management so as to improve efforts to further the preservation, enhancement, and use of these recreational resources.

Establishment.

Membership.

SEC. 902. (a) A Study Committee consisting of fifteen members shall be established to examine methods by which Federal, State, regional, and local governments can cooperate to enhance the recreational opportunities along those portions of the Mississippi, Minnesota, and Saint Croix Rivers described in section 901 of this title. The members of the Study Committee shall be selected as follows:

(1) A Chairperson shall be appointed by the Secretary of the Interior. The Secretary shall appoint the Chairperson from a list of nominees submitted by the Governor of Minnesota;

(2) A representative designated by the Secretary of the Interior shall serve as Vice Chairperson;

(3) One representative shall be designated by each of the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Defense;

(4) Nine other members shall be appointed by the Secretary of the Interior. The Secretary shall appoint these members from a list of nominees submitted by the Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul;

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(5) The nominations and appointments required by section 902(a) shall include representatives of each of those interests described in section 904(e).

Nominations, submittal.

(b) The Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul shall submit the nominations called for in section 902(a) within forty-five days of the date on which this Act is signed into law. All appointments called for in section 902(a) shall be made within sixty days of the date on which this Act is signed into law.

Salary.

(c) Each member of the Study Committee who is an officer or employee of the United States shall serve without additional compensation, but shall continue to receive the salary of his regular position when engaged in the performance of the duties vested in the Study Committee.

(d) All members of the Study Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties invested in the Study Committee from funds appropriated for this purpose.

Per diem.

(e) The Chairperson of the Study Committee, if other than one to whom paragraph (c) applies, shall receive per diem at the maximum daily rate for a GS–11 of the General Schedule when engaged in the actual performance of duties vested in the Study Committee from funds appropriated for this purpose.

Termination.

(f) The Study Committee shall terminate within two years and two months from the date on which the initial appropriation for this title is signed into law. The funds appropriated under this title shall be available until expended.

Regional Planning Agency.

SEC. 903. (a) If a multifunctional regional agency authorized by State law to plan for and coordinate the development of the seven counties described in section 901 is in existence on the date this bill is signed into law, the Governor of the State of Minnesota shall designate such multifunctional regional agency to assist in carrying out the study directed in this title. The agency shall hereinafter be referred to as "Regional Planning Agency".

Report submittal.

(b) No later than forty-five days after receiving the report required by section 904(b), the Regional Planning Agency shall provide the Study Committee with written comments on that report. Upon receipt of those comments, the Study Committee shall submit the report, along with the written comments, to the President, the Congress, and appropriate State, regional, and local government units.

SEC. 904. (a) The Study Committee shall conduct a study on the preservation, enhancement, protection, and use of the designated recreation areas along the river corridors described in section 901 of this title. For the purpose of this title, designated areas shall be defined as those park, open space, recreation, or historical sites designated by an adopted Federal or State law or identified in a regional or local government plan.

Conclusions and findings.

(b) No later than two years after the date on which the initial appropriation for this title is signed into law, the Study Committee shall provide the Regional Planning Agency with a written report on the findings and conclusions of this study along with recommended policies.

Recommendations.

(c) In its report, the Study Committee shall make recommendations as to the policies which should be adopted, and actions which should be taken to optimize the recreational fish and wildlife, historic, natural, scientific, scenic, and cultural values of the river corridor areas referred to in section 901 of this title. The study may also include, but need not be limited to, recommendations for institutional changes, if any, which the Study Committee deems desirable and feasible to provide permanent management of the designated recreational areas along these river corridors. The report may also include recommendations for specific areas of local, regional, State, and Federal agency cooperation for river corridor management of the designated recreational areas. However,

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(1) The Study Committee shall recommend no policy or action which would place unreasonable restrictions on existing or compatible economic uses of these resources.

(2) All policies and actions recommended by the Study Committee shall be compatible with and maintain the integrity of, existing federally designated management programs and units on the Saint Croix and Minnesota River Corridors.

Review.

(d) The Study Committee shall review and utilize existing studies and consider existing plans, programs and policies as they affect the present and future recreational use of the river corridors described in section 901 of this title.

(e) The Study Committee shall provide for public participation in the planning process in order to account for the concerns of recreational, commercial, cultural, and environmental interests, and State, regional, and local government.

Appropriation authorization.

SEC. 905. There are hereby authorized to be appropriated $300,000 to the Department of the Interior to be granted to the Regional Planning Agency to carry out the purposes of this Act.

TITLE X

GOLDEN GATE NATIONAL RECREATION AREA

SEC. 1001. The Act of October 27, 1972 (86 Stat. 1299; 16 U.S.C. 460bb) is amended as follows:

(1) in subsection 2(a), at the end thereof, add the following: "The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980."; 16 USC 460bb-1.

(2) strike out "map" in section 2(b) and substitute "maps";

(3) by adding "Point Montara", after "Point Diablo", in section 3(g); 16 USC 460bb-2.

(4) add the following at the end of section 3(h): "That property known as the Pillar Point Military Reservation, under the jurisdiction of the Secretary of Defense shall be transferred to the administrative jurisdiction of the Secretary at such time as the property, or any portion thereof, becomes excess to the needs of the Department of Defense.";

(5) add at the end of section 3 the following:

"(p) With reference to those lands known as the San Francisco water department property shown on map numbered NRA GG-80,000-A, the Secretary shall administer such land in accordance with the provisions of the documents entitled 'Grant of Scenic Easement', and 'Grant of Scenic and Recreation Easement', both executed on January 15, 1969, between the city and county of San Francisco and the United States, including such amendments to the subject document as may be agreed to by the affected parties subsequent to the date of enactment of this subsection. The Secretary is authorized to seek appropriate agreements needed to establish a trail within this property and connecting with a suitable beach unit under the jurisdiction of the Secretary."; 94 STAT. 3545

(6) in subsection 5(b), change "seventeen" to "eighteen"; and 16 USC 460bb-4.

(7) insert a comma and the phrase "San Mateo," after "Marin" in section 5(e).

TITLE XI

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE

SEC. 1101. The Act entitled "An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes", approved August 25, 1972 (86 Stat. 632) is amended—

(1) by inserting the following after the period in the first section: "The boundary of the National Historic Site shall be as generally depicted on the map entitled, 'Boundary Map, Grant-Kohrs Ranch National Historic Site', numbered 451-80-013, and dated January 25, 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior."; and

(2) by striking out "$752,000" and "$2,075,000" in section 4 and inserting in lieu thereof "$1,100,000" and "$7,818,000," respectively.

TITLE XII

JAMES A. GARFIELD NATIONAL HISTORIC SITE

Lawnfield property, acquisition.
16 USC 461 note.

SEC. 1201. In order to preserve for the benefit, education, and inspiration of present and future generations certain historically signficant properties associated with the life of James A. Garfield, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Lawnfield", comprising 7.56 acres at 1059 Mentor Avenue, Mentor, Ohio: *Provided,* That the portion of Lawnfield

Publication in Federal Register.

owned by the Western Reserve Historical Society may be only acquired by donation. Upon the acquisition of the aforesaid property, the Secretary may establish the same as the James A. Garfield National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended, and he may enter into an agreement with the Western Reserve Historical Society pursuant to which the Society may operate and maintain the site and charge reasonable admission fees, notwithstanding any other provision of law, which may be used to defray the costs of such operation and maintenance.

43 USC 1457, 16 USC 1, 2, 3, 22, 43.
16 USC 450m, 450n, 461, 462.

Appropriation authorization.

SEC. 1202. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed $205,000 for the acquisition of lands and interests in lands, and $250,000 for development.

TITLE XIII

KEITH SEBELIUS LAKE

SEC. 1301. The water impounded by the Norton Dam, a component of the Almena Unit of the Pick-Sloan Missouri River Basin project, in the State of Kansas, constructed under the general authority of the Act of July 24, 1946 (60 Stat. 641 et seq.) is hereby designated and hereafter shall be known as the "Keith Sebelius Lake". Any law, regulation, record, map, or other document of the United States referring to the waters impounded by the Norton Dam unit of this project shall be held to refer to the "Keith Sebelius Lake", and any future regulations, records, maps, or other documents of the United States, in reference to these waters, shall bear the name "Keith Sebelius Lake".

94 STAT. 3546

TITLE XIV

MONOCACY NATIONAL BATTLEFIELD

16 USC 430j.

SEC. 140. (a) The Act entitled "An Act to establish a National Military Park at the battlefield of Monocacy, Maryland" approved June 21, 1934 (48 Stat. 1198) is amended by revising the first section thereof to read as follows: "That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy in the State of Maryland is hereby established as the Monocacy National Battlefield. The battlefield shall comprise the area within the boundary generally depicted on the map entitled 'Monocacy National Battlefield', numbered 894/40,001A, and dated April 1980, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.".

Appropriation authorization.

(b) In addition to other funds available for purposes of the park referred to in subsection (a), there is authorized to be appropriated up to an additional $725,000 for acquisition of lands and interests in lands and $1,250,000 for development.

TITLE XV

ROGERS C. B. MORTON RECOGNITION

SEC. 1501. The Secretary is authorized to commemorate, at Assateague Island National Seashore, Maryland, the contributions of Rogers C. B. Morton, as a Member of Congress, and later as Secretary of the Interior, toward the development of the Seashore and to conservation in general. Such commemoration shall be in the form of an appropriate plaque or monument, suitably located, or may subsequently take the form of dedication of a suitable structure. Within one year of the effective date of this section, the Secretary shall inform, in writing, the Committee on Interior and Insular Affairs of

Information, submittal to congressional committees.

the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, as to actions he has taken to implement the provisions of this section.

TITLE XVI

WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

SEC. 1601. (a) The Congress finds that— 16 USC 410 ll.

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 was an event of major importance in the history of the United States because it marked the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 94 STAT. 3547 Women's Rights Convention is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine sites located in Seneca Falls and Waterloo, New York, associated with the nineteenth century women's rights movement which should be recognized, preserved, and interpreted for the benefit of the public.

(b) It is the purpose of this section to preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of such sites and structures.

(c) To carry out the purpose of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist initially of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;
(2) dwelling, 30 Washington Street, Seneca Falls;
(3) dwelling, 34 Washington Street, Seneca Falls;
(4) lot, 26–28 Washington Street, Seneca Falls;
(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;
(6) theater, 128 Fall Street, Seneca Falls;
(7) Bloomer House, 53 East Bayard Street, Seneca Falls;
(8) McClintock House, 16 East Williams Street, Waterloo; and
(9) Hunt House, 401 East Main Street, Waterloo.

(d) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange lands and interests therein within sites designated as part of the park, except that the Secretary may not acquire the fee simple title to the land comprising the sites designated in paragraphs (7) through (9) of subsection (c). Lands and interests therein owned by a State or political subdivision thereof may be acquired only by donation.

(e) The Secretary is authorized to enter into cooperative agreements with the owners of properties designated as part of the park, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(f) The Secretary shall encourage State and local governmental agencies to develop and implement plans for the preservation and rehabilitation of sites designated as part of the park and their immediate environs, in order to preserve the historic character of the setting in which such sites are located. The Secretary may provide technical and financial assistance to such agencies in the development and implementation of such plans, but financial assistance may not exceed 50 per centum of the cost thereof.

(g) The Secretary shall administer the park in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

94 STAT. 3548

Establishment.
Membership.

(h)(1) There is hereby established the Women's Rights National Historical Park Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of eleven members, each appointed by the Secretary for a term of five years as follows:

(A) One member appointed from recommendations submitted by the Elizabeth Cady Stanton Foundation;

(B) One member appointed from recommendations submitted by the Women's Hall of Fame;

(C) Two members appointed from recommendations submitted by the Governor of New York;

(D) One member appointed from recommendations submitted by the village of Seneca Falls;

(E) One member appointed from recommendations submitted by the town of Seneca Falls; and

(F) Five members appointed by the Secretary, at least one of whom shall represent an institution of higher learning and at least two of whom shall represent national women's rights organizations.

(2) The Secretary shall designate one member to be the Chair of the Commission. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

Expenses.

(3) Members of the Commission shall serve without compensation as such, but the Secretary may pay the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section upon presentation of vouchers signed by the Chair of the Commission.

(4) The function of the Commission shall be to advise the Secretary with respect to matters relating to the administration of the park and the carrying out of the provisions of this section. The Secretary shall consult with the Commission from time to time with respect to his responsibilities and authorities under this section.

Termination.

(5) The Commission shall terminate ten years from the effective date of this section.

Appropriation authorization.

(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $490,000 for acquisition, and $500,000 for development.

94 STAT. 3549

TITLE XVII

AUTHORIZATION OF APPROPRIATIONS

SEC. 1701. Authorization of amounts to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into cooperative agreements and to make payments under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE XVIII

DEFINITION

SEC. 1801. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1520 (Comm. on Conference).
SENATE REPORT No. 96-755 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 5, considered and passed Senate.
June 17, considered and passed House, amended.
Dec. 3, House and Senate agreed to conference report.

Public Law 96-610
96th Congress

94 STAT. 3564

An Act

To authorize certain emergency repairs at the National Visitor Center in the District of Columbia.

Dec. 28, 1980
[S. 2729]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Visitor Center Emergency Repair Act of 1980".

National Visitor Center Emergency Repair Act of 1980.
40 USC 801 note.

SEC. 2. (a) There is hereby authorized to be appropriated to the Secretary of the Interior for the fiscal year ending September 30, 1981, the sum of $11,000,000 for the purpose of making emergency repairs to the primary structure and roofs of the National Visitor Center in the District of Columbia and for the purpose of providing protection of the structural elements of the unfinished parking facility and southeast ramp at such Center. Such sum shall remain available until expended.

Appropriation authorization.
40 USC 802 note.

(b) Prior to entering into any contract for the repairs or protection authorized by subsection (a) of this section, the Secretary of the Interior shall consult with the Secretary of Transportation regarding the planning for such repairs or protection.

SEC. 3. (a) The Office of Legal Counsel of the Department of Justice shall prepare an opinion on the question of whether the United States or the Terminal Realty Baltimore Co. and the Terminal Realty Penn Co. are legally liable for the repairs anticipated by the provisions of this Act. If the Office of Legal Counsel determines that there is a reasonable cause to believe a party other than the United States is legally obligated to bear all or a portion of the costs of that repair authorized by this Act, the Attorney General shall institute an action to recover expenditures that were incurred by the Secretary pursuant to this Act.

Repairs, liability.
40 USC 802 note.

(b) None of the actions taken pursuant to the provisions of this Act shall be deemed to limit or affect in any way the rights of the United States under the lease for real property between Terminal Realty Baltimore Co. and Terminal Realty Penn Co. and the United States of America, dated March 1, 1972, or any additions or modifications thereto.

SEC. 4. The Architect of the Capitol may enter into a contract or other agreement with the Secretary of the Interior providing for the Architect of the Capitol to furnish steam from the Capitol Power Plant to the Union Station-National Visitor Center complex. Under such contract, the Secretary of the Interior shall pay for such steam at rates, not less than cost, and shall connect the Union Station-National Visitor Center complex with the Capitol Power Plant steam lines without expenses to the Congress.

Contract.
40 USC 809.

94 STAT. 3565

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-902 accompanying H.R. 6674 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-775 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 13, considered and passed Senate and House.

94 STAT. 3575

Public Law 96-612
96th Congress

An Act

Dec. 28, 1980
[S. 2261]

To provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

Indiana Dunes National Lakeshore legislation, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309), as amended (16 U.S.C. 460u), is further amended as follows:

(1) A new section is added at the end thereof to read as follows:

Paul H. Douglas, dedication.
16 USC 460u-20.

"SEC. 20. (a) The Indiana Dunes National Lakeshore is hereby dedicated to the memory of Paul H. Douglas in grateful recognition of his leadership in the effort to protect, preserve, and enhance the natural, scientific, historic, and recreational value of the lakeshore for the use, enjoyment, and edification of present and future generations.

"(b) To further accomplish the purposes of subsection (a) of this section, the Secretary of the Interior shall designate the west unit of the lakeshore as the 'Paul H. Douglas Ecological and Recreational Unit' and shall, subject to appropriations being granted, design and construct a suitable structure or designate an existing structure within the lakeshore to be known as the 'Paul H. Douglas Center for Environmental Education' which shall provide facilities designed primarily to familiarize students and other visitors with, among other things: (1) the natural history of the lakeshore and its association with the natural history of the Great Lakes region; (2) the evolution of human activities in the area; and (3) the historical features which led to the establishment of the lakeshore by the Congress of the United States.

"(c) To inform the public of the contributions of Paul H. Douglas to the creation of the lakeshore, the Secretary of the Interior shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate.".

16 USC 460u.

(2) Section 1 of the Act is amended by changing "September 1976 and bearing the number 626-91007" to "December 1980, and bearing the number 626-91014".

Land acquisition.
16 USC 460u-1.

(3) Section 2(a) of the Act is amended by adding the following new sentence at the end thereof: "The Secretary is expressly authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests therein which are owned for school or educational purposes by a State or a political subdivision thereof.".

(4) Section 2(b) of the Act is amended by changing the phrase "section 10" to "section 9".

16 USC 460u-3.

(5) In the first sentence of section 4 of the Act, preceding the word "February" insert: "January 1, 1981 or, in the case of improved property located within the boundaries delineated on a map identified as 'Boundary Map, Indiana Dunes National Lakeshore', dated September 1976 and bearing the number 626-91007, before".

94 STAT. 3576

Use and occupancy rights.
16 USC 460u-5.

(6) The first sentence of section 5(a) of the Act is amended to read as follows: "Except for owners of improved property within the area on the map referred to in the first section of this Act as area II-B, any owner or owners of record of improved property may retain a right of use and occupancy of said improved property for noncommercial residential purposes for a term (1) ending on his or her death or the death of his or her spouse, whichever occurs last, or (2) for a fixed term not to extend beyond September 30, 2010, or such lesser term as the owner or owners may elect at the time of acquisition by the Secretary: *Provided,* That the retention of a retained right under clause numbered (1)

shall only be available to homeowners of record as of October 1, 1980, who have attained the age of majority as of that date and make a bona fide written offer not later than October 1, 1985, to sell to the Secretary.".

(7) Section 5 of the Act is amended by adding a new subsection (c) as follows:

Use and occupancy rights, extension.

"(c) With respect to improved properties acquired prior to the enactment of this subsection and upon which a valid existing right of use and occupancy has been reserved for a term of not more than twenty years, the Secretary may, in his discretion, extend the term of such retained right for a period of not more than nine years upon receipt of payment prior to September 30, 1983, from the holder of the retained right. The amount of such payment shall be equivalent to the amount discounted from the purchase price paid by the Secretary for the identical period of time under the terms of the original sale adjusted by a general index adopted by the Secretary reflecting overall value trends within Indiana Dunes National Lakeshore between the time of the original sale and the time of the retained right of extension offered by this subsection.".

16 USC 460u-7.

(8) Section 7(a) of the Act is amended by changing "ten years after the date of establishment of the national lakeshore pursuant to this Act" to "on September 30, 1985".

(9) Section 7(b) of the Act is amended as follows:

(A) by striking out "eleven members" and inserting in lieu thereof "thirteen members";

(B) by striking out "one member who is a year-round resident" in clause (4) and inserting in lieu thereof "two members who are year-round residents"; and

(C) by striking out "one member who is a year-round resident" in clause (7) and inserting in lieu thereof "two members who are year-round residents".

Appropriation authorization. 16 USC 460u-9.

(10) Section 9 of the Act is amended as follows:

(A) in the first sentence, change "$9,440,000 for development" to "$11,000,000 for development: *Provided*, That not more than $500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 20 of this Act."; and

Ante, p. 3575.

(B) at the end thereof, add a new paragraph as follows: "In addition to any sums heretofore authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act, there are further authorized to be appropriated an additional $3,120,000.".

(11) A new section 21 is added to the Act as follows:

Public access, study. 16 USC 460u-21.

"SEC. 21. (a) The Secretary in consultation with the Secretary of Transportation, shall conduct a study of various modes of public access into and within the lakeshore which are consistent with the preservation of the lakeshore and conservation of energy by encouraging the use of transportation modes other than personal motor vehicles.

Clearinghouse resources and facilities.

42 USC 4231.

"(b) In carrying out the study, the Secretary shall utilize to the greatest extent practicable the resources and facilities of the organizations designated as clearinghouses under title IV of the Intergovernmental Cooperation Act of 1968 as implemented by Office of Management and Budget Circular A-95, and which have comprehensive planning responsibilities in the regions where the lakeshore is located, as well as any other agencies or organizations which the Secretary may designate. The Secretary shall make provision for timely and substantive consultations with the appropriate agencies of the States of Indiana and Illinois, local elected officials, and the general public in the formulation and implementation of the study.

"(c) The study shall address the adequacy of access facilities for members of the public who desire to visit and enjoy the lakeshore. Consideration shall be given to alternatives for alleviating the dependence on automobile transportation. The study of public transportation facilities shall cover the distance from cities of thirty-five thousand population or more within fifty miles of the lakeshore.

"(d) The study shall include proposals deemed necessary to assure equitable visitor access and public enjoyment by all segments of the population, including those who are physically or economically disadvantaged. It shall provide for retention of the natural, scenic, and historic values for which the lakeshore was established, and shall propose plans and alternatives for the protection and maintenance of these values as they relate to transportation improvements.

"(e) The study shall examine proposals for the renovation and preservation of a portion of the existing South Shore Railroad passenger car fleet. The study shall consider the historic value of the existing rolling stock and its role in transporting visitors into and within the lakeshore.

"(f) The study shall present alternative plans to improve, construct, and extend access roads, public transportation, and bicycle and pedestrian trails. It shall include cost estimates of all plans considered in this study, and shall discuss existing and proposed sources of funding for the implementation of the recommended plan alternatives.

Submittal to Congress.

"(g) The study shall be completed and presented to the Congress within two complete fiscal years from the effective date of this provision.

Appropriation authorization.

"(h) Effective October 1, 1981, there is hereby authorized to be appropriated not to exceed $200,000 for this study.".

(12) A new section 22 is added to the Act as follows:

Land acquisition, owner's hardship.
26 USC 460u-22.

"SEC. 22. In exercising his authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property, if such individual notifies the Secretary in writing that the continued ownership of such property is causing, or would result in, undue hardship.".

(13) A new section 23 is added to the Act as follows:

Public access.
16 USC 460u-23.

"SEC. 23. (a) The Secretary may acquire only such interest in that portion of area VII-A which is described in subsection (b) as the Secretary determines is necessary to assure public access over said portion of area VII-A.

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"(b) The portion of area VII-A, as designated on the map referred to in section 1, to which subsection (a) applies is a parcel of land bounded—

"(1) on the east by a line three hundred feet east of the electrical transmission line crossing area VII-A on January 1, 1979;

"(2) on the west by a line fifty feet west of such electrical transmission line; and

"(3) on the north and south by the northern and southern boundaries, respectively, of area VII-A.

"(c) Area VII-A includes the bed of the railroad tracks forming the northern and northwestern boundaries of this area and extends to the northern edge of the bed of the railroad tracks forming the southern boundaries of this area.

"(d) Area I-D includes the bed of the railroad tracks along the northern boundary of this area.

"(e) The area designated as area VII-C on the map referred to in section 1 does not include approximately 1.3 acres of land on which the Linde Air Products plant is situated, nor does it include approximately 1 acre of land on which the Old Union Station building and the adjacent REA building are situated. Except as provided in the foregoing sentence, area VII-C extends to, but does not include, the beds of the railroad tracks forming the northern and southern boundaries of such area.".

Effective date.
16 USC 460u note.

SEC. 2. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective

only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-1005 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Sept. 30, considered and passed Senate.
    Dec. 11, considered and passed House, amended.
    Dec. 12, Senate agreed to House amendments.

JUDICIARY AND JUSTICE ACTS

Public Law 96-190
96th Congress

94 STAT. 17

An Act

To provide financial assistance for the development and maintenance of effective, fair, inexpensive, and expeditious mechanisms for the resolution for minor disputes.

Feb. 12, 1980
[S. 423]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Dispute Resolution Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Dispute Resolution Act". 28 USC app.

SEC. 2. (a) The Congress finds and declares that— 28 USC app.

(1) for the majority of Americans, mechanisms for the resolution of minor disputes are largely unavailable, inaccessible, ineffective, expensive, or unfair;

(2) the inadequacies of dispute resolution mechanisms in the United States have resulted in dissatisfaction and many types of inadequately resolved grievances and disputes;

(3) each individual dispute, such as that between neighbors, a consumer and seller, and a landlord and tenant, for which adequate resolution mechanisms do not exist may be of relatively small social or economic magnitude, but taken collectively such disputes are of enormous social and economic consequence;

(4) there is a lack of necessary resources or expertise in many areas of the Nation to develop new or improved consumer dispute resolution mechanisms, neighborhood dispute resolution mechanisms, and other necessary dispute resolution mechanisms;

(5) the inadequacy of dispute resolution mechanisms throughout the United States is contrary to the general welfare of the people;

(6) neighborhood, local, or community based dispute resolution mechanisms can provide and promote expeditious, inexpensive, equitable, and voluntary resolution of disputes, as well as serve as models for other dispute resolution mechanisms; and

(7) the utilization of neighborhood, local, or community resources, including volunteers (and particularly senior citizens) and available building space such as space in public facilities, can provide for accessible, cost-effective resolution of minor disputes.

(b) It is the purpose of this Act to assist the States and other interested parties in providing to all persons convenient access to dispute resolution mechanisms which are effective, fair, inexpensive, and expeditious.

DEFINITIONS

SEC. 3. For purposes of this Act— 28 USC app.

(1) the term "Advisory Board" means the Dispute Resolution Advisory Board established under section 7(a);

(2) the term "Attorney General" means the Attorney General of the United States (or the designee of the Attorney General of the United States);

(3) the term "Center" means the Dispute Resolution Resource 94 STAT. 18 Center established under section 6(a);

(4) the term "dispute resolution mechanism" means—

(A) a court with jurisdiction over minor disputes;

(B) a forum which provides for arbitration, mediation, conciliation, or a similar procedure, which is available to resolve a minor dispute; or

(C) a governmental agency or mechanism with the objective of resolving minor disputes;

(5) the term "grant recipient" means any State or local government, any State or local governmental agency, and any nonprofit organization which receives a grant under section 8;

(6) the term "local" means of or pertaining to any political subdivision of a State; and

(7) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

CRITERIA FOR DISPUTE RESOLUTION MECHANISMS

28 USC app.

SEC. 4. Any grant recipient which desires to use any financial assistance received under this Act in connection with establishing or maintaining a dispute resolution mechanism shall provide satisfactory assurances to the Attorney General that the dispute resolution mechanism will provide for—

(1) assistance to persons using the dispute resolution mechanism;

(2) the resolution of disputes at times and locations which are convenient to persons the dispute resolution mechanism is intended to serve;

(3) adequate arrangements for participation by persons who are limited by language barriers or other disabilities;

(4) reasonable, fair, and readily understandable forms, rules, and procedures, which shall include, where appropriate, those which would—

(A) ensure that all parties to a dispute are directly involved in the resolution of the dispute, and that the resolution is adequately implemented;

(B) promote, where feasible, the voluntary resolution of disputes (including the resolution of disputes by the parties before resorting to the dispute resolution mechanism established by the grant recipient);

(C) promote the resolution of disputes by persons not ordinarily involved in the judicial system;

(D) provide an easy way for any person to determine the proper name in which, and the proper procedure by which, any person may be made a party to a dispute resolution proceeding;

(E) permit the use of dispute resolution mechanisms by the business community if State law so permits; and

(F) ensure reasonable privacy protection for individuals involved in the dispute resolution process;

(5) the dissemination of information relating to the availability, location, and use of other redress mechanisms in the event that dispute resolution efforts fail or the dispute involved does not come within the jurisdiction of the dispute resolution mechanism;

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(6) consultation and cooperation with the community and with governmental agencies; and

(7) the establishment of programs or procedures for effectively, economically, and appropriately communicating to disputants the availability and location of the dispute resolution mechanism.

DEVELOPMENT OF DISPUTE RESOLUTION MECHANISMS BY STATES

SEC. 5. Each State is hereby encouraged to develop— 28 USC app.

(1) sufficient numbers and types of readily available dispute resolution mechanisms which meet the criteria established in section 4; and

(2) a public information program which effectively communicates to potential users the availability and location of such dispute resolution mechanisms. Public information program.

ESTABLISHMENT OF PROGRAM; DISPUTE RESOLUTION RESOURCE CENTER

SEC. 6. (a) The Attorney General shall establish a Dispute Resolution Program in the Department of Justice. Such program shall include establishment of a Dispute Resolution Resource Center and a Dispute Resolution Advisory Board and the provision of financial assistance under section 8. 28 USC app.

(b) The Center— Functions.

(1) shall serve as a national clearinghouse for the exchange of information concerning the improvement of existing dispute resolution mechanisms and the establishment of new dispute resolution mechanisms;

(2) shall provide technical assistance to State and local governments and to grant recipients to improve existing dispute resolution mechanisms and to establish new dispute resolution mechanisms;

(3) shall conduct research relating to the improvement of existing dispute resolution mechanisms and to the establishment of new dispute resolution mechanisms, and shall encourage the development of new dispute resolution mechanisms;

(4) shall undertake comprehensive surveys of the various State and local governmental dispute resolution mechanisms and major privately operated dispute resolution mechanisms in the States, which shall determine— Surveys.

(A) the nature, number, and location of dispute resolution mechanisms in each State;

(B) the annual expenditure and operating authority for each such mechanism;

(C) the existence of any program for informing the potential users of the availability of each such mechanism;

(D) an assessment of the present use of, and projected demand for, the services offered by each such mechanism; and

(E) other relevant data relating to the types of disputes addressed by each such mechanism including the average cost and time expended in resolving various types of disputes;

(5) shall identify, after consultation with the Advisory Board, those dispute resolution mechanisms or aspects thereof which—

(A) are most fair, expeditious, and inexpensive to all parties in the resolution of disputes; and

(B) are suitable for general adoption; 94 STAT. 20

(6) shall make recommendations, after consultation with the Advisory Board, regarding the need for new or improved dispute resolution mechanisms and similar mechanisms;

(7) shall identify, after consultation with the Advisory Board, the types of minor disputes which are most amenable to resolution through specific dispute resolution techniques, in order to assist the Attorney General in determining the types of projects which shall receive financial assistance under section 8;

(8) shall, as soon as practicable after the date of the enactment of this Act, undertake an information program to advise potential grant recipients, and the chief executive officer, attorney general, and chief judicial officer of each State, of the availability of funds, and eligibility requirements, under this Act;

Grants and contracts.

(9) may make grants to, or enter into contracts with, to the extent or in such amounts as are provided in appropriation Acts, public agencies, institutions of higher education, and qualified persons to conduct research, demonstrations, or special projects designed to carry out the provisions of paragraphs (1) through (7); and

(10) in awarding such grants and entering into such contracts, shall have as one of its major priorities dispute resolution mechanisms that resolve consumer disputes.

(c) Upon request of the Center, the Community Relations Service of the Department of Justice and the Federal Mediation and Conciliation Service are authorized to assist the Center in performing its functions under this section.

Detailed Federal employees.

(d) Upon the request of the Attorney General, not more than a total of ten Federal employees from the various executive agencies (as defined in section 105 of title 5, United States Code) may be detailed to the Center to assist the Center to perform its functions under this Act. The head of any such agency, with the consent of the employee concerned, may enter into an agreement with the Attorney General to provide for the detail of any employee of his agency for a period of not more than five years, notwithstanding the time limitation contained in section 3341 of title 5, United States Code. An employee detailed under this section is considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed. Such employee is entitled to pay, allowances, and other benefits from funds available to the agency from which such employee is detailed, except that the Department of Justice shall pay to such employee all travel expenses and allowances payable for services performed during the detail.

Travel expenses and allowances.

DISPUTE RESOLUTION ADVISORY BOARD

28 USC app.

SEC. 7. (a) The Attorney General shall establish a Dispute Resolution Advisory Board in the Department of Justice.

Functions.

(b) The Advisory Board shall—

(1) advise the Attorney General with respect to the administration of the Center under section 6 and the administration of the financial assistance program under section 8;

(2) consult with the Center in accordance with the provisions of section 6(b)(5), section 6(b)(6), and section 6(b)(7); and

(3) consult with the Attorney General in accordance with the provisions of sections 8(b)(4) and 9(d).

Membership.

(c)(1) The Advisory Board shall consist of nine members appointed by the Attorney General, and shall be composed of persons from State

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governments, local governments, business organizations, the academic or research community, neighborhood organizations, community organizations, consumer organizations, the legal profession, and State courts.

Vacancies.

(2) A vacancy in the Advisory Board shall be filled in the same manner as the original appointment.

Terms.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be appointed for terms which expire at the end of September 30, 1984.

(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of the term.

Travel expenses and per diem.

(d) While away from their homes or regular places of business in the performance of services for the Advisory Board, members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service are allowed expenses under section 5703 of title 5, United States Code. The members of the Advisory Board shall receive no compensation for their services except as provided in this subsection.

(e) The Chairman of the Federal Trade Commission may advise and consult with the Attorney General, and may consult with the Center, regarding matters within its jurisdiction.

FINANCIAL ASSISTANCE

28 USC app.

SEC. 8. (a) The Attorney General may provide financial assistance in the form of grants to applicants who have submitted, in accordance with subsection (c), applications for the purpose of improving existing dispute resolution mechanisms or establishing new dispute resolution mechanisms.

Grant applications.

(b) As soon as practicable after the date of the enactment of this Act, the Attorney General shall prescribe—

(1) the form and content of applications for financial assistance to be submitted in accordance with subsection (c);

(2) the time schedule for submission of such applications;

(3) the procedures for approval of such applications, and for notification to each State of financial assistance awarded to applicants in the State for any fiscal year;

Development of criteria.

(4) after consultation with the Advisory Board, the specific criteria for awarding grants to applicants under this section, which shall—

(A) be consistent with the criteria established in section 4;

(B) take into account—

(i) the population and population density of the States in which applicants for financial assistance available under this section are located;

(ii) the financial need of States and localities in which such applicants are located;

(iii) the need in the State or locality involved for the type of dispute resolution mechanism proposed;

(iv) the national need for experience with the type of dispute resolution mechanism proposed; and

(v) the need for obtaining experience in each region of the Nation with dispute resolution mechanisms in a diversity of situations, including rural, suburban, and urban situations; and

(C) provide that one of the major priorities of the Attorney General shall be the funding of dispute resolution mechanisms that resolve consumer disputes;

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Reports.

(5)(A) the form and content of such reports to be filed under this section as may be reasonably necessary to monitor compliance with the requirements of this Act and to evaluate the effectiveness of projects funded under this Act; and

(B) the procedures to be followed by the Attorney General in reviewing such reports;

(6) the manner in which financial assistance received under this section may be used, consistent with the purposes specified in subsection (e); and

Publication in Federal Register.

(7) procedures for publishing in the Federal Register a notice and summary of approved applications.

(c) Any State or local government, State or local governmental agency, or nonprofit organization shall be eligible to receive a grant for financial assistance under this section. Any such entity which desires to receive a grant under this section may submit an application to the Attorney General in accordance with the specific criteria established by the Attorney General under subsection (b)(4). Such application shall—

Application contents.

(1) set forth a proposed plan demonstrating the manner in which the financial assistance will be used—

(A) to establish a new dispute resolution mechanism which satisfies the criteria specified in section 4; or

(B) to improve an existing dispute resolution mechanism in order to bring such mechanism into compliance with such criteria;

(2) set forth the types of disputes to be resolved by the dispute resolution mechanism;

(3) identify the person responsible for administering the project set forth in the application;

(4) include an estimate of the cost of the proposed project;

(5) provide for the establishment of fiscal controls and fund accounting of Federal financial assistance received under this Act;

(6) provide for the submission of reports in such form and containing such information as the Attorney General may require under subsection (b)(5)(A);

(7) set forth the nature and extent of participation of interested parties, including representatives of those individuals whose disputes are to be resolved by the mechanism, in the development of the application; and

(8) describe the qualifications, period of service, and duties of persons who will be charged with resolving or assisting in the resolution of disputes.

(d) The Attorney General, in determining whether to approve any application for financial assistance to carry out a project under this section, shall give special consideration to projects which are likely to continue in operation after expiration of the grant made by the Attorney General.

Use of assistance funds.

(e)(1) Financial assistance available under this section may be used only for the following purposes—

(A) compensation of personnel engaged in the administration, adjudication, conciliation, or settlement of minor disputes, including personnel whose function is to assist in the preparation and resolution of claims and the collection of judgments;

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(B) recruiting, organizing, training, and educating personnel described in subparagraph (A);

(C) improvement or leasing of buildings, rooms, and other facilities and equipment and leasing or purchase of vehicles needed to improve the settlement of minor disputes;

(D) continuing monitoring and study of the mechanisms and settlement procedures employed in the resolution of minor disputes in a State;

(E) research and development of effective, fair, inexpensive, and expeditious mechanisms and procedures for the resolution of minor disputes;

(F) sponsoring programs of nonprofit organizations to carry out any of the provisions of this paragraph; and

(G) other necessary expenditures directly related to the operation of new or improved dispute resolution mechanisms.

Restriction on financial assistance.

(2) Financial assistance available under this section may not be used for the compensation of attorneys for the representation of disputants or claimants or for otherwise providing assistance in any adversary capacity.

Notice of application to State officers.

(f)(1) In the case of an application for financial assistance under this section submitted by a local government or governmental agency, the Attorney General shall furnish notice of such application to the chief executive officer, attorney general, and chief judicial officer of the State in which such applicant is located at least thirty days before the approval of such application. The chief executive officer, attorney general, and chief judicial officer of the State shall be given an opportunity to submit written comments to the Attorney General regarding such application and the Attorney General shall take such comments into consideration in determining whether to approve such application.

(2) In the case of an application for financial assistance under this section submitted by a nonprofit organization, the Attorney General shall furnish notice of such application to the chief executive officer, attorney general, and chief judicial officer of the State in which the applicant is located and to the chief executive officers of the units of

general local government in which such applicant is located at least thirty days before the approval of such application. The chief executive officer, attorney general, and chief judicial officer of the State, and the chief executive officers of the units of general local government shall be given an opportunity to submit written comments to the Attorney General regarding such application and the Attorney General shall take such comments into consideration in determining whether to approve such application.

Estimated project cost, disbursement.

(g)(1) Upon the approval of an application by the Attorney General under this section, the Attorney General shall disburse to the grant recipient involved such portion of the estimated cost of the approved project as the Attorney General considers appropriate, except that the amount of such disbursement shall be subject to the provisions of paragraph (2).

Federal share.

(2) The Federal share of the estimated cost of any project approved under this section shall not exceed—

(A) 100 per centum of the estimated cost of the project, for the first and second fiscal years for which funds are available for grants under this section;

(B) 75 per centum of the estimated cost of the project, for the third fiscal year for which funds are available for such grants; and

(C) 60 per centum of the estimated cost of the project, for the fourth fiscal year for which funds are available for such grants.

Payments.

(3) Payments made under this subsection may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment. Such payments shall not be used to compensate for any administrative expense incurred in submitting an application for a grant under this section.

(4) In the case of any State or local government, or State or local governmental agency, which desires to receive financial assistance under this section, such government or agency may not receive any such financial assistance for any fiscal year if its expenditure of non-Federal funds for other than nonrecurrent expenditures for the establishment and administration of dispute resolution mechanisms will be less than its expenditure for such purposes in the preceding fiscal year, unless the Attorney General determines that a reduction in expenditures is reasonable.

Notice and hearing on project compliance.

(h) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any grant recipient, finds that the project for which such grant was received no longer complies with the provisions of this Act, or with the relevant application as approved by the Attorney General, the Attorney General shall notify such grant recipient of such findings and no further payments may be made to such grant recipient by the Attorney General until the Attorney General is satisfied that such noncompliance has been, or promptly will be, corrected. The Attorney General may authorize the continuance of payments with respect to any program pursuant to this Act which is being carried out by such grant recipient and which is not involved in the noncompliance.

Independent study, contract.

(i) The Attorney General, to the extent or in such amounts as are provided in appropriation Acts shall enter into a contract for an independent study of the Dispute Resolution Program. The study shall evaluate the performance of such program and determine its effectiveness in carrying out the purpose of this Act. The study shall contain such recommendations for additional legislation as may be appropriate, and shall include recommendations concerning the continuation or termination of the Dispute Resolution Program. Not later than April 1, 1984, the Attorney General shall make public and submit to each House of the Congress a report of the results of the study.

Report to Congress.

(j) No funds for assistance available under this section shall be expended until one year after the date of the enactment of this Act.

RECORDS; AUDIT; ANNUAL REPORT

28 USC app.

SEC. 9. (a) Each grant recipient shall keep such records as the Attorney General shall require, including records which fully disclose the amount and disposition by such grant recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the project or undertaking supplied by other sources, and such other records as will assist in effective financial and performance audits.

Restriction on Attorney General's authority.

(b) The Attorney General shall have access for purposes of audit and examination to any relevant books, documents, papers, and records of grant recipients. The authority of the Attorney General under this subsection is restricted to compiling information necessary to the filing of the annual report required under this section. No information revealed to the Attorney General pursuant to such audit and examination about an individual or business which has utilized the dispute resolution mechanism of a grant recipient may be used in, or disclosed for, any administrative, civil, or criminal action or investigation against the individual or business except in an action or investigation arising out of and directly related to the program being audited and examined.

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Access to records by Comptroller General.

(c) The Comptroller General of the United States, or any duly authorized representatives of the Comptroller General, shall have access to any relevant books, documents, papers, and records of grant recipients until the expiration of three years after the final year of the recipient of any financial assistance under this Act, for the purpose of financial and performance audits and examination.

Report to President and Congress.

(d) The Attorney General, in consultation with the Advisory Board shall submit to the President and the Congress not later than one year after the date of the enactment of this Act, and on or before February 1 of each succeeding year, a report relating to the administration of this Act during the preceding fiscal year. Such report shall include—

(1) a list of all grants awarded;

(2) a summary of any actions undertaken in accordance with section 8(h);

(3) a listing of the projects undertaken during such fiscal year and the types of other dispute resolution mechanisms which are being created, and, to the extent feasible, a statement as to the success of all mechanisms in achieving the purpose of this Act;

(4) the results of financial and performance audits conducted under this section; and

(5) an evaluation of the effectiveness of the Center in implementing this Act, including a detailed analysis of the extent to which the purpose of this Act has been achieved, together with recommendations with respect to whether and when the program should be terminated and any recommendations for additional legislation or other action.

AUTHORIZATION OF APPROPRIATIONS

28 USC app.

SEC. 10. (a) To carry out the provisions of section 6 and section 7, there is authorized, to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 1980, 1981, 1982, 1983, and 1984.

(b) To carry out the provisions of section 8, there is authorized to be appropriated to the Attorney General $10,000,000 for each of the fiscal years 1981, 1982, 1983, and 1984.

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(c) Sums appropriated under this section are authorized to remain available until expended.

Approved February 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-492, Pt. 1 (Comm. on Interstate and Foreign Commerce) and Pt. 2 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Apr. 5, considered and passed Senate.
Dec. 10-12, considered and passed House, amended.
Vol. 126 (1980): Jan. 30, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 7, Feb. 12, Presidential statement.

Public Law 96-209
96th Congress

94 STAT. 96

An Act

Mar. 14, 1980
[H.R. 4337]

To provide for the transfer of the Foreign Claims Settlement Commission of the United States to the United States Department of Justice as a separate agency in that Department; to provide for the authority and responsibility of the Department of Justice to supply to the Foreign Claims Settlement Commission certain administrative support services without altering the adjudicatory independence of the Commission; to change the terms of office and method of appointment of the members of the Commission; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purposes of this Act are as follows:

U.S. Foreign Claims Settlement Commission, transfer to Justice Department.
22 USC 1622a.
22 USC 1622 note.

TITLE I

SEC. 101. The Foreign Claims Settlement Commission of the United States, established under Reorganization Plan Numbered 1 of 1954, is hereby transferred to the Department of Justice as a separate agency within that Department.

22 USC 1622b.

SEC. 102. All functions, powers, and duties of the Foreign Claims Settlement Commission established by Reorganization Plan Numbered 1 of 1954 are hereby transferred with the Commission, together with personnel, assets, liabilities, unexpended balances of appropriations, authorizations, allocations, and other funds held, used, available, or to be made available in connection with the statutory functions of the Commission. The Commission shall continue to perform its functions as provided by the War Claims Act of 1948, as amended, the International Claims Settlement Act of 1949, as amended, and Reorganization Plan Numbered 1 of 1954.

50 USC app. 2001 note.
22 USC 1621 note.
Chairman and members.
22 USC 1622c.

SEC. 103. (a) The Commission shall be composed of a Chairman and two members. The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, to serve on a full-time basis for a term of three years, and compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

44 FR 58678.

(b) The other members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, and serve on a part-time basis, and be compensated on a per diem basis at a rate of compensation equivalent to the daily rate for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day that such member is employed in the actual performance of official business of the Commission as may be directed by the Chairman. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

Terms of office.

(c) The terms of Office of the Chairman and members of the Commission shall be for three years, except the Chairman and members first appointed after the enactment of this subsection shall be appointed to terms ending respectively September 30, 1982, September 30, 1981, and September 30, 1980. The incumbent of any such office may continue to serve until a successor takes office.

94 STAT. 97

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, members of the Foreign Claims Settlement Commission who are serving on the effective date of this Act, shall continue to serve in their same capacities until the expiration of the terms to which they were appointed.

22 USC 1622d.
Experts and consultants.
44 FR 58672.
22 USC 1131.

SEC. 104. The Commission is authorized, in accordance with civil service laws and in accordance with title 5 of the United States Code, to appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. The Commission is authorized to employ experts and consultants in accordance with section 3109 of title 5 of the United States Code, without compensation or at rates of compensation not in excess of the maximum daily rate prescribed for GS-18 under section 5332 of title 5 of the United States Code. Notwithstanding any other provision of law, the Commission is further authorized to employ nationals of other countries who may possess special knowledge, languages, or other expertise necessary to assist the Commission. The Commission is authorized to pay expenses of packing, shipping, and storing personal effects of personnel of the Commission assigned abroad, and to pay allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended. The Commission is authorized, with the consent of the head of any other department or agency of the Federal Government, to utilize the facilities and services of such department or agency in carrying out the functions of the Commission. Officers and employees of any department and agency of the Federal Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions. The Commission shall reimburse such department and agency for the pay of such officers or employees.

22 USC 1622e.
22 USC 1622 note.

SEC. 105. All functions, powers, and duties not directly related to adjudicating claims are hereby vested in the Chairman, including the functions set forth in section 3 of Reorganization Plan Numbered 1 of 1954 and the authority to issue rules and regulations.

22 USC 1622f.
Budget requests, submittal to Director of OMB.

SEC. 106. The Attorney General shall provide necessary administrative support and services to the Commission. The Chairman shall prepare the budget requests, authorization documents, and legislative proposals for the Commission within the procedures established by the Department of Justice, and the Attorney General shall submit these items to the Director of the Office of Management and Budget as proposed by the Chairman.

Restriction.
22 USC 1622g.
50 USC app. 2001 note.
22 USC 1621 note.
22 USC 1622 note.

SEC. 107. Nothing in this Act shall be construed to diminish the independence of the Commission in making its determinations on claims in programs that it is authorized to administer pursuant to the powers and responsibilities conferred upon the Commission by the War Claims Act of 1948, as amended, the International Claims Settlement Act of 1949, as amended, and Reorganization Plan Numbered 1 of 1954. The decisions of the Commission with respect to claims shall be final and conclusive on all questions of law and fact, and shall not be subject to review by the Attorney General or any other official of the United States or by any court by mandamus or otherwise.

Repeal.
50 USC app. 2001.

SEC. 108. Subsection 2(d) of the War Claims Act of 1948, as amended by section 104 of the Act of October 22, 1962 (76 Stat. 1107), is hereby repealed.

50 USC app. 2001.

SEC. 109. Section 5316 of title 5 of the United States Code is amended—

94 STAT. 98

(1) by striking out paragraph (31) and inserting in lieu thereof: "(31) Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice."; and

(2) by striking out paragraph (90) of said section.

TITLE II—ANNUAL ASSAY COMMISSION

Abolition.
31 USC 363 note.

The Annual Assay Commission, and the positions of Assay Commissioners established by section 3547 of the Revised Statutes of the

United States (31 U.S.C. 363), as amended, are hereby abolished. The functions of that Commission and of the Assay Commissioners are hereby transferred to the Secretary of the Treasury.

Transfer of functions.

TITLE III—UNITED STATES MARINE CORPS MEMORIAL COMMISSION

The United States Marine Corps Memorial Commission, established by Act of August 4, 1947 (61 Stat. 724), is hereby abolished.

Abolition.

TITLE IV—THE LOW-EMISSION VEHICLE CERTIFICATION BOARD

The Low-Emission Vehicle Certification Board established by Act of December 31, 1970 (84 Stat. 1700; 42 U.S.C. 1857f–6e), is hereby abolished.

Abolition.
42 USC 7546 note.

TITLE V—DETERMINATION ORDER

The Director of the Office of Management and Budget is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions, powers, and duties pursuant to this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connnection with the functions transferred by this Act, as the Director may deem necessary to accomplish the purposes of this Act. The Director is further authorized and directed to provide for terminating the affairs of each agency, board, or commission abolished by this Act.

22 USC 1622a note.

94 STAT. 99

TITLE VI

This Act shall take effect on the date of enactment.

Approved March 14, 1980.

Effective date.
22 USC 1622a note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-407 (Comm. on Government Operations).
SENATE REPORT No. 96-509 accompanying S. 1419 (Comm. on Government Affairs).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): Sept. 17, considered and passed House.
        Dec. 20, S. 1419 considered and passed Senate.
    Vol. 126 (1980): Feb. 26, Senate vitiated passage of S. 1419; H.R. 4337, amended, passed in lieu.
        Feb. 28, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
    Vol. 16, No. 11 (1980): Mar. 14, Presidential statement.

Public Law 96-212
96th Congress

94 STAT. 102

An Act

To amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

Mar. 17, 1980
[S. 643]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Act of 1980".

Refugee Act of 1980.
8 USC 1101 note.

TITLE I—PURPOSE

SEC. 101. (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to

8 USC 1521 note.

persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding after paragraph (41) the following new paragraph:

"Refugee."

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

Post, p. 103.

94 STAT. 103

(b) Chapter 1 of title II of such Act is amended by adding after section 206 (8 U.S.C. 1156) the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

Entry, numerical limitations.
8 USC 1157.

"SEC. 207. (a)(1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

"(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

Emergency conditions.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

Attorney General's authority.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwide provided under paragraph (3)) as an immigrant under this Act.

Spouse or child, admission status.
8 USC 1101.
Ante, p. 102.

"(2) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

Waiver.
8 USC 1182.

94 STAT. 104

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

Report to Congress.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

Ante, p. 102.

Report to congressional committees.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

Consultation, publication in Congressional Record.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

Proposed determination, review hearing.

"(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"Appropriate consultation."

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

94 STAT. 105

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

"(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

"(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"ASYLUM PROCEDURE

8 USC 1158.

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

Ante, p. 102.

Termination.

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

Spouse or child, status.
8 USC 1101.

"(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207— 8 USC 1159. *Ante*, p. 103.

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least one year, and

"(C) who has not acquired permanent resident status,

shall, at the end of such year period, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

8 USC 1225, 1226, 1227.

Permanent residence, admission conditions.

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who— *Ante*, p. 103.

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least one year after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Alien's admission record.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.". 8 USC 1182.

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

SEC. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

(2) by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

SEC. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

8 USC 1101.

Ante, p. 105.

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

94 STAT. 107

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1253) is amended to read as follows:

Deportation.
8 USC 1251.

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.".

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

94 STAT. 108

(1) by inserting "(A)" after "(5)";

(2) by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

Parole into United States.

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

Ante, p. 103.

(g) Section 5 of Public Law 95–412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "April 1, 1980".

8 USC 1153 note.
8 USC 1101 note.
8 USC 1153.

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on April 1, 1980, to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date and to sections 207 and 208 of the Immigration and Nationality Act.

Ante, p. 105.

(i) Section 203(g) of such Act (8 U.S.C. 1153(g)), section 101(a)(3) of Public Law 95–145, and the first section of Public Law 89–732 are each amended by striking out "two years" and inserting in lieu thereof "one year".

8 USC 1255 note.

Effective date.
8 USC 1101 note.

Sec. 204. (a) Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) and the amendments made by subsections (b), (c), and (d) of section 203 of this Act shall take effect on April 1, 1980.

Ante, p. 103.
Ante, p. 106.

(B) The amendments made by section 203(f) shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act.

(C) The amendments made by section 203(i) shall take effect immediately before April 1, 1980.

(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act), the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

Ante, p. 105.

(3) Notwithstanding any other provision of law, for fiscal year 1980—

(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act shall be equal to 280,000, and

8 USC 1151.

(B) for the purpose of determining the number of immigrant visas and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act, the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

8 USC 1153, 1152.

Conditional entrant status.
Ante, p. 107.

(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95–412.

94 STAT. 109

8 USC 1182 note.

Registration date.

(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7)

8 USC 1153.
Ante, p. 103.

of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

Waiver.
8 USC 1182.

(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

Determination, deadline.
8 USC 1157 note.

(d)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

Asylum procedure, deadline.
8 USC 1158 note.
Ante, p. 105.
8 USC 1521 note.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than June 1, 1980.

93 Stat. 668.
20 USC 3401 note.

(e) Any reference in this Act or in chapter 2 of title IV of the Immigration and Nationality Act to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act, to be a reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education, and Welfare, respectively.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

Presidential appointment.
8 USC 1525.

SEC. 301. (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador-at-Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

94 STAT. 110

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on

refugee matters and, when appropriate, submitting refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

Recommendations to President and Congress.

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

Consultation.

(c)(1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

Reports to coordinator.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a)(1) of the Immigration and Nationality Act.

Post, p. 115.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 311. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and

(2) by adding at the end thereof the following new chapter:

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

Establishment. 8 USC 1521.

"SEC. 411. (a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health and Human Services (hereinafter in this chapter referred to as the 'Secretary').

Director.

Functions.

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator'), programs of the Federal Government under this chapter.

"AUTHORIZATION FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

8 USC 1522.

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

Consultation.

"(2) The Director, together with the Coordinator, shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities.

Domestic assistance, periodic assessment.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

Grants and contracts.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the appropriate administering official. Grants and contracts under this section shall be made to those agencies which the appropriate administering official determines can best perform the services. Payments may be made for activities authorized under this chapter in advance or by way of reimbursement. In carrying out this section, the Director, the Secretary of State, and any such other appropriate administering official are authorized—

"(A) to make loans, and

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"(B) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for the purpose of carrying out this section.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

Assistance, conditions.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, goals, and priorities, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

Report.

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

Assistance monitoring system, development.

"(7) The Secretary, together with the Secretary of State with respect to assistance provided by the Secretary of State under subsection (b), shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

Application information.

"(8) The Attorney General shall provide the Director with information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary and the Secretary of State may issue such regulations as each deems appropriate to carry out this chapter.

"Refugee."
Ante, p. 103.

"(10) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c)(2).

Grants and contracts.

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1)(A) For—

"(i) fiscal years 1980 and 1981, the Secretary of State is authorized, and

(ii) fiscal year 1982 and succeeding fiscal years, the Director (except as provided in subparagraph (B)) is authorized,

to make grants to, and contracts with, public or private nonprofit

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agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. Grants to, or contracts with, private nonprofit voluntary agencies under this paragraph shall be made consistent with the objectives of this chapter, taking into account the different resettlement approaches and practices of such agencies. Resettlement assistance under this paragraph shall be provided in coordination with the Director's provision of other assistance under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

Study, report to Congress.

"(B) The President shall provide for a study of which agency is best able to administer the program under this paragraph and shall report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program under this paragraph, the authority of the Director under the first sentence of subparagraph (A) shall be exercised by such officer as the President shall from time to time specify.

Orientation, education, and job training programs.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

Refugee temporary care.

"(3) The Secretary is authorized, in consultation with the Coordinator, to make arrangements (including cooperative arrangements with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and section 414(b) of this chapter) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the Secretary may specify.

50 USC app. 1211 note.

Medical screening and care.

"(4) The Secretary, in consultation with the Coordinator, shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United

States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Secretary shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—The Director is authorized to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—

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"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.

"(d) ASSISTANCE FOR REFUGEE CHILDREN.—(1) The Director is authorized to make grants, and enter into contracts, for payments for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

Child welfare services.

"(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to any refugee child (except as provided in subparagraph (B)) during the thirty-six month period beginning with the first month in which such refugee child is in the United States.

"(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

42 USC 620.

Legal and financial responsibility, interim period.

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to enter into contracts with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

List of unaccompanied children.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after

April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.

"(e) Cash Assistance and Medical Assistance to Refugees.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to any refugee during the thirty-six month period beginning with the first month in which such refugee has entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service; and

"(B) on the refugee's acceptance of appropriate offers of employment;

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

English training.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

Aid under State plan.

42 USC 601, 1396.

42 USC 1381.

"(4) If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments, with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

Medical assistance provision.

42 USC 1396.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments; and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

8 USC 1523.

"Sec. 413. (a)(1) The Secretary, in consultation with the Coordinator, shall submit a report on activities under this chapter to the Committees on the Judiciary of the House of Representatives and of the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.

Contents.

"(2) Each such report shall contain—

"(A) an updated profile of the employment and labor force statistics for refugees who have entered under this Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

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"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States; and

"(H) a summary of the information compiled and evaluation made under section 412(a)(8).

Analysis.

"(b) The Secretary, in consultation with the Coordinator, shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and the applicability of such systems to the United States;

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees; and

"(3) alternative resettlement strategies.

"AUTHORIZATION OF APPROPRIATIONS

8 USC 1524.

"Sec. 414. (a)(1) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years $200,000,000, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.

Contract authority.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

Sec. 312. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by striking out the item relating to title IV and inserting in lieu thereof the following:

"Title IV—Miscellaneous and Refugee Assistance

"Chapter 1—Miscellaneous";

and

(2) by adding at the end the following new items:

"Chapter 2—Refugee Assistance

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

Contributions to United Nations.

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by striking out paragraphs (1) through (6) and inserting in lieu thereof the following:

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

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"(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.".

Assistance for refugees outside U.S.

(2) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

(c) The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23) is repealed.

Repeal. 22 USC 2601 note.

SEC. 313. (a) Except as otherwise provided in this section, the amendments made by this part shall apply to fiscal years beginning on or after October 1, 1979.

Limitations. 8 USC 1522 note.

(b) Subject to subsection (c), the limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before April 1, 1981.

Ante, p. 111.

(c) Notwithstanding section 412(e)(1) of the Immigration and Nationality Act and in lieu of any assistance which may otherwise be provided under such section with respect to Cuban refugees who entered the United States and were receiving assistance under section 2(b) of the Migration and Refugee Assistance Act of 1962 before October 1, 1978, the Director of the Office of Refugee Resettlement is authorized—

Cuban refugees.

22 USC 2601.

(1) to provide reimbursement—

(A) in fiscal year 1980, for 75 percent,

(B) in fiscal year 1981, for 60 percent,

(C) in fiscal year 1982, for 45 percent, and

(D) in fiscal year 1983, for 25 percent,

of the non-Federal costs of providing cash and medical assistance (other than assistance described in paragraph (2)) to such refugees, and

(2) to provide reimbursement in any fiscal year for 100 percent of the non-Federal costs associated with such Cuban refugees with respect to whom supplemental security income payments were being paid as of September 30, 1978, under title XVI of the Social Security Act.

Non-Federal cost reimbursement.

(d) The requirements of section 412(a)(6)(A) of the Immigration and Nationality Act shall apply to assistance furnished under chapter 2 of title IV of such Act after October 1, 1980, or such earlier date as the Director of the Office of Refugee Resettlement may establish.

Ante, p. 111.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

SEC. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

8 USC 1522 note.

Ante, p. 116.

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22 USC 2601.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

Work permit.

(c) This section applies with respect to any alien in the United States (1) who has applied before November 1, 1979, for asylum in the

Applicability.

United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

Approved March 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-608 accompanying H.R. 2816 (Comm. on the Judiciary) and No. 96-781 (Comm. of Conference).
SENATE REPORTS: No. 96-256 (Comm. on the Judiciary) and No. 96-590 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 6, considered and passed Senate.
Dec. 20, H.R. 2816 considered and passed House; passage vacated and S. 643, amended, passed in lieu.
Vol. 126 (1980): Feb. 26, Senate agreed to conference report.
Mar. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 12 (1980): Mar. 18, Presidential statement.

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94 STAT. 1563

Public Law 96-397
96th Congress

An Act

Oct. 7, 1980
[H.R. 8202]

To continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period.

Justice Department Appropriation Authorization Act, FY 1980, authority continuation.
93 Stat. 1040.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority, and any limitation on authority, contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, shall continue in effect with respect to activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) until the effective date of a general authorization Act or the end of the one hundred and eightieth day after the date of the enactment of this Act, whichever is earlier.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 25, considered and passed House.
Sept. 30, considered and passed Senate.

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94 STAT. 1727

Public Law 96-417
96th Congress

An Act

Oct. 10, 1980
[S. 1654]

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

Customs Courts Act of 1980.
28 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Customs Courts Act of 1980".

TITLE I—COMPOSITION OF THE COURT OF INTERNATIONAL TRADE AND ASSIGNMENT OF JUDGES TO OTHER COURTS

COMPOSITION OF COURT

SEC. 101. Section 251 of title 28, United States Code, is amended to read as follows:

"§ 251. Appointment and number of judges; offices

"(a) The President shall appoint, by and with the advice and consent of the Senate, nine judges who shall constitute a court of record to be known as the United States Court of International Trade. Not more than five of such judges shall be from the same political party. The court is a court established under article III of the Constitution of the United States. USC prec. title 1.

"(b) The President shall designate one of the judges of the Court of International Trade who is less than seventy years of age to serve as chief judge. The chief judge shall continue to serve as chief judge until he reaches the age of seventy years and another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court.

"(c) The offices of the Court of International Trade shall be located in New York, New York.".

ASSIGNMENT OF JUDGES

SEC. 102. (a) Section 293(b) of title 28, United States Code, is amended by striking out "Customs Court" and all that follows through "need arises" and inserting in lieu thereof "Court of International Trade to perform judicial duties in any circuit, either in a court of appeals or district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit in which the need arises".

(b) Section 293(d) of title 28, United States Code, is amended to read as follows:

"(d) The chief judge of the Court of International Trade may, upon presentation to him of a certificate of necessity by the chief judge of the Court of Customs and Patent Appeals or the chief judge of the Court of Claims, designate and assign temporarily any judge of the 94 STAT. 1728 Court of International Trade to serve as a judge of the Court of Customs and Patent Appeals or the Court of Claims.".

TITLE II—JURISDICTION OF THE COURT OF INTERNATIONAL TRADE

JURISDICTION OF THE COURT

SEC. 201. Chapter 95 of title 28, United States Code, is amended to read as follows:

"CHAPTER 95—COURT OF INTERNATIONAL TRADE

"Sec.
"1581. Civil actions against the United States and agencies and officers thereof.
"1582. Civil actions commenced by the United States.
"1583. Counterclaims, cross-claims, and third-party actions.
"1584. Cure of defects.
"1585. Powers in law and equity.

"§ 1581. Civil actions against the United States and agencies and officers thereof 28 USC 1581.

"(a) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to contest the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930. 19 USC 1515.

"(b) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 516 of the Tariff Act of 1930. 19 USC 1516.

"(c) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 516A of the Tariff Act of 1930. 19 USC 1516a.

"(d) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

"(1) any final determination of the Secretary of Labor under section 223 of the Trade Act of 1974 with respect to the eligibility of workers for adjustment assistance under such Act; 19 USC 2273.

"(2) any final determination of the Secretary of Commerce under section 251 of the Trade Act of 1974 with respect to the eligibility of a firm for adjustment assistance under such Act; and 19 USC 2341.

"(3) any final determination of the Secretary of Commerce under section 271 of the Trade Act of 1974 with respect to the eligibility of a community for adjustment assistance under such Act. 19 USC 2371.

"(e) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review any final determination of the Secretary of the Treasury under section 305(b)(1) of the Trade Agreements Act of 1979. 19 USC 2515.

"(f) The Court of International Trade shall have exclusive jurisdiction of any civil action involving an application for an order directing the administering authority or the International Trade Commission to make confidential information available under section 777(c)(2) of the Tariff Act of 1930. 19 USC 1677f.

"(g) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

"(1) any decision of the Secretary of the Treasury to deny or revoke a customhouse broker's license under section 641(a) of the Tariff Act of 1930; and 19 USC 1641.

94 STAT. 1729

"(2) any order of the Secretary of the Treasury to revoke or suspend a customhouse broker's license under section 641(b) of the Tariff Act of 1930. 19 USC 1641.

"(h) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review, prior to the importation of the goods involved, a ruling issued by the Secretary of the Treasury, or a refusal to issue or change such a ruling, relating to classification, valuation, rate of duty, marking, restricted merchandise, entry requirements, drawbacks, vessel repairs, or similar matters, but only if the party commencing the civil action demonstrates to the court that he would be irreparably harmed unless given an opportunity to obtain judicial review prior to such importation.

"(i) In addition to the jurisdiction conferred upon the Court of International Trade by subsections (a)–(h) of this section and subject to the exception set forth in subsection (j) of this section, the Court of International Trade shall have exclusive jurisdiction of any civil action commenced against the United States, its agencies, or its officers, that arises out of any law of the United States providing for—

"(1) revenue from imports or tonnage;

"(2) tariffs, duties, fees, or other taxes on the importation of merchandise for reasons other than the raising of revenue;

"(3) embargoes or other quantitative restrictions on the importation of merchandise for reasons other than the protection of the public health or safety; or

"(4) administration and enforcement with respect to the matters referred to in paragraphs (1)–(3) of this subsection and subsections (a)–(h) of this section.

"(j) The Court of International Trade shall not have jurisdiction of any civil action arising under section 305 of the Tariff Act of 1930. 19 USC 1305.

"§ 1582. Civil actions commenced by the United States 28 USC 1582.

"The Court of International Trade shall have exclusive jurisdiction of any civil action which arises out of an import transaction and which is commenced by the United States—

"(1) to recover a civil penalty under section 592, 704(i)(2), or 734(i)(2) of the Tariff Act of 1930; 19 USC 1592, 1671c, 1673c.

"(2) to recover upon a bond relating to the importation of merchandise required by the laws of the United States or by the Secretary of the Treasury; or

"(3) to recover customs duties.

"§ 1583. Counterclaims, cross-claims, and third-party actions 28 USC 1583.

"In any civil action in the Court of International Trade, the court shall have exclusive jurisdiction to render judgment upon any counterclaim, cross-claim, or third-party action of any party, if (1) such claim or action involves the imported merchandise that is the subject matter of such civil action, or (2) such claim or action is to recover upon a bond or customs duties relating to such merchandise.

"§ 1584. Cure of defects 28 USC 1584.

"(a) If a civil action within the exclusive jurisdiction of the Court of International Trade is commenced in a district court of the United States, the district court shall, in the interest of justice, transfer such civil action to the Court of International Trade, where such action shall proceed as if it had been commenced in the Court of International Trade in the first instance.

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"(b) If a civil action within the exclusive jurisdiction of a district court, a court of appeals, or the Court of Customs and Patent Appeals is commenced in the Court of International Trade, the Court of International Trade shall, in the interest of justice, transfer such civil action to the appropriate district court or court of appeals or to the Court of Customs and Patent Appeals where such action shall proceed as if it had been commenced in such court in the first instance.

"§ 1585. Powers in law and equity 28 USC 1585.

"The Court of International Trade shall possess all the powers in law and equity of, or as conferred by statute upon, a district court of the United States.".

TITLE III—COURT OF INTERNATIONAL TRADE PROCEDURE

COURT PROCEDURE

SEC. 301. Chapter 169 of title 28, United States Code, is amended to read as follows:

"CHAPTER 169—COURT OF INTERNATIONAL TRADE PROCEDURE

"Sec.
"2631. Persons entitled to commence a civil action.
"2632. Commencement of a civil action.
"2633. Procedure and fees.
"2634. Notice.
"2635. Filing of official documents.
"2636. Time for commencement of action.
"2637. Exhaustion of administrative remedies.
"2638. New grounds in support of a civil action.
"2639. Burden of proof; evidence of value.
"2640. Scope and standard of review.
"2641. Witnesses; inspection of documents.
"2642. Analysis of imported merchandise.
"2643. Relief.
"2644. Interest.
"2645. Decisions.
"2646. Retrial or rehearing.
"2647. Precedence of cases.

28 USC 2631.

"§ 2631. Persons entitled to commence a civil action

19 USC 1515. 19 USC 1514.

"(a) A civil action contesting the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person who filed the protest pursuant to section 514 of such Act, or by a surety on the transaction which is the subject of the protest.

19 USC 1516.

"(b) A civil action contesting the denial of a petition under section 516 of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person who filed such petition.

19 USC 1516a.

"(c) A civil action contesting a determination listed in section 516A of the Tariff Act of 1930 may be commenced in the Court of International Trade by any interested party who was a party to the proceeding in connection with which the matter arose.

19 USC 2273.

"(d)(1) A civil action to review any final determination of the Secretary of Labor under section 223 of the Trade Act of 1974 with respect to the eligibility of workers for adjustment assistance under such Act may be commenced in the Court of International Trade by a worker, group of workers, certified or recognized union, or authorized

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representative of such worker or group that applies for assistance under such Act and is aggrieved by such final determination.

19 USC 2341.

"(2) A civil action to review any final determination of the Secretary of Commerce under section 251 of the Trade Act of 1974 with respect to the eligibility of a firm for adjustment assistance under such Act may be commenced in the Court of International Trade by a firm or its representative that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested domestic party that is aggrieved by such final determination.

19 USC 2371.

"(3) A civil action to review any final determination of the Secretary of Commerce under section 271 of the Trade Act of 1974 with respect to the eligibility of a community for adjustment assistance under such Act may be commenced in the Court of International Trade by a community that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested domestic party that is aggrieved by such final determination.

19 USC 2515.

"(e) A civil action to review a final determination made under section 305(b)(1) of the Trade Agreements Act of 1979 may be commenced in the Court of International Trade by any person who was a party-at-interest with respect to such determination.

19 USC 1677f.

"(f) A civil action involving an application for the issuance of an order directing the administering authority or the International Trade Commission to make confidential information available under section 777(c)(2) of the Tariff Act of 1930 may be commenced in the Court of International Trade by any interested party whose application for disclosure of such confidential information was denied under section 777(c)(1) of such Act.

19 USC 1641.

"(g)(1) A civil action to review any decision of the Secretary of the Treasury to deny or revoke a customhouse broker's license under section 641(a) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose license was denied or revoked.

"(2) A civil action to review any order of the Secretary of the Treasury to revoke or suspend a customhouse broker's license under section 641(b) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose license was revoked or suspended.

28 USC 1581. 19 USC 1515.

"(h) A civil action described in section 1581(h) of this title may be commenced in the Court of International Trade by the person who would have standing to bring a civil action under section 1581(a) of this title if he imported the goods involved and filed a protest which was denied, in whole or in part, under section 515 of the Tariff Act of 1930.

"(i) Any civil action of which the Court of International Trade has jurisdiction, other than an action specified in subsections (a)–(h) of this section, may be commenced in the court by any person adversely affected or aggrieved by agency action within the meaning of section 702 of title 5. 5 USC 702.

"(j)(1) Any person who would be adversely affected or aggrieved by a decision in a civil action pending in the Court of International Trade may, by leave of court, intervene in such action, except that—

"(A) no person may intervene in a civil action under section 515 or 516 of the Tariff Act of 1930; 19 USC 1515, 1516.

"(B) in a civil action under section 516A of the Tariff Act of 1930, only an interested party who was a party to the proceeding in connection with which the matter arose may intervene, and such person may intervene as a matter of right; and 19 USC 1516a.

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"(C) in a civil action under section 777(c)(2) of the Tariff Act of 1930, only a person who was a party to the investigation may intervene, and such person may intervene as a matter of right. 19 USC 1677f.

"(2) In those civil actions in which intervention is by leave of court, the Court of International Trade shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

"(k) In this section—

"(1) 'interested party' has the meaning given such term in section 771(9) of the Tariff Act of 1930; and "Interested party." 19 USC 1677.

"(2) 'party-at-interest' means— "Party-at-interest."

"(A) a foreign manufacturer, producer, or exporter, or a United States importer, of merchandise which is the subject of a final determination under section 305(b)(1) of the Trade Agreements Act of 1979;

"(B) a manufacturer, producer, or wholesaler in the United States of a like product;

"(C) United States members of a labor organization or other association of workers whose members are employed in the manufacture, production, or wholesale in the United States of a like product; and

"(D) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States.

"§ 2632. Commencement of a civil action 28 USC 2632.

"(a) Except for civil actions specified in subsections (b) and (c) of this section, a civil action in the Court of International Trade shall be commenced by filing concurrently with the clerk of the court a summons and complaint, with the content and in the form, manner, and style prescribed by the rules of the court.

"(b) A civil action in the Court of International Trade under section 515 or section 516 of the Tariff Act of 1930 shall be commenced by filing with the clerk of the court a summons, with the content and in the form, manner, and style prescribed by the rules of the court. 19 USC 1515, 1516.

"(c) A civil action in the Court of International Trade under section 516A of the Tariff Act of 1930 shall be commenced by filing with the clerk of the court a summons or a summons and a complaint, as prescribed in such section, with the content and in the form, manner, and style prescribed by the rules of the court. 19 USC 1516a.

"(d) The Court of International Trade may prescribe by rule that any summons, pleading, or other paper mailed by registered or certified mail properly addressed to the clerk of the court with the proper postage affixed and return receipt requested shall be deemed filed as of the date of mailing.

"§ 2633. Procedure and fees 28 USC 2633.

"(a) A filing fee shall be payable to the clerk of the Court of International Trade upon the commencement of a civil action in such court. The amount of the fee shall be prescribed by the rules of the court, but shall be not less than $5 nor more than the filing fee for commencing a civil action in a district court of the United States. The court may fix all other fees to be charged by the clerk of the court.

"(b) The Court of International Trade shall prescribe rules governing the summons, pleadings, and other papers, for their amendment, service, and filing, for consolidations, severances, suspensions of cases, and for other procedural matters.

"(c) All summons, pleadings, and other papers filed in the Court of International Trade shall be served on all parties in accordance with rules prescribed by the court. When the United States, its agencies, or its officers are adverse parties, service of the summons shall be made upon the Attorney General and the head of the Government agency whose action is being contested. When injunctive relief is sought, the summons, pleadings, and other papers shall also be served upon the named officials sought to be enjoined.

28 USC 2634.

"§ 2634. Notice

"Reasonable notice of the time and place of trial or hearing before the Court of International Trade shall be given to all parties to any civil action, as prescribed by the rules of the court.

28 USC 2635.

"§ 2635. Filing of official documents

19 USC 1515.
19 USC 1516.

"(a)(1) Upon service of the summons on the Secretary of the Treasury in any civil action contesting the denial of a protest under section 515 of the Tariff Act of 1930 or the denial of a petition under section 516 of such Act, the appropriate customs officer shall forthwith transmit to the clerk of the Court of International Trade, as prescribed by its rules, and as a part of the official record—

"(A) the consumption or other entry and the entry summary;
"(B) the commercial invoice;
"(C) the special customs invoice;
"(D) a copy of the protest or petition;
"(E) a copy of the denial, in whole or in part, of the protest or petition;
"(F) the importer's exhibits;
"(G) the official and other representative samples;
"(H) any official laboratory reports; and
"(I) a copy of any bond relating to the entry.

"(2) If any of the items listed in paragraph (1) of this subsection do not exist in a particular civil action, an affirmative statement to that effect shall be transmitted to the clerk of the court.

19 USC 1516a.
19 USC 1671.

"(b)(1) In any civil action commenced in the Court of International Trade under section 516A of the Tariff Act of 1930, within forty days or within such other period of time as the court may specify, after the date of service of a complaint on the administering authority established to administer title VII of the Tariff Act of 1930 or the United States International Trade Commission, the administering authority or the Commission shall transmit to the clerk of the court the record of such action, as prescribed by the rules of the court. The record shall, unless otherwise stipulated by the parties, consist of—

19 USC 1677f.

"(A) a copy of all information presented to or obtained by the administering authority or the Commission during the course of the administrative proceedings, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be maintained by section 777(a)(3) of the Tariff Act of 1930; and

"(B)(i) a copy of the determination and the facts and conclusions of law upon which such determination was based, (ii) all transcripts or records of conferences or hearings, and (iii) all notices published in the Federal Register.

"(2) The administering authority or the Commission shall identify and transmit under seal to the clerk of the court any document, comment, or information that is accorded confidential or privileged status by the Government agency whose action is being contested and that is required to be transmitted to the clerk under paragraph (1) of this subsection. Any such document, comment, or information shall be accompanied by a nonconfidential description of the nature of the material being transmitted. The confidential or privileged status of such material shall be preserved in the civil action, but the court may examine the confidential or privileged material in camera and may make such material available under such terms and conditions as the court may order.

"(c) Within fifteen days, or within such other period of time as the Court of International Trade may specify, after service of a summons and complaint in a civil action involving an application for an order directing the administering authority or the International Trade Commission to make confidential information available under section 777(c)(2) of the Tariff Act of 1930, the administering authority or the Commission shall transmit under seal to the clerk of the Court of International Trade, as prescribed by its rules, the confidential information involved, together with pertinent parts of the record. Such information shall be accompanied by a nonconfidential description of the nature of the information being transmitted. The confidential status of such information shall be preserved in the civil action, but the court may examine the confidential information in camera and may make such information available under a protective order consistent with section 777(c)(2) of the Tariff Act of 1930.

19 USC 1677f.

"(d)(1) In any other civil action in the Court of International Trade in which judicial review is to proceed upon the basis of the record made before an agency, the agency shall, within forty days or within such other period of time as the court may specify, after the date of service of the summons and complaint upon the agency, transmit to the clerk of the court, as prescribed by its rules—

"(A) a copy of the contested determination and the findings or report upon which such determination was based;

"(B) a copy of any reported hearings or conferences conducted by the agency; and

"(C) any documents, comments, or other papers filed by the public, interested parties, or governments with respect to the agency's action.

"(2) The agency shall identify and transmit under seal to the clerk of the court any document, comment, or other information that was obtained on a confidential basis and that is required to be transmitted to the clerk under paragraph (1) of this subsection. Any such document, comment, or information shall include a nonconfidential description of the nature of the material being transmitted. The confidential or privileged status of such material shall be preserved in the civil action, but the court may examine such material in camera and may make such material available under such terms and conditions as the court may order.

"(3) The parties may stipulate that fewer documents, comments, or other information than those specified in paragraph (1) of this subsection shall be transmitted to the clerk of the court.

"§ 2636. Time for commencement of action 28 USC 2636.

"(a) A civil action contesting the denial, in whole or in part, of a protest under section 515 of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade—

19 USC 1515.

"(1) within one hundred and eighty days after the date of mailing of notice of denial of a protest under section 515(a) of such Act; or

"(2) within one hundred and eighty days after the date of denial of a protest by operation of law under the provisions of section 515(b) of such Act.

19 USC 1515.

"(b) A civil action contesting the denial of a petition under section 516 of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within thirty days after the date of mailing of a notice pursuant to section 516(c) of such Act.

19 USC 1516.

"(c) A civil action contesting a reviewable determination listed in section 516A of the Tariff Act of 1930, other than a determination under section 703(b), 703(c), 733(b), or 733(c) of such Act, is barred unless commenced in accordance with the rules of the Court of International Trade within thirty days after the date of the publication of such determination in the Federal Register.

19 USC 1516a.
19 USC 1671b, 1673b.

"(d)(1) A civil action contesting a determination by the administering authority under section 703(c) or 733(c) of the Tariff Act of 1930 that a case is extraordinarily complicated is barred unless commenced in accordance with the rules of the Court of International Trade within ten days after the date of the publication of such determination in the Federal Register.

"(2) A civil action contesting a negative determination by the administering authority under section 703(b) or 733(b) of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within ten days after the date of the publication of such determination in the Federal Register.

19 USC 2273.
19 USC 2341, 2371.

"(e) A civil action contesting a final determination of the Secretary of Labor under section 223 of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 251 or section 271 of such Act is barred unless commenced in accordance with the rules of the Court of International Trade within sixty days after the date of notice of such determination.

19 USC 2515.

"(f) A civil action contesting a final determination made under section 305(b)(1) of the Trade Agreements Act of 1979 is barred unless commenced in accordance with the rules of the Court of International Trade within thirty days after the date of the publication of such determination in the Federal Register.

19 USC 1677f.

"(g) A civil action involving an application for the issuance of an order making confidential information available under section 777(c)(2) of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within ten days after the date of the denial of the request for such confidential information.

19 USC 1641.

"(h) A civil action contesting the denial or revocation by the Secretary of the Treasury of a customhouse broker's license under section 641(a) of the Tariff Act of 1930 or the revocation or suspension by such Secretary of a customhouse broker's license under section 641(b) of such Act is barred unless commenced in accordance with the rules of the Court of International Trade within sixty days after the date of the entry of the decision or order of such Secretary.

28 USC 1581.

"(i) A civil action of which the Court of International Trade has jurisdiction under section 1581 of this title, other than an action specified in subsections (a)–(h) of this section, is barred unless commenced in accordance with the rules of the court within two years after the cause of action first accrues.

28 USC 2637.

"§ 2637. Exhaustion of administrative remedies

19 USC 1515.

"(a) A civil action contesting the denial of a protest under section 515 of the Tariff Act of 1930 may be commenced in the Court of

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International Trade only if all liquidated duties, charges, or exactions have been paid at the time the action is commenced, except that a surety's obligation to pay such liquidated duties, charges, or exactions is limited to the sum of any bond related to each entry included in the denied protest.

19 USC 1516.

"(b) A civil action contesting the denial of a petition under section 516 of the Tariff Act of 1930 may be commenced in the Court of International Trade only by a person who has first exhausted the procedures set forth in such section.

28 USC 1581.

"(c) A civil action described in section 1581(h) of this title may be commenced in the Court of International Trade prior to the exhaustion of administrative remedies if the person commencing the action makes the demonstration required by such section.

"(d) In any civil action not specified in this section, the Court of International Trade shall, where appropriate, require the exhaustion of administrative remedies.

28 USC 2638.

"§ 2638. New grounds in support of a civil action

19 USC 1515.

"In any civil action under section 515 of the Tariff Act of 1930 in which the denial, in whole or in part, of a protest is a precondition to the commencement of a civil action in the Court of International

Trade, the court, by rule, may consider any new ground in support of the civil action if such new ground—

"(1) applies to the same merchandise that was the subject of the protest; and

"(2) is related to the same administrative decision listed in section 514 of the Tariff Act of 1930 that was contested in the protest. 19 USC 1514.

"§ 2639. Burden of proof; evidence of value 28 USC 2639.

"(a)(1) Except as provided in paragraph (2) of this subsection, in any civil action commenced in the Court of International Trade under section 515, 516, or 516A of the Tariff Act of 1930, the decision of the Secretary of the Treasury, the administering authority, or the International Trade Commission is presumed to be correct. The burden of proving otherwise shall rest upon the party challenging such decision. 19 USC 1515a.

"(2) The provisions of paragraph (1) of this subsection shall not apply to any civil action commenced in the Court of International Trade under section 1582 of this title. *Ante*, p. 1729.

"(b) In any civil action described in section 1581(h) of this title, the person commencing the action shall have the burden of making the demonstration required by such section by clear and convincing evidence. *Ante*, p. 1728.

"(c) Where the value of merchandise or any of its components is in issue in any civil action in the Court of International Trade—

"(1) reports or depositions of consuls, customs officers, and other officers of the United States, and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted into evidence when served upon the opposing party as prescribed by the rules of the court; and

"(2) price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

"§ 2640. Scope and standard of review 28 USC 2640.

"(a) The Court of International Trade shall make its determinations upon the basis of the record made before the court in the following categories of civil actions:

"(1) Civil actions contesting the denial of a protest under section 515 of the Tariff Act of 1930. 19 USC 1515.

"(2) Civil actions commenced under section 516 of the Tariff Act of 1930. 19 USC 1516.

"(3) Civil actions commenced to review a final determination made under section 305(b)(1) of the Trade Agreements Act of 1979. 19 USC 2515.

"(4) Civil actions commenced under section 777(c)(2) of the Tariff Act of 1930. 19 USC 1677f.

"(5) Civil actions commenced to review any decision of the Secretary of the Treasury to deny or revoke a customhouse broker's license under section 641(a) of the Tariff Act of 1930. 19 USC 1641.

"(6) Civil actions commenced under section 1582 of this title.

"(b) In any civil action commenced in the Court of International Trade under section 516A of the Tariff Act of 1930, the court shall review the matter as specified in subsection (b) of such section. 19 USC 1516a.

"(c) In any civil action commenced in the Court of International Trade to review any final determination of the Secretary of Labor under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act, the court shall review the matter as specified in section 284 of such Act. 19 USC 2273. 19 USC 2341, 2371. *Post*, p. 1746.

"(d) In any civil action not specified in this section, the Court of International Trade shall review the matter as provided in section 706 of title 5.

"§ 2641. Witnesses; inspection of documents 28 USC 2641.

"(a) Except as otherwise provided by law, in any civil action in the Court of International Trade, each party and its counsel shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party, and to inspect all samples and papers admitted or offered as evidence, as prescribed by the rules of the court. Except as provided in section 2639 of this title, subsection (b) of this section, or the rules of the court, the Federal Rules of Evidence shall apply to all civil actions in the Court of International Trade.

28 USC app.

"(b) The Court of International Trade may order that trade secrets and commercial or financial information which is privileged and confidential, or any information provided to the United States by any foreign government or foreign person, may be disclosed to a party, its counsel, or any other person under such terms and conditions as the court may order.

28 USC 2642.

"§ 2642. Analysis of imported merchandise

"The Court of International Trade may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States.

28 USC 2643.

"§ 2643. Relief

"(a) The Court of International Trade may enter a money judgment—

"(1) for or against the United States in any civil action commenced under section 1581 or 1582 of this title; and

Ante, pp. 1728, 1729.

"(2) for or against the United States or any other party in any counterclaim, cross-claim, or third-party action under section 1583 of this title.

Ante, p. 1729.

"(b) If the Court of International Trade is unable to determine the correct decision on the basis of the evidence presented in any civil action, the court may order a retrial or rehearing for all purposes, or

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may order such further administrative or adjudicative procedures as the court considers necessary to enable it to reach the correct decision.

"(c)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Court of International Trade may, in addition to the orders specified in subsections (a) and (b) of this section, order any other form of relief that is appropriate in a civil action, including, but not limited to, declaratory judgments, orders of remand, injunctions, and writs of mandamus and prohibition.

"(2) The Court of International Trade may not grant an injunction or issue a writ of mandamus in any civil action commenced to review any final determination of the Secretary of Labor under section 223 of the Trade Act of 1974, or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act.

19 USC 2273.
19 USC 2341, 2371.

"(3) In any civil action involving an application for the issuance of an order directing the administering authority or the International Trade Commission to make confidential information available under section 777(c)(2) of the Tariff Act of 1930, the Court of International Trade may issue an order of disclosure only with respect to the information specified in such section.

19 USC 1677f.

"(4) In any civil action described in section 1581(h) of this title, the Court of International Trade may only order the appropriate declaratory relief.

Ante, p. 1728.

"(d) If a surety commences a civil action in the Court of International Trade, such surety shall recover only the amount of the liquidated duties, charges, or exactions paid on the entries included in such action. The excess amount of any recovery shall be paid to the importer of record.

28 USC 2644.

"§ 2644. Interest

"If, in a civil action in the Court of International Trade under section 515 of the Tariff Act of 1930, the plaintiff obtains monetary relief by a judgment or under a stipulation agreement, interest shall be allowed at an annual rate established under section 6621 of the Internal Revenue Code of 1954. Such interest shall be calculated from

19 USC 1515.
26 USC 6621.

the date of the filing of the summons in such action to the date of the refund.

"§ 2645. Decisions 28 USC 2645.

"(a) A final decision of the Court of International Trade in a contested civil action or a decision granting or refusing a preliminary injunction shall be supported by—

"(1) a statement of findings of fact and conclusions of law; or

"(2) an opinion stating the reasons and facts upon which the decision is based.

"(b) After the Court of International Trade has rendered a judgment, the court may, upon the motion of a party or upon its own motion, amend its findings or make additional findings and may amend the decision and judgment accordingly. A motion of a party or the court shall be made not later than thirty days after the date of entry of the judgment.

"(c) A decision of the Court of International Trade is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2646 of this title or an appeal is taken to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title. 28 USC 2601.

"§ 2646. Retrial or rehearing 28 USC 2646.

"After the Court of International Trade has rendered a judgment or order, the court may, upon the motion of a party or upon its own motion, grant a retrial or rehearing, as the case may be. A motion of a party or the court shall be made not later than thirty days after the date of entry of the judgment or order.

"§ 2647. Precedence of cases 28 USC 2647.

"The following civil actions in the Court of International Trade shall be given precedence, in the following order, over other civil actions pending before the court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

"(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

"(2) Second, a civil action for the review of a determination under section 516A(a)(1)(B) (i) or (ii) of the Tariff Act of 1930. 19 USC 1516a.

"(3) Third, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise. 19 USC 1515.

"(4) Fourth, a civil action commenced under section 516 or 516A of the Tariff Act of 1930, other than a civil action described in paragraph (2) of this section.". 19 USC 1516, 1516a.

JURY TRIALS

SEC. 302. (a) Chapter 121 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1876. Trial by jury in the Court of International Trade 28 USC 1876.

"(a) In any civil action in the Court of International Trade which is to be tried before a jury, the jury shall be selected in accordance with the provisions of this chapter and under the procedures set forth in the jury selection plan of the district court for the judicial district in which the case is to be tried.

"(b) Whenever the Court of International Trade conducts a jury trial—

"(1) the clerk of the district court for the judicial district in which the Court of International Trade is sitting, or an authorized deputy clerk, shall act as clerk of the Court of International Trade for the purposes of selecting and summoning the jury;

28 USC 1865. "(2) the qualifications for jurors shall be the same as those established by section 1865(b) of this title for jurors in the district courts of the United States;

28 USC 1870. "(3) each party shall be entitled to challenge jurors in accordance with section 1870 of this title; and

28 USC 1871. "(4) jurors shall be compensated in accordance with section 1871 of this title.".

(b) The section analysis for chapter 121 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1876. Trial by jury in the Court of International Trade.".

(c) Section 1862 of title 28, United States Code, is amended by inserting "or in the Court of International Trade" immediately after "United States".

TITLE IV—COURT OF CUSTOMS AND PATENT APPEALS

JURISDICTION OF THE COURT

SEC. 401. (a)(1) Section 1541(a) of title 28, United States Code, is amended to read as follows:

"(a) The Court of Customs and Patent Appeals shall have exclusive jurisdiction of appeals from all final decisions of the Court of International Trade.".

(2) Section 1541 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Court of Customs and Patent Appeals shall have exclusive jurisdiction of appeals from interlocutory orders of the Court of International Trade granting, continuing, modifying, refusing, or dissolving injunctions, or refusing to dissolve or modify injunctions.".

(b)(1) Section 1543 of title 28, United States Code, is amended to read as follows:

28 USC 1543.

"§ 1543. International Trade Commission determinations

"The Court of Customs and Patent Appeals shall have jurisdiction to review the final determinations of the United States International Trade Commission made under section 337 of the Tariff Act of 1930 relating to unfair trade practices in import trade.". 19 USC 1337.

(2) The item relating to section 1543 in the section analysis of chapter 93 of title 28, United States Code, is amended to read as follows:

"1543. International Trade Commission determinations.".

POWERS OF THE COURT

SEC. 402. (a) Chapter 93 of title 28, United States Code, as amended by section 401 of this Act, is further amended by adding at the end thereof the following new section:

28 USC 1546.

"§ 1546. Powers in law and equity

"The Court of Customs and Patent Appeals shall have all the powers in law and equity of, or as conferred by statute upon, a court of appeals of the United States.".

(b) The section analysis of chapter 93 of title 28, United States Code, as amended by section 401 of this Act, is further amended by adding at the end thereof the following new item:

"1546. Powers in law and equity.".

COURT OF CUSTOMS AND PATENT APPEALS

Appeal notice.

SEC. 403. (a) Section 2601(a) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within fourteen days after the date on which the first notice of appeal was filed.".

(b) The first sentence of section 2601(b) of title 28, United States Code, is amended—

(1) by inserting "or cross appeal" immediately after "appeal" each place it appears; and

(2) by striking out "which shall include a concise statement of the errors complained of".

(c) The third sentence of section 2601(b) of title 28, United States Code, is amended by striking out "and the Secretary of the Treasury or their designees" and inserting in lieu thereof "and any named official".

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(d) Section 2601(c) of title 28, United States Code, is amended by inserting immediately after the first sentence the following new sentences: "Findings of fact shall not be set aside unless clearly erroneous and due regard shall be given to the opportunity of the Court of International Trade to judge the credibility of the witnesses. A party may raise on appeal the question of whether the findings of fact are clearly erroneous, whether or not the party raising such question made an objection to such findings in the Court of International Trade or made a motion to amend such findings.".

(e)(1) Section 2602 of title 28, United States Code, is amended to read as follows:

"§ 2602. Precedence of cases 28 USC 2602.

"The following civil actions in the Court of Customs and Patent Appeals shall be given precedence, in the following order, over other civil actions pending before the court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

"(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

"(2) Second, a civil action for the review of a determination under section 516A(a)(1)(B) (i) or (ii) of the Tariff Act of 1930. 19 USC 1516a.

"(3) Third, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise. 19 USC 1515.

"(4) Fourth, a civil action commenced under section 516 or 516A of the Tariff Act of 1930, other than a civil action described in paragraph (2) of this section. 19 USC 1516, 1516a.

"(5) Fifth, an appeal from findings of the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202).".

(2) The item relating to section 2602 in the section analysis of chapter 167 of title 28, United States Code, is amended to read as follows:

"2602. Precedence of cases.".

RULES OF EVIDENCE

SEC. 404. (a) Chapter 167 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2603. Rules of evidence 28 USC 2603.

"Except as provided in section 2639 or 2641(b) of this title or in the rules prescribed by the court, the Federal Rules of Evidence shall apply in the Court of Customs and Patent Appeals in any appeal from the Court of International Trade.". *Ante*, pp. 1736, 1737. 28 USC app.

(b) The section analysis of chapter 167 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2603. Rules of evidence.".

JUDICIAL CONFERENCE

SEC. 405. (a) Chapter 167 of title 28, United States Code, as amended by section 404 of this Act, is further amended by adding at the end thereof the following new section:

28 USC 2604.

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"§ 2604. Judicial conference

"The chief judge of the Court of Customs and Patent Appeals is authorized to summon annually the judges of such court to a judicial conference, at a time and place that such chief judge designates, for the purpose of considering the business of such court and improvements in the administration of justice in such court.".

(b) The section analysis of chapter 167 of title 28, United States Code, as amended by section 404 of this Act, is further amended by adding at the end thereof the following new item:

"2604. Judicial conference.".

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 28

28 USC 1.

SEC. 501. The following provisions of title 28, United States Code, are amended by striking out "Customs Court" and inserting in lieu thereof "Court of International Trade":

(1) The item relating to chapter 11 in the chapter analysis of part I.
(2) The chapter heading of chapter 11.
(3) Section 253(a).
(4) Section 254.
(5) Section 255(a).
(6) Section 257.
(7) Section 292(e).
(8) Section 293(c).
(9) Section 372 (a) and (b).
(10) Section 451 (including that section as it will become effective on April 1, 1984).
(11) Section 456.
(12) Section 569(a) (including that section as it will become effective on April 1, 1984).
(13) The item relating to chapter 55 in the chapter analysis of part III.
(14) Section 605.
(15) Section 610.
(16) The chapter heading of chapter 55.
(17) Section 871.
(18) Section 872.
(19) Section 873.
(20) The item relating to chapter 95 in the chapter analysis of part IV.
(21) Section 1340.
(22) The item relating to section 1541 in the section analysis of chapter 93.
(23) The section heading for section 1541.
(24) Section 1541(b).
(25) The item relating to chapter 169 in the chapter analysis of part VI.
(26) The item relating to section 2601 in the section analysis of chapter 167.
(27) The section heading for section 2601.
(28) Section 2601 (a), (b), and (c).

SEC. 502. Section 252 of title 28, United States Code, is amended by striking out "Judge of the Customs Court" and inserting in lieu thereof "Judges of the Court of International Trade".

94 STAT. 1743

SEC. 503. Section 518(a) of title 28, United States Code, is amended by inserting "and in the Court of International Trade" immediately after "Claims".

SEC. 504. Section 751 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) When the Court of International Trade is sitting in a judicial district, other than the Southern District or Eastern District of New York, the clerk of the district court of such judicial district or an authorized deputy clerk, upon the request of the chief judge of the

Court of International Trade and with the approval of such district court, shall act in the district as clerk of the Court of International Trade, as prescribed by the rules and orders of the Court of International Trade for all purposes relating to the civil action then pending before such court.".

SEC. 505. Section 1337 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The district courts shall not have jurisdiction under this section of any matter within the exclusive jurisdiction of the Court of International Trade under chapter 95 of this title.".

Ante, p. 1728.

SEC. 506. Section 1352 of title 28, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", except matters within the jurisdiction of the Court of International Trade under section 1582 of this title".

Ante, p. 1729.

SEC. 507. Section 1355 of title 28, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", except matters within the jurisdiction of the Court of International Trade under section 1582 of this title".

SEC. 508. Section 1356 of title 28, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", except matters within the jurisdiction of the Court of International Trade under section 1582 of this title".

SEC. 509. The second paragraph of section 1491 of title 28, United States Code, is amended by striking out "in suits" and inserting in lieu thereof "of any civil action within the exclusive jurisdiction of the Court of International Trade, or of any action".

SEC. 510. Section 1919 of title 28, United States Code, is amended by inserting "or the Court of International Trade" immediately after "court" the first place it appears.

SEC. 511. (a) Chapter 125 of title 28, United States Code, is amended by inserting immediately after section 1963 the following new section:

"§ 1963A. Registration of judgments of the Court of International Trade

28 USC 1963A.

"(a) A judgment in any civil action for the recovery of money or property entered by the Court of International Trade which has become final by appeal or expiration of time for appeal may be registered in any judicial district by filing a certified copy of such judgment. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner.

"(b) A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner in any district in which the judgment is a lien.".

(b) The section analysis of chapter 125 of title 28, United States Code, is amended by inserting immediately after the item relating to section 1963 the following new item:

"1963A. Registration of judgments of the Court of International Trade.".

94 STAT. 1744

SEC. 512. The first paragraph of section 2414 of title 28, United States Code, is amended by inserting "or the Court of International Trade" immediately after "court" in the first sentence.

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 601. The following provisions of law are amended by striking out "Customs Court" and inserting in lieu thereof "Court of International Trade":

(1) Section 6001 of title 18, United States Code.
(2) Section 305 of the Tariff Act of 1930 (19 U.S.C. 1305).
(3) Section 502(b) of the Tariff Act of 1930 (19 U.S.C. 1502(b)).
(4) Section 503 of the Tariff Act of 1930 (19 U.S.C. 1503).
(5) Section 514 (a) and (b) of the Tariff Act of 1930 (19 U.S.C. 1514 (a) and (b)).

(6) Section 516 (d), (e), and (f) of the Tariff Act of 1930 (19 U.S.C. 1516 (d), (e), and (f)).

(7) Section 516A (a)(2), (c), (d), and (e) of the Tariff Act of 1930 (19 U.S.C. 1516a (a)(2), (c), (d), and (e)).

(8) Section 528 of the Tariff Act of 1930 (19 U.S.C. 1528).

28 USC app.

(9) Section 308(9) of the Ethics in Government Act (28 U.S.C. app.).

26 USC 7443.

(10) Section 7443(d) of the Internal Revenue Code of 1954.

(11) Section 906 of title 44, United States Code.

16 USC 79*l*.

Post, p. 1746.

SEC. 602. Section 103(h) of the Act of March 27, 1978 (92 Stat. 170; 16 U.S.C. 79l(h)) is amended by striking out "section 250 of the Trade Act of 1974 (88 Stat. 2029)" and inserting in lieu thereof "section 284 of the Trade Act of 1974, except that such review shall be in the appropriate court of appeals of the United States, and the judgment of such court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Repeal.

SEC. 603. The first section of the Act entitled "An Act to provide the name by which the Board of General Appraisers and members thereof shall be known" approved May 28, 1926 (19 U.S.C. 405a), is repealed.

SEC. 604. Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) is amended—

5 USC 701 *et seq.*

(1) by inserting "for review in accordance with chapter 7 of title 5, United States Code" immediately before the period at the end of the fourth sentence; and

(2) by striking out the last sentence and inserting in lieu thereof the following new sentence: "Notwithstanding the foregoing provisions of this subsection, Commission determinations under subsections (d), (e), and (f) with respect to its findings on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the amount and nature of bond, or the appropriate remedy shall be reviewable in accordance with section 706 of title 5, United States Code.".

SEC. 605. (a) Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended to read as follows:

"(4) the exclusion of merchandise from entry or delivery or a demand for redelivery to customs custody under any provision of the customs laws, except a determination appealable under section 337 of this Act;".

94 STAT. 1745

(b) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is further amended by striking out "section 2632 of title 28 of the United States Code within the time prescribed by section 2631" and inserting in lieu thereof "chapter 169 of title 28 of the United States Code within the time prescribed by section 2636".

Ante, p. 1734.

SEC. 606. Section 515(b) of the Tariff Act of 1930 (19 U.S.C. 1515(b)) is amended by striking out "section 1582" and inserting in lieu thereof "section 1581".

19 USC 1516.

SEC. 607. (a) Section 516(a) of the Tariff Act of 1930 is amended—

(1) by inserting "(1)" immediately before "The Secretary";

19 USC 1677.

(2) by striking out "(as defined in section 771(9) (C), (D), and (E) of this Act)";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by inserting at the end thereof the following new paragraph:

"Interested party."

"(2) As used in this section, the term 'interested party' means a person who is—

"(A) a manufacturer, producer, or wholesaler in the United States;

"(B) a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States; or

"(C) a trade or business association a majority of whose members are manufacturers, producers, or wholesalers in the United States,

of goods of the same class or kind as the designated imported merchandise.".

(b) Section 516(d) of the Tariff Act of 1930 (19 U.S.C. 1516(d)) is amended by striking out "section 2632" and inserting in lieu thereof "chapter 169".

SEC. 608. (a) Section 516A(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(1)) is amended to read as follows:

"(1) REVIEW OF CERTAIN DETERMINATIONS.—

"(A) THIRTY-DAY REVIEW.—Within 30 days after the date of publication in the Federal Register of notice of—

"(i) a determination by the Secretary or the administering authority, under section 303(a)(3), 702(c), or 732(c) of this Act, not to initiate an investigation, 19 USC 1303, 1671a, 1673a.

"(ii) a determination by the administering authority or the Commission, under section 751(b) of this Act, not to review an agreement or a determination based upon changed circumstances, or 19 USC 1675.

"(iii) a negative determination by the Commission, under section 703(a) or 733(a) of this Act, as to whether there is reasonable indication of material injury, threat of material injury, or material retardation, 19 USC 1671b, 1673b.

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(B) TEN-DAY REVIEW.—Within 10 days after the date of publication in the Federal Register of notice of—

"(i) a determination by the administering authority, under section 703(c) or 733(c) of this Act, that a case is extraordinarily complicated, or 19 USC 1671b, 1673b.

94 STAT. 1746

"(ii) a negative determination by the administering authority under section 703(b) or 733(b) of this Act,

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.".

(b) Section 516A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(3)) is amended by striking out "section 2632" and inserting in lieu thereof "chapter 169".

(c) Section 516A(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(c)(2)) is amended by striking out the second sentence.

(d) The second sentence of section 516A(d) of the Tariff Act of 1930 (19 U.S.C. 1516a(d)) is amended to read as follows: "The party filing the action shall notify all such interested parties of the filing of an action under this section, in the form, manner, style, and within the time prescribed by rules of the court.".

SEC. 609. Section 592(e) of the Tariff Act of 1930 (19 U.S.C. 1592(e)) is amended by striking out "(e) DISTRICT COURT PROCEEDINGS.—" and all that follows through "under this section—" and inserting in lieu thereof the following:

"(e) COURT OF INTERNATIONAL TRADE PROCEEDINGS.—Notwithstanding any other provision of law, in any proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty claimed under this section—".

SEC. 610. Section 604 of the Tariff Act of 1930 (19 U.S.C. 1604) is amended—

(1) by striking out "every United States district attorney" and inserting in lieu thereof "the Attorney General of the United States";

(2) by inserting "or the Court of International Trade" immediately after "district court"; and

(3) by striking out "such district attorney" and inserting in lieu thereof "the Attorney General".

SEC. 611. (a) The second sentence of the second paragraph of section 641(b) of the Tariff Act of 1930 (19 U.S.C. 1641(b)) is amended by striking out "in the circuit court" and all that follows through "District of Columbia" and inserting in lieu thereof "in the Court of International Trade".

(b) Section 641(b) of the Tariff Act of 1930 (19 U.S.C. 1641(b)) is amended by striking out the next to last sentence of the second paragraph.

Repeal.

SEC. 612. Section 250 of the Trade Act of 1974 (19 U.S.C. 2322), and the item relating to such section in the table of contents of such Act, are repealed.

19 USC prec. 2271 note.

SEC. 613. (a) Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by redesignating section 284 as section 285 and by inserting immediately after section 283 the following new section:

19 USC 2395.

"SEC. 284. JUDICIAL REVIEW.

19 USC 2273. 19 USC 2341. 19 USC 2371.

"(a) A worker, group of workers, certified or recognized union, or authorized representative of such worker or group aggrieved by a final determination of the Secretary of Labor under section 223 of this title, a firm or its representative or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 251 of this title, or a community or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 271 of this title may, within sixty days after notice of such determination, commence a civil action in the United States Court of International Trade for review of such determination. The clerk of such court shall send a copy of the summons and the complaint in such action to the Secretary of Labor or the Secretary of Commerce, as the case may be. Upon receiving a copy of such summons and complaint, such Secretary shall promptly certify and file in such court the record on which he based such determination.

"(b) The findings of fact by the Secretary of Labor or the Secretary of Commerce, as the case may be, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to such Secretary to take further evidence, and such Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The Court of International Trade shall have jurisdiction to affirm the action of the Secretary of Labor or the Secretary of Commerce, as the case may be, or to set such action aside, in whole or in part. The judgment of the Court of International Trade shall be subject to review by the United States Court of Customs and Patent Appeals as prescribed by the rules of such court. The judgment of the Court of Customs and Patent Appeals shall be subject to review by the Supreme Court of the United States upon certiorari as provided in section 1256 of title 28.".

(b) The table of contents of the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by striking out the item relating to section 284 and inserting in lieu thereof the following new items:

"Sec. 284. Judicial review.
"Sec. 285. Effective date.".

TITLE VII—EFFECTIVE DATES AND MISCELLANEOUS PROVISIONS

EFFECTIVE DATES

SEC. 701. (a) Except as provided in subsection (b) of this section, the provisions of and amendments made by this Act shall take effect on November 1, 1980. 28 USC 251 note.

(b)(1) The following sections of title 28, United States Code, shall apply with respect to civil actions commenced on or after the 90th day after the effective date of this Act:

(A) Sections 1582, 2639(a)(2), and 2640(a)(6), as amended by sections 201 and 301 of this Act.

(B) Sections 1352, 1355, and 1356, as amended by sections 506, 507, and 508 of this Act.

(2) Section 592(e) of the Tariff Act of 1930, as amended by section 609 of this Act, shall apply with respect to civil actions commenced on or after 90th day after the effective date of this Act. 19 USC 1592.

94 STAT. 1748

TREATMENT OF REFERENCES

SEC. 702. Any reference in any statute or regulation of the United States to the United States Customs Court, the U.S. Customs Court, or the Customs Court shall be deemed to be a reference to the United States Court of International Trade. 28 USC 251 note.

EFFECT ON CUSTOMS COURT JUDGES

SEC. 703. (a) Except as provided in subsection (b) of this section, the amendments made by title I of this Act shall not affect the status of any individual serving as judge or chief judge of the Customs Court on the date of enactment of this Act. 28 USC 251 note.

(b) The requirement that a person may not continue to serve as chief judge of the Court of International Trade after having reached the age of seventy years, as set forth in the amendment made by section 101 of this Act, shall apply to any individual serving as chief judge on or after the date of enactment of this Act.

EFFECT ON PENDING CASES

SEC. 704. Nothing in this Act shall cause the dismissal of any action commenced prior to the date of enactment of this Act under jurisdictional statutes relating to the Customs Court or the Court of Customs and Patent Appeals as in effect immediately prior to such date of enactment. 28 USC 251 note.

TVA LEGAL REPRESENTATION

SEC. 705. Nothing in this Act affects the authority of the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 to represent itself by attorneys of its choosing. 28 USC 251 note. 16 USC 831.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1235 accompanying H.R. 7540 (Comm. on the Judiciary).
SENATE REPORT No. 96-466 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 18, considered and passed Senate.
Vol. 126 (1980): Sept. 22, H.R. 7540 considered and passed House; passage vacated and S. 1654, amended, passed in lieu.
Sept. 24, Senate concurred in House amendment.

Public Law 96-447
96th Congress

94 STAT. 1894

An Act

To amend section 106 of the Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981.

Oct. 13, 1980
[S. 2511]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Commission Authorization Act of 1980".

Civil Rights Commission Authorization Act of 1980.
42 USC 1975 note.

SEC. 2. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e) is amended (1) by striking out "$14,000,000" and inserting in lieu thereof "$12,600,000"; and (2) by striking out "1980" and inserting in lieu thereof "1981".

Approved October 13, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-969 accompanying H.R. 6888 (Comm. on the Judiciary).
SENATE REPORT No. 96-706 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 20, 22, considered and passed Senate.
June 3, H.R. 6888 considered and passed House.
June 4, passage of H.R. 6888 vacated in House; S. 2511, amended, passed in lieu.
Sept. 22, Senate concurred in House amendments with an amendment.
Sept. 30, House concurred in Senate amendment.

Public Law 96-509
96th Congress

94 STAT. 2750

An Act

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

Dec. 8, 1980
[S. 2441]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Juvenile Justice Amendments of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

42 USC 5601 note.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and 94 STAT. 2751

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968; 42 USC 3781.

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968; 42 USC 3711.

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and 42 USC 3722.

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;". 42 USC 3732.

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

94 STAT. 2752

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

42 USC 5603.

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

Appropriation authorization.

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

Review and recommendations.

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

42 USC 5617, 5618.

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment and membership. 42 USC 5617.

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

Terms.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

Functions.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

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"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

42 USC 5657.

Report to President and Congress.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The

Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

Compensation.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

Travel expense and per diem.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

Appropriation authorization.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

Performance reports.

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking

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out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

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(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended— *Post*, p. 2758.

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

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(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropri-

ate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

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(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.".

(d) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsections:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

Grants and contracts.

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.".

42 USC 5633.
42 USC 5634.
94 STAT. 2760
42 USC 5633, 5634.

PAYMENTS

SEC. 14. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "SEC. 228." before subsection (a), as so redesignated in paragraph (2).

(b) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

DESIGNATION OF STATE AGENCIES

SEC. 15. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

42 USC 3741.

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

42 USC 5633.

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

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ADMINISTRATIVE PROVISIONS

SEC. 16. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

42 USC 3782-3788, 3789a-3789d, 3789f, 3789g.

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

42 USC 3781.

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

42 USC 5633 note.

42 USC 5601 note.

SEC. 17. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

RUNAWAY AND HOMELESS YOUTH

SEC. 18. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

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"TITLE III—RUNAWAY AND HOMELESS YOUTH".

42 USC 5601 note.

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

Supplement grants.

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

On-the-job training.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 19. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Preven-

tion Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

94 STAT. 2764 (g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968". 42 USC 3742.

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate". *Ante*, p. 2755.

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803". 42 USC 5638. *Ante*, p. 2755.

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

42 USC 5659.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

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(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

Approved December 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-946 accompanying H.R. 6704 (Comm. on Education and Labor).
SENATE REPORT No. 96-705 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 20, considered and passed Senate.
Nov. 14, 19, H.R. 6704 considered and passed House; passage vacated and S. 2441, amended, passed in lieu.
Nov. 20, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
Dec. 8, Presidential statement.

LABOR, HEALTH AND HUMAN SERVICES ACTS

Public Law 96-265
96th Congress

94 STAT. 441

An Act

June 9, 1980
[H.R. 3236]

To amend the Social Security Act to provide better work incentives and improved accountability in the disability programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Disability Amendments of 1980".

Social Security Disability Amendments of 1980.
42 USC 1305 note.

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TITLE I—PROVISIONS RELATING TO DISABILITY BENEFITS UNDER OASDI PROGRAM

LIMITATION ON TOTAL FAMILY BENEFITS IN DISABILITY CASES

42 USC 403.

SEC. 101. (a) Section 203(a) of the Social Security Act is amended—

(1) by striking out "except as provided by paragraph (3)" in paragraph (1) (in the matter preceding subparagraph (A)) and inserting in lieu thereof "except as provided by paragraphs (3) and (6)";

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

42 USC 415.
42 USC 402, 423.
42 USC 424a.

"(6) Notwithstanding any of the preceding provisions of this subsection other than paragraphs (3)(A), (3)(C), and (5) (but subject to section 215(i)(2)(A)(ii)), the total monthly benefits to which beneficiaries may be entitled under section 202 and 223 for any month on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits, whether or not such total benefits are otherwise subject to reduction under this subsection but after any reduction under this subsection which would otherwise be applicable, shall be, reduced or further reduced (before the application of section 224) to the smaller of—

"(A) 85 percent of such individual's average indexed monthly earnings (or 100 percent of his primary insurance amount, if larger), or

"(B) 150 percent of such individual's primary insurance amount.".

42 USC 403.

(b)(1) Section 203(a)(2)(D) of such Act is amended by striking out "paragraph (7)" and inserting in lieu thereof "paragraph (8)".

(2) Section 203(a)(8) of such Act, as redesignated by subsection (a)(2) of this section, is amended by striking out "paragraph (6)" and inserting in lieu thereof "paragraph (7)".

42 USC 415.

(3) Section 215(i)(2)(A)(ii)(III) of such Act is amended by striking out "section 203(a) (6) and (7)" and inserting in lieu thereof "section 203(a) (7) and (8)".

(4) Section 215(i)(2)(D) of such Act is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, such revision of maximum family benefits shall be subject to paragraph (6) of section 203(a) (as added by section 101(a)(3) of the Social Security Disability Amendments of 1980).".

Supra.

42 USC 403 note.

94 STAT. 443

42 USC 415.

(c) The amendments made by this section shall apply only with respect to monthly benefits payable on the basis of the wages and self-employment income of an individual who first becomes eligible for benefits (determined under sections 215(a)(3)(B) and 215(a)(2)(A) of the Social Security Act, as applied for this purpose) after 1978, and who first becomes entitled to disability insurance benefits after June 30, 1980.

REDUCTION IN NUMBER OF DROPOUT YEARS FOR YOUNGER DISABLED WORKERS

42 USC 415.

SEC. 102. (a) Section 215(b)(2)(A) of the Social Security Act is amended to read as follows:

"(2)(A) The number of an individual's benefit computation years equals the number of elapsed years reduced—

"(i) in the case of an individual who is entitled to old-age insurance benefits (except as provided in the second sentence of this subparagraph), or who has died, by 5 years, and

"(ii) in the case of an individual who is entitled to disability insurance benefits, by the number of years equal to one-fifth of such individual's elapsed years (disregarding any resulting fractional part of a year), but not by more than 5 years.

Clause (ii), once applicable with respect to any individual, shall continue to apply for purposes of determining such individual's primary insurance amount for purposes of any subsequent eligibility for disability or old-age insurance benefits unless prior to the month in which such eligibility begins there occurs a period of at least 12 consecutive months for which he was not entitled to a disability or an old-age insurance benefit. If an individual described in clause (ii) is living with a child (of such individual or his or her spouse) under the age of 3 in any calendar year which is included in such individual's computation base years, but which is not disregarded pursuant to clause (ii) or to subparagraph (B) (in determining such individual's benefit computation years) by reason of the reduction in the number of such individual's elapsed years under clause (ii), the number by which such elapsed years are reduced under this subparagraph pursuant to clause (ii) shall be increased by one (up to a combined total not exceeding 3) for each such calendar year; except that (I) no calendar year shall be disregarded by reason of this sentence (in determining such individual's benefit computation years) unless the individual was living with such child substantially throughout the period in which the child was alive and under the age of 3 in such year and the individual had no earnings as described in section 203(f)(5) in such year, (II) the particular calendar years to be disregarded under this sentence (in determining such benefit computation years) shall be those years (not otherwise disregarded under clause (ii)) which, before the application of section 215(f), meet the conditions of subclause (I), and (III) this sentence shall apply only to the extent that its application would not result in a lower primary insurance amount. The number of an individual's benefit computation years as determined under this subparagraph shall in no case be less than 2.".

42 USC 403.

(b) Section 223(a)(2) of such Act is amended by inserting "and section 215(b)(2)(A)(ii)" after "section 202(q)" in the first sentence.

42 USC 423.
42 USC 415, 402.

(c) The amendments made by this section shall apply only with respect to monthly benefits payable on the basis of the wages and self-employment income of an individual who first becomes entitled to disability insurance benefits on or after July 1, 1980; except that the third sentence of section 215(b)(2)(A) of the Social Security Act (as added by such amendments) shall apply only with respect to monthly benefits payable for months beginning on or after July 1, 1981.

42 USC 415 note.

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Ante, p. 443.

PROVISIONS RELATING TO MEDICARE WAITING PERIOD FOR RECIPIENTS OF DISABILITY BENEFITS

SEC. 103. (a)(1)(A) Section 226(b)(2) of the Social Security Act is amended by striking out "consecutive" in clauses (A) and (B). 42 USC 426.

(B) Section 226(b) of such Act is further amended by striking out "consecutive" in the matter following paragraph (2).

(2) Section 1811 of such Act is amended by striking out "consecutive". 42 USC 1395c.

(3) Section 1837(g)(1) of such Act is amended by striking out "consecutive". 42 USC 1395p.

(4) Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 is amended by striking out "consecutive" each place it appears. 45 USC 231f.

(b) Section 226 of the Social Security Act is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection: 42 USC 426.

Supra.
Supra.

"(f) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the 24 months for which an individual has to have been entitled to specified monthly benefits on the basis of disability in order to become entitled to hospital insurance benefits on such basis effective with any particular month (or to be deemed to have enrolled in the supplementary medical insurance program, on the basis of such entitlement, by reason of section 1837(f)), where such individual had been entitled to specified monthly benefits of the same type during a previous period which terminated—

"(1) more than 60 months before the month in which his current disability began in any case where such monthly benefits were of the type specified in clause (A)(i) or (B) of subsection (b)(2), or

"(2) more than 84 months before the month in which his current disability began in any case where such monthly benefits were of the type specified in clause (A)(ii) or (A)(iii) of such subsection,

shall not include any month which occurred during such previous period.".

42 USC 426 note.

(c) The amendments made by this section shall apply with respect to hospital insurance or supplementary medical insurance benefits for services provided on or after the first day of the sixth month which begins after the date of the enactment of this Act.

CONTINUATION OF MEDICARE ELIGIBILITY

42 USC 426.

SEC. 104. (a) Section 226(b) of the Social Security Act is amended—

(1) by striking out "ending with the month" in the matter following paragraph (2) and inserting in lieu thereof "ending (subject to the last sentence of this subsection) with the month", and

42 USC 422.

(2) by adding at the end thereof the following new sentence: "For purposes of this subsection, an individual who has had a period of trial work which ended as provided in section 222(c)(4)(A), and whose entitlement to benefits or status as a qualified railroad retirement beneficiary as described in paragraph (2) has subsequently terminated, shall be deemed to be entitled to such benefits or to occupy such status (notwithstanding the termination of such entitlement or status) for the period of consecutive months throughout all of which the physical or mental impairment, on which such entitlement or status was based, continues, and throughout all of which such individual would have been entitled to monthly insurance benefits under title II or as a qualified railroad retirement beneficiary had such individual been unable to engage in substantial gainful activity, but not in excess of 24 such months.".

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42 USC 401.

Effective date.
42 USC 426 note.

(b) The amendments made by subsection (a) shall become effective on the first day of the sixth month which begins after the date of the enactment of this Act, and shall apply with respect to any individual whose disability has not been determined to have ceased prior to such first day.

TITLE II—PROVISIONS RELATING TO DISABILITY BENEFITS UNDER THE SSI PROGRAM

BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 201. (a) Part A of title XVI of the Social Security Act is amended by adding at the end thereof the following new section:

"BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

42 USC 1382h.

"SEC. 1619. (a) Any individual who is an eligible individual (or eligible spouse) by reason of being under a disability and was eligible to receive benefits under section 1611(b) or under this section for the month preceding the month for which eligibility for benefits under this section is now being determined, and who would otherwise be denied benefits by reason of section 1611(e)(4) or ceases to be an eligible individual (or eligible spouse) because his earnings have demonstrated a capacity to engage in substantial gainful activity, shall nevertheless qualify for a monthly benefit equal to an amount determined under section 1611(b)(1) (or, in the case of an individual who has an eligible spouse, under section 1611(b)(2)), and for purposes of titles XIX and XX of this Act shall be considered a disabled individual receiving supplemental security income benefits under this title, for so long as the Secretary determines that—

42 USC 1382.

42 USC 1396, 1397.

"(1) such individual continues to have the disabling physical or mental impairment on the basis of which such individual was found to be under a disability, and continues to meet all non-disability-related requirements for eligibility for benefits under this title; and

"(2) the income of such individual, other than income excluded pursuant to section 1612(b), is not equal to or in excess of the amount which would cause him to be ineligible for payments under section 1611(b) (if he were otherwise eligible for such payments).

42 USC 1382a.

"(b) For purposes of titles XIX and XX, any individual under age 65 who, for the month preceding the first month in the period to which this subsection applies, received—

"(i) a payment of supplemental security income benefits under section 1611(b) on the basis of blindness or disability,

"(ii) a supplementary payment under section 1616 of this Act or under section 212 of Public Law 93-66 on such basis,

42 USC 1382e.

87 Stat. 155.

"(iii) a payment of monthly benefits under subsection (a), or

"(iv) a supplementary payment under section 1616(c)(3),

shall be considered to be a blind or disabled individual receiving supplemental security income benefits for so long as the Secretary determines under regulations that—

"(1) such individual continues to be blind or continues to have the disabling physical or mental impairment on the basis of which he was found to be under a disability and, except for his earnings, continues to meet all non-disability-related requirements for eligibility for benefits under this title;

"(2) the income of such individual would not, except for his earnings, be equal to or in excess of the amount which would cause him to be ineligible for payments under section 1611(b) (if he were otherwise eligible for such payments);

"(3) the termination of eligibility for benefits under title XIX or XX would seriously inhibit his ability to continue his employment; and

"(4) such individual's earnings are not sufficient to allow him to provide for himself a reasonable equivalent of the benefits under this title and titles XIX and XX which would be available to him in the absence of such earnings.".

(b)(1) Section 1616(c) of such Act is amended by adding at the end thereof the following new paragraph:

42 USC 1382e.

"(3) Any State (or political subdivision) making supplementary payments described in subsection (a) shall have the option of making such payments to individuals who receive benefits under this title under the provisions of section 1619, or who would be eligible to receive such benefits but for their income.".

(2) Section 212(a) of Public Law 93-66 is amended by adding at the end thereof the following new paragraph:

42 USC 1382 note.

"(4) Any State having an agreement with the Secretary under paragraph (1) may, at its option, include individuals receiving benefits under section 1619 of the Social Security Act, or who would be eligible to receive such benefits but for their income, under the agreement as though they are aged, blind, or disabled individuals as specified in paragraph (2)(A).".

Ante, p. 445.

(c) Part A of title XVI of the Social Security Act is amended by adding at the end thereof (after the new section added by subsection (a) of this section) the following new section:

Ante, p. 445.

"MEDICAL AND SOCIAL SERVICES FOR CERTAIN HANDICAPPED PERSONS

42 USC 1382i.

"SEC. 1620. (a) There are authorized to be appropriated such sums as may be necessary to establish and carry out a 3-year Federal-State pilot program to provide medical and social services for certain handicapped individuals in accordance with this section.

"(b)(1) The total sum of $18,000,000 shall be allotted to the States for such program by the Secretary, during the period beginning September 1, 1981, and ending September 30, 1984, as follows:

"(A) The total sum of $6,000,000 shall be allotted to the States for the fiscal year ending September 30, 1982 (which for purposes of this section shall include the month of September 1981).

"(B) The total sum of $6,000,000, plus any amount remaining available (after the application of paragraph (4)) from the allotment made under subparagraph (A), shall be allotted to the States for the fiscal year ending September 30, 1983.

"(C) The total sum of $6,000,000, plus any amount remaining available (after the application of paragraph (4)) from the allotments made under subparagraphs (A) and (B), shall be allotted to the States for the fiscal year ending September 30, 1984.

"(2) The allotment to each State from the total sum allotted under paragraph (1) for any fiscal year shall bear the same ratio to such total sum as the number of individuals in such State who are over age 17 and under age 65 and are receiving supplemental security income benefits as disabled individuals in such year (as determined by the Secretary on the basis of the most recent data available) bears to the total number of such individuals in all the States. For purposes of the preceding sentence, the term 'supplemental security income benefits' includes payments made pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93-66.

"Supplemental security income benefits."

42 USC 1382e.
87 Stat. 155.

Certification to Secretary.

"(3) At the beginning of each fiscal year in which the pilot program under this section is in effect, each State that does not intend to use the allotment to which it is entitled for such year (or any allotment which was made to it for a prior fiscal year), or that does not intend to use the full amount of any such allotment, shall certify to the Secretary the amount of such allotment which it does not intend to use, and the State's allotment for the fiscal year (or years) involved shall thereupon be reduced by the amount so certified.

Reallocation.

"(4) The portion of the total amount available for allotment for any particular fiscal year under paragraph (1) which is not allotted to States for that year by reason of paragraph (3) (plus the amount of any reductions made at the beginning of such year in the allotments of States for prior fiscal years under paragraph (3)) shall be reallocated in such manner as the Secretary may determine to be appropriate to States which need, and will use, additional assistance in providing services to severely handicapped individuals in that particular year under their approved plans. Any amount reallocated to a State under this paragraph for use in a particular fiscal year shall be treated for purposes of this section as increasing such State's allotment for that year by an equivalent amount.

"(c) In order to participate in the pilot program and be eligible to receive payments for any period under subsection (d), a State (during such period) must have a plan, approved by the Secretary as meeting the requirements of this section, which provides medical and social services for severely handicapped individuals whose earnings are above the level which ordinarily demonstrates an ability to engage in substantial gainful activity and who are not receiving benefits under section 1611 or 1619 or assistance under a State plan approved under section 1902, and which—

42 USC 1382.
Ante, p. 445.
42 USC 1396a.

"(1) declares the intent of the State to participate in the pilot program;

"(2) designates an appropriate State agency to administer or supervise the administration of the program in the State;

"(3) describes the criteria to be applied by the State in determining the eligibility of any individual for assistance under the plan and in any event requires a determination by the State agency to the effect that (A) such individual's ability to continue his employment would be significantly inhibited without such assistance and (B) such individual's earnings are not sufficient to allow him to provide for himself a reasonable equivalent of the

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cash and other benefits that would be available to him under this title and titles XIX and XX in the absence of those earnings;

42 USC 1381, 1396, 1397.

"(4) describes the process by which the eligibility of individuals for such assistance is to be determined (and such process may not involve the performance of functions by any State agency or entity which is engaged in making determinations of disability for purposes of disability insurance or supplemental security income benefits except when the use of a different agency or entity to perform those functions would not be feasible);

"(5) describes the medical and social services to be provided under the plan;

"(6) describes the manner in which the medical and social services involved are to be provided and, if they are not to be provided through the State's medical assistance and social services programs under titles XIX and XX (with the Federal payments being made under subsection (d) of this section rather than under those titles), specifies the particular mechanisms and procedures to be used in providing such services; and

"(7) contains such other provisions as the Secretary may find to be necessary or appropriate to meet the requirements of this section or otherwise carry out its purpose.

The plan under this section may be developed and submitted as a separate State plan, or may be submitted in the form of an amendment to the State's plan under section 2003(d)(1).

42 USC 1397b.

"(d)(1) From its allotment under subsection (b) for any fiscal year (and any amounts remaining available from allotments made to it for prior fiscal years), the Secretary shall from time to time pay to each State which has a plan approved under subsection (c) an amount equal to 75 per centum of the total sum expended under such plan (including the cost of administration of such plan) in providing medical and social services to severely handicapped individuals who are eligible for such services under the plan.

"(2) The method of computing and making payments under this section shall be as follows:

"(A) The Secretary shall, prior to each period for which a payment is to be made to a State, estimate the amount to be paid to the State for such period under the provisions of this section.

"(B) From the allotment available therefor, the Secretary shall pay the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which he finds that his estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount which should have been paid to the State for such period under this section.

Regulations.

"(e) Within nine months after the date of the enactment of this section, the Secretary shall prescribe and publish such regulations as may be necessary or appropriate to carry out the pilot program and otherwise implement this section.

Reports to Secretary and Congress.

"(f) Each State participating in the pilot program under this section shall from time to time report to the Secretary on the operation and results of such program in that State, with particular emphasis upon the work incentive effects of the program. On or before October 1, 1983, the Secretary shall submit to the Congress a report on the program, incorporating the information contained in the State reports along with his findings and recommendations.".

94 STAT. 449

Effective date. 42 USC 1382h note.

(d) The amendments made by subsections (a) and (b) shall become effective on January 1, 1981, but shall remain in effect only for a period of three years after such effective date.

42 USC 1382h note.

(e) The Secretary shall provide for separate accounts with respect to the benefits payable by reason of the amendments made by subsections (a) and (b) so as to provide for evaluation of the effects of such amendments on the programs established by titles II, XVI, XIX, and XX of the Social Security Act.

42 USC 401, 1381, 1396, 1397.

EARNED INCOME IN SHELTERED WORKSHOPS

42 USC 1382a.

SEC. 202. (a) Section 1612(a)(1) of the Social Security Act is amended—

(1) by striking out "and" after the semicolon at the end of subparagraph (A); and

(2) by adding after subparagraph (B) the following new subparagraph:

"(C) remuneration received for services performed in a sheltered workshop or work activities center; and".

42 USC 1382a note.

(b) The amendments made by subsection (a) shall apply only with respect to remuneration received in months after September 1980.

TERMINATION OF ATTRIBUTION OF PARENTS' INCOME AND RESOURCES WHEN CHILD ATTAINS AGE 18

42 USC 1382c.

SEC. 203. (a) Section 1614(f)(2) of the Social Security Act is amended by striking out "under age 21" and inserting in lieu thereof "under age 18".

Effective date. 42 USC 1382c note.

(b) The amendment made by subsection (a) shall become effective on October 1, 1980; except that the amendment made by such subsection shall not apply, in the case of any child who, in September 1980, was 18 or over and received a supplemental security income benefit for such month, during any period for which such benefit would be greater without the application of such amendment.

TITLE III—PROVISIONS AFFECTING DISABILITY RECIPIENTS UNDER OASDI AND SSI PROGRAMS; ADMINISTRATIVE PROVISIONS

CONTINUED PAYMENT OF BENEFITS TO INDIVIDUALS UNDER VOCATIONAL REHABILITATION PLANS

42 USC 425.

SEC. 301. (a)(1) Section 225 of the Social Security Act is amended by inserting "(a)" after "SEC. 225.", and by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of this title, payment to an individual of benefits based on disability (as described in the first sentence of subsection (a)) shall not be terminated or suspended because the physical or mental impairment, on which the individual's entitlement to such benefits is based, has or may have ceased, if—

"(1) such individual is participating in an approved vocational rehabilitation program under a State plan approved under title I of the Rehabilitation Act of 1973, and

29 USC 720.

"(2) the Commissioner of Social Security determines that the completion of such program, or its continuation for a specified period of time, will increase the likelihood that such individual may (following his participation in such program) be permanently removed from the disability benefit rolls.".

Ante, p. 449.

(2) Section 225(a) of such Act (as designated under subsection (a) of this section) is amended by striking out "this section" each place it appears and inserting in lieu thereof "this subsection".

42 USC 1383.

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provision of this title, payment of the benefit of any individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under section 1614(a)(3)) shall not be terminated or suspended because the physical or mental impairment, on which the individual's eligibility for such benefit is based, has or may have ceased, if—

42 USC 1382c.

"(A) such individual is participating in an approved vocational rehabilitation program under a State plan approved under title I of the Rehabilitation Act of 1973, and

29 USC 720.

"(B) the Commissioner of Social Security determines that the completion of such program, or its continuation for a specified period of time, will increase the likelihood that such individual may (following his participation in such program) be permanently removed from the disability benefit rolls.".

(c) The amendments made by this section shall become effective on the first day of the sixth month which begins after the date of the enactment of this Act, and shall apply with respect to individuals whose disability has not been determined to have ceased prior to such first day.

Effective date.
42 USC 425 note.

EXTRAORDINARY WORK EXPENSES DUE TO SEVERE DISABILITY

SEC. 302. (a)(1) Section 223(d)(4) of the Social Security Act is amended by inserting after the third sentence the following new sentence: "In determining whether an individual is able to engage in substantial gainful activity by reason of his earnings, where his disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, there shall be excluded from such earnings an amount equal to the cost (to such individual) of any attendant care services, medical devices, equipment, prostheses, and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are necessary (as determined by the Secretary in regulations) for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions; except that the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe.".

42 USC 423.

(2) Section 1614(a)(3)(D) of such Act is amended by inserting after the first sentence the following new sentence: "In determining whether an individual is able to engage in substantial gainful activity by reason of his earnings, where his disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, there shall be excluded from such earnings an amount equal to the cost (to such individual) of any attendant care services, medical devices, equipment, prostheses, and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are necessary (as determined by the Secretary in regulations) for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions; except that the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe.".

42 USC 1382c.
Post, p. 453.

94 STAT. 451

(b) Section 1612(b)(4)(B) of such Act is amended by striking out "plus one-half of the remainder thereof, and (ii)" and inserting in lieu thereof the following: "(ii) such additional amounts of earned income of such individual (for purposes of determining the amount of his or her benefits under this title and of determining his or her eligibility for such benefits for consecutive months of eligibility after the initial month of such eligibility), if such individual's disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, as may be necessary to pay the costs (to such individual) of attendant care services, medical devices, equipment, prostheses, and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are

42 USC 1382a.

necessary (as determined by the Secretary in regulations) for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions, except that the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe, (iii) one-half of the amount of earned income not excluded after the application of the preceding provisions of this subparagraph, and (iv)".

42 USC 423 note.

(c) The amendments made by this section shall apply with respect to expenses incurred on or after the first day of the sixth month which begins after the date of the enactment of this Act.

REENTITLEMENT TO DISABILITY BENEFITS

42 USC 422.
42 USC 423, 402.

SEC. 303. (a)(1) Section 222(c)(1) of the Social Security Act is amended by striking out "section 223 or 202(d)" and inserting in lieu thereof "section 223, 202(d), 202(e), or 202(f)".

(2) Section 222(c)(3) of such Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof ", or, in the case of an individual entitled to widow's or widower's insurance benefits under section 202 (e) or (f) who became entitled to such benefits prior to attaining age 60, with the month in which such individual becomes so entitled.".

(b)(1)(A) Section 223(a)(1) of such Act is amended by striking out "or the third month following the month in which his disability ceases." at the end of the first sentence and inserting in lieu thereof "or, subject to subsection (e), the termination month. For purposes of the preceding sentence, the termination month for any individual shall be the third month following the month in which his disability ceases; except that, in the case of an individual who has a period of trial work which ends as determined by application of section 222(c)(4)(A), the termination month shall be the earlier of (I) the third month following the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment, or (II) the third month following the earliest month in which such individual engages or is determined able to engage in substantial gainful activity, but in no event earlier than the first month occurring after the 15 months following such period of trial work in which he engages or is determined able to engage in substantial gainful activity.".

(B) Section 202(d)(1)(G) of such Act is amended—

(i) by redesignating clauses (i) and (ii) as clauses (III) and (IV), respectively, and

94 STAT. 452

42 USC 423.

(ii) by striking out "the third month following the month in which he ceases to be under such disability" and inserting in lieu thereof ", or, subject to section 223(e), the termination month (and for purposes of this subparagraph, the termination month for any individual shall be the third month following the month in which his disability ceases; except that, in the case of an individual who has a period of trial work which ends as determined by application of section 222(c)(4)(A), the termination month shall be the earlier of (I) the third month following the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment, or (II) the third month following the earliest month in which such individual engages or is determined able to engage in substantial gainful activity, but in no event earlier than the first month occurring after the 15 months following such period of trial work in which he engages or is determined able to engage in substantial gainful activity,".

42 USC 422.

42 USC 402.

(C) Section 202(e)(1) of such Act is amended by striking out "the third month following the month in which her disability ceases (unless she attains age 65 on or before the last day of such third month)." at the end thereof and inserting in lieu thereof ", subject to section 223(e), the termination month (unless she attains age 65 on or before the last day of such termination month). For purposes of the preceding sentence, the termination month for any individual shall be the third month following the month in which her disability ceases; except that, in the case of an individual who has a period of trial work which ends as determined by application of section 222(c)(4)(A), the termination month shall be the earlier of (I) the third month following the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment, or (II) the third month following the earliest month in which such individual engages or is determined able to engage in substantial gainful activity, but in no event earlier than the first month occurring after the 15 months following such period of trial work in which he engages or is determined able to engage in substantial gainful activity.".

(D) Section 202(f)(1) of such Act is amended by striking out "the third month following the month in which his disability ceases (unless he attains age 65 on or before the last day of such third month)." at the end thereof and inserting in lieu thereof ", subject to section 223(e), the termination month (unless he attains age 65 on or before the last day of such termination month). For purposes of the preceding sentence, the termination month for any individual shall be the third month following the month in which his disability ceases; except that, in the case of an individual who has a period of trial work which ends as determined by application of section 222(c)(4)(A), the termination month shall be the earlier of (I) the third month following the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment, or (II) the third month following the earliest month in which such individual engages or is determined able to engage in substantial gainful activity, but in no event earlier than the first month occurring after the 15 months following such period of trial work in which he engages or is determined able to engage in substantial gainful activity.".

(2)(A) Section 223 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 423.

"(e) No benefit shall be payable under subsection (d)(1)(B)(ii), (e)(1)(B)(ii), or (f)(1)(B)(ii) of section 202 or under subsection (a)(1) of this section to an individual for any month, after the third month, in which he engages in substantial gainful activity during the 15-month period following the end of his trial work period determined by application of section 222(c)(4)(A).". 42 USC 402. 42 USC 422.

(B) Section 216(i)(2)(D) of such Act is amended by striking out "(ii)" and all that follows and inserting in lieu thereof "(ii) the month preceding (I) the termination month (as defined in section 223(a)(1)), or, if earlier (II) the first month for which no benefit is payable by reason of section 223(e), where no benefit is payable for any of the succeeding months during the 15-month period referred to in such section." 42 USC 416.

(c)(1)(A) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph: 42 USC 1382c.

"(F) For purposes of this title, an individual whose trial work period has ended by application of paragraph (4)(D)(i) shall, subject to section 1611(e)(4), nonetheless be considered (except for purposes of section 1631(a)(5)) to be disabled through the end of the month preceding the termination month. For purposes of the preceding sentence, the termination month for any individual shall be the earlier of (i) the earliest month after the end of such period of trial work with respect to which such individual is determined to no longer be suffering from a disabling physical or mental impairment, or (ii) the first month, after the period of 15 consecutive months following the end of such period of trial work, in which such individual engages in or is determined to be able to engage in substantial gainful activity.". 42 USC 1382. 42 USC 1383.

(B) Section 1614(a)(3)(D) of such Act is amended by striking out "paragraph (4)" and inserting in lieu thereof "subparagraph (F) or paragraph (4)". *Ante*, p. 450.

(2) Section 1611(e) of such Act is amended by adding at the end thereof the following new paragraph:

Ante, pp. 445, 446.
Supra.

"(4) No benefit shall be payable under this title, except as provided in section 1619 (or section 1616(c)(3)), with respect to an eligible individual or his eligible spouse who is an aged, blind, or disabled individual solely by application of section 1614(a)(3)(F) for any month, after the third month, in which he engages in substantial gainful activity during the fifteen-month period following the end of his trial work period determined by application of section 1614(a)(4)(D)(i).".

Effective date.
42 USC 402 note.

(d) The amendments made by this section shall become effective on the first day of the sixth month which begins after the date of the enactment of this Act, and shall apply with respect to any individual whose disability has not been determined to have ceased prior to such first day.

DISABILITY DETERMINATIONS; FEDERAL REVIEW OF STATE AGENCY DETERMINATIONS

42 USC 421.

SEC. 304. (a) Section 221(a) of the Social Security Act is amended to read as follows:

42 USC 416, 423.
94 STAT. 454

"(a)(1) In the case of any individual, the determination of whether or not he is under a disability (as defined in section 216(i) or 223(d)) and of the day such disability began, and the determination of the day on which such disability ceases, shall be made by a State agency, notwithstanding any other provision of law, in any State that notifies the Secretary in writing that it wishes to make such disability determinations commencing with such month as the Secretary and the State agree upon, but only if (A) the Secretary has not found, under subsection (b)(1), that the State agency has substantially failed to make disability determinations in accordance with the applicable provisions of this section or rules issued thereunder, and (B) the State has not notified the Secretary, under subsection (b)(2), that it does not wish to make such determinations. If the Secretary once makes the finding described in clause (A) of the preceding sentence, or the State gives the notice referred to in clause (B) of such sentence, the Secretary may thereafter determine whether (and, if so, beginning with which month and under what conditions) the State may again make disability determinations under this paragraph.

Regulations.

"(2) The disability determinations described in paragraph (1) made by a State agency shall be made in accordance with the pertinent provisions of this title and the standards and criteria contained in regulations or other written guidelines of the Secretary pertaining to matters such as disability determinations, the class or classes of individuals with respect to which a State may make disability determinations (if it does not wish to do so with respect to all individuals in the State), and the conditions under which it may choose not to make all such determinations. In addition, the Secretary shall promulgate regulations specifying, in such detail as he deems appropriate, performance standards and administrative requirements and procedures to be followed in performing the disability determination function in order to assure effective and uniform administration of the disability insurance program throughout the United States. The regulations may, for example, specify matters such as—

"(A) the administrative structure and the relationship between various units of the State agency responsible for disability determinations,

"(B) the physical location of and relationship among agency staff units, and other individuals or organizations performing tasks for the State agency, and standards for the availability to applicants and beneficiaries of facilities for making disability determinations,

"(C) State agency performance criteria, including the rate of accuracy of decisions, the time periods within which determinations must be made, the procedures for and the scope of review by the Secretary, and, as he finds appropriate, by the State, of its performance in individual cases and in classes of cases, and rules governing access of appropriate Federal officials to State offices and to State records relating to its administration of the disability determination function,

"(D) fiscal control procedures that the State agency may be required to adopt, and

"(E) the submission of reports and other data, in such form and at such time as the Secretary may require, concerning the State agency's activities relating to the disability determination.

Nothing in this section shall be construed to authorize the Secretary to take any action except pursuant to law or to regulations promulgated pursuant to law.".

42 USC 421.

(b) Section 221(b) of such Act is amended to read as follows:

Disability determinations.

"(b)(1) If the Secretary finds, after notice and opportunity for a hearing, that a State agency is substantially failing to make disability determinations in a manner consistent with his regulations and other

written guidelines, the Secretary shall, not earlier than 180 days following his finding, and after he has complied with the requirements of paragraph (3), make the disability determinations referred to in subsection (a)(1).

Notification to Secretary.

"(2) If a State, having notified the Secretary of its intent to make disability determinations under subsection (a)(1), no longer wishes to make such determinations, it shall notify the Secretary in writing of that fact, and, if an agency of the State is making disability determinations at the time such notice is given, it shall continue to do so for not less than 180 days, or (if later) until the Secretary has complied with the requirements of paragraph (3). Thereafter, the Secretary shall make the disability determinations referred to in subsection (a)(1).

Assumption of State agency function.

"(3)(A) The Secretary shall develop and initiate all appropriate procedures to implement a plan with respect to any partial or complete assumption by the Secretary of the disability determination function from a State agency, as provided in this section, under which employees of the affected State agency who are capable of performing duties in the disability determination process for the Secretary shall, notwithstanding any other provision of law, have a preference over any other individual in filling an appropriate employment position with the Secretary (subject to any system established by the Secretary for determining hiring priority among such employees of the State agency) unless any such employee is the administrator, the deputy administrator, or assistant administrator (or his equivalent) of the State agency, in which case the Secretary may accord such priority to such employee.

State agency employees, determination by Secretary of Labor.

"(B) The Secretary shall not make such assumption of the disability determination function until such time as the Secretary of Labor determines that, with respect to employees of such State agency who will be displaced from their employment on account of such assumption by the Secretary and who will not be hired by the Secretary to perform duties in the disability determination process, the State has made fair and equitable arrangements to protect the interests of employees so displaced. Such protective arrangements shall include only those provisions which are provided under all applicable Federal, State and local statutes including, but not limited to, (i) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements; (ii) the continuation of collective-bargaining rights; (iii) the assignment of affected employees to other jobs or to retraining programs; (iv) the protection of individual employees against a worsening of their positions with respect to their employment; (v) the protection of health benefits and other fringe benefits; and (vi) the provision of severance pay, as may be necessary.".

42 USC 421.

(c) Section 221(c) of such Act is amended to read as follows:

Review.

"(c)(1) The Secretary may on his own motion or as required under paragraphs (2) and (3) review a determination, made by a State

42 USC 416, 423.

agency under this section, that an individual is or is not under a disability (as defined in section 216(i) or 223(d)) and, as a result of such review, may modify such agency's determination and determine that such individual either is or is not under a disability (as so defined) or that such individual's disability began on a day earlier or later than that determined by such agency, or that such disability ceased on a day earlier or later than that determined by such agency. A review by the Secretary on his own motion of a State agency determination under this paragraph may be made before or after any action is taken to implement such determination.

94 STAT. 456

42 USC 416.
42 USC 423.

"(2) The Secretary (in accordance with paragraph (3)) shall review determinations, made by State agencies pursuant to this section, that individuals are under disabilities (as defined in section 216(i) or 223(d)). Any review by the Secretary of a State agency determination under this paragraph shall be made before any action is taken to implement such determination.

"(3) In carrying out the provisions of paragraph (2) with respect to the review of determinations, made by State agencies pursuant to this section, that individuals are under disabilities (as defined in section 216(i) or 223(d)), the Secretary shall review—

"(A) at least 15 percent of all such determinations made by State agencies in the fiscal year 1981,

"(B) at least 35 percent of all such determinations made by State agencies in the fiscal year 1982, and

"(C) at least 65 percent of all such determinations made by State agencies in any fiscal year after the fiscal year 1982.".

42 USC 421.

(d) Section 221(d) of such Act is amended by striking out "(a)" and inserting in lieu thereof "(a), (b)".

(e) The first sentence of section 221(e) of such Act is amended—

(1) by striking out "which has an agreement with the Secretary" and inserting in lieu thereof "which is making disability determinations under subsection (a)(1)",

(2) by striking out "as may be mutually agreed upon" and inserting in lieu thereof "as determined by the Secretary", and

(3) by striking out "carrying out the agreement under this section" and inserting in lieu thereof "making disability determinations under subsection (a)(1)".

(f) Section 221(g) of such Act is amended—

(1) by striking out "has no agreement under subsection (b)" and inserting in lieu thereof "does not undertake to perform disability determinations under subsection (a)(1), or which has been found by the Secretary to have substantially failed to make disability determinations in a manner consistent with his regulations and guidelines", and

(2) by striking out "not included in an agreement under subsection (b)" and inserting in lieu thereof "for whom no State undertakes to make disability determinations".

Report to Congress.
42 USC 421 note.

(g) The Secretary of Health and Human Services shall implement a program of reviewing, on his own motion, decisions rendered by administrative law judges as a result of hearings under section 221(d) of the Social Security Act, and shall report to the Congress by January 1, 1982, on his progress.

Effective date.
42 USC 421 note.
State agreements with Secretary of Health and Human Services, notification.

(h) The amendments made by subsections (a), (b), (d), (e), and (f) shall be effective beginning with the twelfth month following the month in which this Act is enacted. Any State that, on the effective date of the amendments made by this section, has in effect an agreement with the Secretary of Health and Human Services under section 221(a) of the Social Security Act (as in effect prior to such amendments) will be deemed to have given to the Secretary the notice specified in section 221(a)(1) of such Act as amended by this section, in lieu of continuing such agreement in effect after the effective date of such amendments. Thereafter, a State may notify the Secretary in writing that it no longer wishes to make disability determinations, effective not less than 180 days after the notification is given.

94 STAT. 457

Plan, submittal to Congress.
42 USC 421 note.

(i) The Secretary of Health and Human Services shall submit to the Congress by July 1, 1980, a detailed plan on how he expects to assume the functions and operations of a State disability determination unit when this becomes necessary under the amendments made by this section, and how he intends to meet the requirements of section 221(b)(3) of the Social Security Act. Such plan should assume the uninterrupted operation of the disability determination function and the utilization of the best qualified personnel to carry out such function. If any amendment of Federal law or regulation is required to carry out such plan, recommendations for such amendment should be included in the report.

42 USC 421.

INFORMATION TO ACCOMPANY SECRETARY'S DECISIONS

42 USC 405.

SEC. 305. (a) Section 205(b) of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Any such decision by the Secretary which involves a determination of disability and which is in whole or in part unfavorable to such individual shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, and stating the Secretary's determination and the reason or reasons upon which it is based.".

42 USC 1383.

(b) Section 1631(c)(1) of such Act is amended by inserting after the first sentence thereof the following new sentence: "Any such decision by the Secretary which involves a determination of disability and which is in whole or in part unfavorable to such individual shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, and stating the Secretary's determination and the reason or reasons upon which it is based.".

42 USC 405 note.

(c) The amendments made by this section shall apply with respect to decisions made on or after the first day of the 13th month following the month in which this Act is enacted.

LIMITATION ON PROSPECTIVE EFFECT OF APPLICATION

42 USC 402.

SEC. 306. (a) Section 202(j)(2) of the Social Security Act is amended to read as follows:

"(2) An application for any monthly benefits under this section filed before the first month in which the applicant satisfies the requirements for such benefits shall be deemed a valid application (and shall be deemed to have been filed in such first month) only if the applicant satisfies the requirements for such benefits before the Secretary makes a final decision on the application and no request under section 205(b) for notice and opportunity for a hearing thereon is made or, if such a request is made, before a decision based upon the evidence adduced at the hearing is made (regardless of whether such decision becomes the final decision of the Secretary).".

42 USC 405.

42 USC 416.

(b) Section 216(i)(2)(G) of such Act is amended—

(1) by inserting "(and shall be deemed to have been filed on such first day)" immediately after "shall be deemed a valid application" in the first sentence,

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof "and no request under section 205(b) for notice and opportunity for a hearing thereon is made or, if such a request is made, before a decision based upon the evidence adduced at the hearing is made (regardless of whether such decision becomes the final decision of the Secretary).", and

94 STAT. 458

(3) by striking out the second sentence.

42 USC 423.

(c) Section 223(b) of such Act is amended—

(1) by inserting "(and shall be deemed to have been filed in such first month)" immediately after "shall be deemed a valid application" in the first sentence,

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof "and no request under section 205(b) for notice and opportunity for a hearing thereon is made, or if

such a request is made, before a decision based upon the evidence adduced at the hearing is made (regardless of whether such decision becomes the final decision of the Secretary).", and

(3) by striking out the second sentence.

42 USC 402 note. (d) The amendments made by this section shall apply to applications filed after the month in which this Act is enacted.

LIMITATION ON COURT REMANDS

42 USC 405. SEC. 307. The sixth sentence of section 205(g) of the Social Security Act is amended by striking out all that precedes "and the Secretary shall" and inserting in lieu thereof the following: "The court may, on motion of the Secretary made for good cause shown before he files his answer, remand the case to the Secretary for further action by the Secretary, and it may at any time order additional evidence to be taken before the Secretary, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding;".

TIME LIMITATIONS FOR DECISIONS ON BENEFIT CLAIMS

Report to Congress. 42 USC 401 note. 42 USC 401. SEC. 308. The Secretary of Health and Human Services shall submit to the Congress, no later than July 1, 1980, a report recommending the establishment of appropriate time limitations governing decisions on claims for benefits under title II of the Social Security Act. Such report shall specifically recommend—

(1) the maximum period of time (after application for a payment under such title is filed) within which the initial decision of the Secretary as to the rights of the applicant should be made;

(2) the maximum period of time (after application for reconsideration of any decision described in paragraph (1) is filed) within which a decision of the Secretary on such reconsideration should be made;

(3) the maximum period of time (after a request for a hearing with respect to any decision described in paragraph (1) is filed) within which a decision of the Secretary upon such hearing (whether affirming, modifying, or reversing such decision) should be made; and

(4) the maximum period of time (after a request for review by the Appeals Council with respect to any decision described in paragraph (1) is made) within which the decision of the Secretary upon such review (whether affirming, modifying, or reversing such decision) should be made.

In determining the time limitations to be recommended, the Secretary shall take into account both the need for expeditious processing of claims for benefits and the need to assure that all such claims will be thoroughly considered and accurately determined.

94 STAT. 459

PAYMENT FOR EXISTING MEDICAL EVIDENCE

42 USC 423. SEC. 309. (a) Section 223(d)(5) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Any non-Federal hospital, clinic, laboratory, or other provider of medical services, or physician not in the employ of the Federal Government, which supplies medical evidence required and requested by the Secretary under this paragraph shall be entitled to payment from the Secretary for the reasonable cost of providing such evidence.".

42 USC 423 note. (b) The amendment made by subsection (a) shall apply with respect to evidence requested on or after the first day of the sixth month which begins after the date of the enactment of this Act.

PAYMENT OF CERTAIN TRAVEL EXPENSES

42 USC 401. SEC. 310. (a) Section 201 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j) There are authorized to be made available for expenditure, out of the Federal Old-Age and Survivors Insurance Trust Fund, or the Federal Disability Insurance Trust Fund (as determined appropriate by the Secretary), such amounts as are required to pay travel expenses, either on an actual cost or commuted basis, to individuals for travel incident to medical examinations requested by the Secretary in connection with disability determinations under this title, and to parties, their representatives, and all reasonably necessary witnesses for travel within the United States (as defined in section 210(i)) to attend reconsideration interviews and proceedings before administrative law judges with respect to any determination under this title. The amount available under the preceding sentence for payment for air travel by any person shall not exceed the coach fare for air travel between the points involved unless the use of first-class accommodations is required (as determined under regulations of the Secretary) because of such person's health condition or the unavailability of alternative accommodations; and the amount available for payment for other travel by any person shall not exceed the cost of travel (between the points involved) by the most economical and expeditious means of transportation appropriate to such person's health condition, as specified in such regulations.".

42 USC 410.

(b) Section 1631 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 1383.

"Payment of Certain Travel Expenses

"(h) The Secretary shall pay travel expenses, either on an actual cost or commuted basis, to individuals for travel incident to medical examinations requested by the Secretary in connection with disability determinations under this title, and to parties, their representatives, and all reasonably necessary witnesses for travel within the United States (as defined in section 1614(e)) to attend reconsideration interviews and proceedings before administrative law judges with respect to any determination under this title. The amount available under the preceding sentence for payment for air travel by any person shall not exceed the coach fare for air travel between the points involved unless the use of first-class accommodations is required (as determined under regulations of the Secretary) because of such person's health condition or the unavailability of alternative accommodations; and the amount available for payment for other travel by any person shall not exceed the cost of travel (between the points involved) by the most economical and expeditious means of transportation appropriate to such person's health condition, as specified in such regulations.".

42 USC 1382c.

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(c) Section 1817 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 1395i.

"(i) There are authorized to be made available for expenditure out of the Trust Fund such amounts as are required to pay travel expenses, either on an actual cost or commuted basis, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States (as defined in section 210(i)) to attend reconsideration interviews and proceedings before administrative law judges with respect to any determination under this title. The amount available under the preceding sentence for payment for air travel by any person shall not exceed the coach fare for air travel between the points involved unless the use of first-class accommodations is required (as determined under regulations of the Secretary) because of such person's health condition or the unavailability of alternative accommodations; and the amount available for payment for other travel by any person shall not exceed the cost of travel (between the points involved) by the most economical and expeditious means of transportation appropriate to such person's health condition, as specified in such regulations.".

Travel expenses, authorized trust fund payments.

42 USC 410.

PERIODIC REVIEW OF DISABILITY DETERMINATIONS

42 USC 421.

SEC. 311. (a) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) In any case where an individual is or has been determined to be under a disability, the case shall be reviewed by the applicable State agency or the Secretary (as may be appropriate), for purposes of continuing eligibility, at least once every 3 years; except that where a finding has been made that such disability is permanent, such reviews shall be made at such times as the Secretary determines to be appropriate. Reviews of cases under the preceding sentence shall be in addition to, and shall not be considered as a substitute for, any other reviews which are required or provided for under or in the administration of this title.".

Effective date.
42 USC 421 note.

(b) The amendment made by subsection (a) shall become effective on January 1, 1982.

REPORT BY SECRETARY

Submittal to Congress.
42 USC 401 note.

SEC. 312. The Secretary of Health and Human Services shall submit to the Congress not later than January 1, 1985, a full and complete report as to the effects produced by reason of the preceding provisions of this Act and the amendments made thereby.

TITLE IV—PROVISIONS RELATING TO AFDC AND CHILD SUPPORT PROGRAMS

WORK REQUIREMENT UNDER THE AFDC PROGRAM

42 USC 602.

SEC. 401. (a) Section 402(a)(19)(A) of the Social Security Act is amended—

(1) by striking out all that follows "(A)" and precedes clause (i), and inserting in lieu thereof the following: "that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, employment, and other employment-related activities (including employment search, not to exceed eight weeks in total in each year) with the Secretary of Labor as provided by regulations issued by him, unless such individual is—";

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(2) by striking out "or" at the end of clause (v);

42 USC 633.

(3) by striking out "under section 433(g)" in clause (vi);

(4) by adding "or" after the semicolon at the end of clause (vi); and

(5) by inserting after clause (vi) the following new clause:

"(vii) a person who is working not less than 30 hours per week;".

42 USC 602.

(b) Section 402(a)(19)(B) of such Act is amended by inserting "to families with dependent children" immediately after "that aid".

(c) Section 402(a)(19)(D) of such Act is amended by striking out ", and income derived from a special work project under the program established by section 432(b)(3)".

42 USC 632.

(d) Section 402(a)(19)(F) of such Act is amended—

(1) by striking out, "and for so long as any child, relative, or individual (certified to the Secretary of Labor pursuant to subparagraph (G))" in the matter preceding clause (i), and inserting in lieu thereof "(and for such period as is prescribed under joint regulations of the Secretary and the Secretary of Labor) any child, relative or individual"; and

(2) by inserting "and" after the semicolon at the end of clause (iv), and striking out all that follows.

(e) Section 402(a)(19)(G) of such Act is amended—

(1) by inserting "(which will, to the maximum extent feasible, be located in the same facility as that utilized for the administration of programs established pursuant to section 432(b) (1), (2), or (3))" immediately after "administrative unit" in clause (i);

(2) by striking out "subparagraph (A)," in clause (ii), and inserting in lieu thereof "subparagraph (A) of this paragraph (I)";

(3) by striking out "part C" where it first appears in clause (ii) and inserting in lieu thereof "section 432(b) (1), (2), or (3)"; and

(4) by striking out "employment or training under part C," in clause (ii) and inserting in lieu thereof "employment or training under section 432(b) (1), (2), or (3), (II) such social and supportive services as are necessary to enable such individuals as determined appropriate by the Secretary of Labor actively to engage in other employment-related (including but not limited to employment search) activities, as well as timely payment for necessary employment search expenses, and (III) for a period deemed appropriate by the Secretary of Labor after such an individual accepts employment, such social and supportive services as are reasonable and necessary to enable him to retain such employment,".

(f) Section 402(a)(19) of such Act is further amended—

(1) by striking out "and" at the end of subparagraph (F);

(2) by adding "and" after the semicolon at the end of subparagraph (G); and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) that an individual participating in employment search activities shall not be referred to employment opportunities which do not meet the criteria for appropriate work and training to which an individual may otherwise be assigned under section 432(b) (1), (2), or (3);".

42 USC 632.

42 USC 603.

(g) Section 403(c) of such Act is amended by striking out "part C" and inserting in lieu thereof "section 432(b) (1), (2), or (3)".

(h) Section 403(d)(1) of such Act is amended by adding at the end thereof the following new sentence: "In determining the amount of the expenditures made under a State plan for any quarter with respect to social and supportive services pursuant to section 402(a)(19)(G), there shall be included the fair and reasonable value of goods and services furnished in kind from the State or any political subdivision thereof.".

Ante, p. 461.

42 USC 602 note.

(i) The amendments made by this section (other than those made by subsections (c) and (d)) shall take effect on September 30, 1980, and the joint regulations referred to in section 402(a)(19)(F) of the Social Security Act (as amended by this section) shall be promulgated on or before such date, and take effect on such date.

USE OF INTERNAL REVENUE SERVICE TO COLLECT CHILD SUPPORT FOR NON-AFDC FAMILIES

42 USC 652.

42 USC 654.

SEC. 402. (a) The first sentence of section 452(b) of the Social Security Act is amended by inserting "(or undertaken to be collected by such State pursuant to section 454(6))" immediately after "assigned to such State".

Effective date.

42 USC 652 note.

(b) The amendment made by subsection (a) shall take effect July 1, 1980.

SAFEGUARDS RESTRICTING DISCLOSURE OF CERTAIN INFORMATION UNDER AFDC AND SOCIAL SERVICE PROGRAMS

42 USC 602.

SEC. 403. (a) Section 402(a)(9) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (B); and

(2) by striking out "; and the safeguards" and all that follows and inserting in lieu thereof the following: ", and (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental entity which is authorized by law to conduct such audit or activity; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an entity referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient;".

42 USC 1397b.

(b) Section 2003(d)(1)(B) of such Act is amended—

(1) by striking out "provides that" and inserting in lieu thereof "provides safeguards which restrict";

(2) by striking out "will be restricted";

(3) by inserting "(A)" after "connected with"; and

(4) by inserting before the semicolon at the end thereof the following: ", and (B) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental entity which is authorized by law to conduct such audit or activity; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an entity referred to in clause (B) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient;".

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Effective date.
42 USC 602 note.

(c) The amendments made by this section shall take effect on September 1, 1980.

FEDERAL MATCHING FOR CHILD SUPPORT DUTIES PERFORMED BY CERTAIN COURT PERSONNEL

42 USC 655.

SEC. 404. (a) Section 455 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 654.

"(c)(1) Subject to paragraph (2), there shall be included, in determining amounts expended by a State during any quarter for the operation of the plan approved under section 454, so much of the expenditures of courts of such State and its political subdivisions (excluding expenditures for or in connection with judges and other individuals making judicial determinations, but not excluding expenditures for or in connection with their administrative and support personnel) as are attributable to the performance of services which are directly related to, and clearly identifiable with, the operation of such plan.

"(2) The aggregate amount of the expenditures which are included pursuant to paragraph (1) for the quarters in any calendar year shall be reduced (but not below zero) by the total amount of expenditures described in paragraph (1) which were made by the State for the 12-month period beginning January 1, 1978.

"(3) The State agency may, if the law (or procedures established thereunder) of the State so provides, pay so much of the amount it receives under subsection (a) for any quarter as is payable by reason of the provisions of this subsection directly to the courts of the State (or political subdivisions thereof) furnishing the services on account of which the payment is payable.".

Effective date.
42 USC 655 note.

(b) The amendment made by subsection (a) shall apply with respect to expenditures made by States on or after July 1, 1980.

CHILD SUPPORT MANAGEMENT INFORMATION SYSTEM

42 USC 655.

SEC. 405. (a) Section 455(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", and"; and

(3) by adding after and below paragraph (2) the following new paragraph:

Automatic data processing and information retrieval system.

"(3) equal to 90 percent (rather than the percent specified in clause (1) or (2)) of so much of the sums expended during such quarter as are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system which the Secretary finds meets the requirements specified in section 454(16);".

Infra.
42 USC 654.

(b) Section 454 of such Act is amended—

(1) by striking out "and" at the end of paragraph (14),

(2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (15) the following new paragraph:

"(16) provide, at the option of the State, for the establishment, in accordance with an (initial and annually updated) advance automatic data processing planning document approved under section 452(d), of an automatic data processing and information *Post*, p. 464. **retrieval system designed effectively and efficiently to assist**

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management in the administration of the State plan, in the State and localities thereof, so as (A) to control, account for, and monitor (i) all the factors in the child support enforcement collection and paternity determination process under such plan (including, but not limited to, (I) identifiable correlation factors (such as social security numbers, names, dates of birth, home addresses and mailing addresses (including postal ZIP codes) of any individual with respect to whom child support obligations are sought to be established or enforced and with respect to any person to whom such support obligations are owing) to assure sufficient compatibility among the systems of different jurisdictions to permit periodic screening to determine whether such individual is paying or is obligated to pay child support in more than one jurisdiction, (II) checking of records of such individuals on a periodic basis with Federal, intra- and inter-State, and local agencies, (III) maintaining the data necessary to meet the Federal reporting requirements on a timely basis, and (IV) delinquency and enforcement activities), (ii) the collection and distribution of support payments (both intra- and inter-State), the determination, collection and distribution, of incentive payments both inter- and intra-State, and the maintenance of accounts receivable on all amounts owed, collected and distributed, and (iii) the costs of all services rendered, either directly or by interfacing with State financial management and expenditure information, (B) to provide interface with records of the State's aid to families with dependent children program in order to determine if a collection of a support payment causes a change affecting eligibility for or the amount of aid under such program, (C) to provide for security against unauthorized access to, or use of, the data in such system, and (D) to provide management information on all cases under the State plan from initial referral or application through collection and enforcement.".

(c) Section 452 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 652.

"(d)(1) The Secretary shall not approve the initial and annually updated advance automatic data processing planning document, referred to in section 454(16), unless he finds that such document, *Ante*, p. 463. when implemented, will generally carry out the objectives of the management system referred to in such subsection, and such document—

"(A) provides for the conduct of, and reflects the results of, requirements analysis studies, which include consideration of the program mission, functions, organization, services, constraints, and current support, of, in, or relating to, such system,

"(B) contains a description of the proposed management system referred to in section 455(a)(3), including a description of *Ante*, p. 463. information flows, input data, and output reports and uses,

"(C) sets forth the security and interface requirements to be employed in such management system,

"(D) describes the projected resource requirements for staff and other needs, and the resources available or expected to be available to meet such requirements,

"(E) contains an implementation plan and backup procedures to handle possible failures,

"(F) contains a summary of proposed improvement of such management system in terms of qualitative and quantitative benefits, and

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"(G) provides such other information as the Secretary determines under regulation is necessary.

"(2)(A) The Secretary shall through the separate organizational unit established pursuant to subsection (a), on a continuing basis,

review, assess, and inspect the planning, design, and operation of, management information systems referred to in section 455(a)(3), with a view to determining whether, and to what extent, such systems meet and continue to meet requirements imposed under paragraph (1) and the conditions specified under section 454(16). *Ante*, p. 463. *Ante*, p. 463.

"(B) If the Secretary finds with respect to any statewide management information system referred to in section 455(a)(3) that there is a failure substantially to comply with criteria, requirements, and other undertakings, prescribed by the advance automatic data processing planning document theretofore approved by the Secretary with respect to such system, then the Secretary shall suspend his approval of such document until there is no longer any such failure of such system to comply with such criteria, requirements, and other undertakings so prescribed.".

(d) Section 452 of the Social Security Act is further amended by adding after subsection (d) (as added by subsection (c) of this section) the following new subsection: *Ante*, p. 464.

Technical assistance to States.

"(e) The Secretary shall provide such technical assistance to States as he determines necessary to assist States to plan, design, develop, or install and provide for the security of, the management information systems referred to in section 455(a)(3).".

Effective date. 42 USC 652 note.

(e) The amendments made by this section shall take effect on July 1, 1981, and shall be effective only with respect to expenditures, referred to in section 455(a)(3) of the Social Security Act (as amended by this Act), made on or after such date.

AFDC MANAGEMENT INFORMATION SYSTEM

42 USC 603.

SEC. 406. (a) Section 403(a)(3) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) 90 per centum of so much of the sums expended during such quarter as are attributable to the planning, design, development, or installation of such statewide mechanized claims processing and information retrieval systems as (i) meet the conditions of section 402(a)(30), and (ii) the Secretary determines are likely to provide more efficient, economical, and effective administration of the plan and to be compatible with the claims processing and information retrieval systems utilized in the administration of State plans approved under title XIX, and State programs with respect to which there is Federal financial participation under title XX, and". *Infra*. 42 USC 1396. 42 USC 1397.

42 USC 602.

(b)(1) Section 402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (28);

(B) by striking out the period at the end of paragraph (29) and inserting in lieu thereof "; and"; and

(C) by adding after paragraph (29) the following new paragraph:

"(30) at the option of the State, provide for the establishment and operation, in accordance with an (initial and annually updated) advance automatic data processing planning document approved under subsection (d), of an automated statewide management information system designed effectively and efficiently, to assist management in the administration of the State plan for aid to families with dependent children approved under this part, so as (A) to control and account for (i) all the factors in the total eligibility determination process under such plan for aid (including but not limited to (I) identifiable correlation factors (such as social security numbers, names, dates of birth, home addresses, and mailing addresses (including postal ZIP codes), of all applicants and recipients of such aid and the relative with whom any child who is such an applicant or recipient is living) to assure sufficient compatibility among the systems of different jurisdictions to permit periodic screening to determine whether an individual is or has been receiving benefits from more than one jurisdiction, (II) checking records of applicants and recipients of such aid on a periodic basis with other agencies, both intra- and inter-State, for determination and verification of eligibility and payment pursuant to requirements imposed by other provisions of this Act), (ii) the costs, quality, and delivery of funds and services furnished to applicants for and recipients of such aid, (B) to notify the appropriate officials of child support, food stamp, social service, and medical assistance programs approved under title XIX whenever the case becomes ineligible or the amount of aid or services is changed, and (C) to provide for security against unauthorized access to, or use of, the data in such system.". 42 USC 1396.

(2) Section 402 of such Act is further amended by adding at the end thereof the following new subsection: 42 USC 602.

"(d)(1) The Secretary shall not approve the initial and annually updated advance automatic data processing planning document, referred to in subsection (a)(30), unless he finds that such document, when implemented, will generally carry out the objectives of the statewide management system referred to in such subsection, and such document— *Ante*, p. 465.

"(A) provides for the conduct of, and reflects the results of, requirements analysis studies, which include consideration of the program mission, functions, organization, services, constraints, and current support, of, in, or relating to, such system,

"(B) contains a description of the proposed statewide management system, including a description of information flows, input data, and output reports and uses,

"(C) sets forth the security and interface requirements to be employed in such statewide management system,

"(D) describes the projected resource requirements for staff and other needs, and the resources available or expected to be available to meet such requirements,

"(E) includes cost-benefit analyses of each alternative management system, data processing services and equipment, and a cost allocation plan containing the basis for rates, both direct and indirect, to be in effect under such statewide management system,

"(F) contains an implementation plan with charts of development events, testing descriptions, proposed acceptance criteria, and backup and fallback procedures to handle possible failure of contingencies, and

94 STAT. 467

"(G) contains a summary of proposed improvement of such statewide management system in terms of qualitative and quantitative benefits.

"(2)(A) The Secretary shall, on a continuing basis, review, assess, and inspect the planning, design, and operation of, statewide management information systems referred to in section 403(a)(3)(B), with a view to determining whether, and to what extent, such systems meet and continue to meet requirements imposed under such section and the conditions specified under subsection (a)(30) of this section. *Ante*, p. 465. *Ante*, p. 466.

"(B) If the Secretary finds with respect to any statewide management information system referred to in section 403(a)(3)(B) that there is a failure substantially to comply with criteria, requirements, and other undertakings, prescribed by the advance automatic data processing planning document theretofore approved by the Secretary with respect to such system, then the Secretary shall suspend his approval of such document until there is no longer any such failure of such system to comply with such criteria, requirements, and other undertakings so prescribed.".

(c) Part A of title IV of such Act is amended by adding at the end thereof the following new section:

"TECHNICAL ASSISTANCE FOR DEVELOPING MANAGEMENT INFORMATION SYSTEMS

42 USC 612.

"SEC 413. The Secretary shall provide such technical assistance to States as he determines necessary to assist States to plan, design, develop, or install and provide for the security of, the management information systems referred to in section 403(a)(3)(B) of this Act.".

Ante, p. 465.

Effective date. 42 USC 612 note.

(d) The amendments made by this section shall be effective with respect to expenditures made during calendar quarters beginning on or after July 1, 1981.

CHILD SUPPORT REPORTING AND MATCHING PROCEDURES

42 USC 655.

SEC. 407. (a) Section 455(b)(2) of the Social Security Act is amended by striking out "The Secretary" and inserting in lieu thereof "Subject to subsection (d), the Secretary".

Ante, p. 463.

(b) Section 455 of such Act is further amended by adding after subsection (c) (as added by section 404 of this Act) the following new subsection:

"(d) Notwithstanding any other provision of law, no amount shall be paid to any State under this section for any quarter, prior to the close of such quarter, unless for the period consisting of all prior quarters for which payment is authorized to be made to such State under subsection (a), there shall have been submitted by the State to the Secretary, with respect to each quarter in such period (other than the last two quarters in such period), a full and complete report (in such form and manner and containing such information as the Secretary shall prescribe or require) as to the amount of child support collected and disbursed and all expenditures with respect to which payment is authorized under subsection (a).".

42 USC 603.

(c) Section 403(b)(2) of such Act is amended—

(1) by striking out "and" at the end of clause (A); and

(2) by adding immediately before the semicolon at the end of clause (B) the following: ", and (C) reduced by such amount as is necessary to provide the 'appropriate reimbursement of the Federal Government' that the State is required to make under section 457 out of that portion of child support collections retained by it pursuant to such section".

94 STAT. 468

42 USC 657.

Effective date. 42 USC 603 note.

(d) The amendments made by this section shall be effective in the case of calendar quarters commencing on or after January 1, 1981.

ACCESS TO WAGE INFORMATION FOR PURPOSES OF CARRYING OUT STATE PLANS FOR CHILD SUPPORT

26 USC 6103.

SEC. 408. (a)(1) Subsection (l) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end thereof the following new paragraph:

"(7) DISCLOSURE OF CERTAIN RETURN INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO STATE AND LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES.—

26 USC 1402. 26 USC 3121, 3401.

"(A) IN GENERAL.—Upon written request, the Commissioner of Social Security shall disclose directly to officers and employees of a State or local child support enforcement agency return information from returns with respect to net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), and payments of retirement income which have been disclosed to the Social Security Administration as provided by paragraph (1) or (5) of this subsection.

"Child support obligations."

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, establishing and collecting child support obligations from, and locating, individuals owing such obligations. For purposes of the preceding sentence, the term 'child support obligations' only includes obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D of title IV of such Act.

42 USC 654.

42 USC 651.

"(C) State or local child support enforcement agency.—For purposes of this paragraph, the term 'State or local child support enforcement agency' means any agency of a State or political subdivision thereof operating pursuant to a plan described in subparagraph (B)."

(2)(A) Subparagraph (A) of section 6103(p)(3) of such Code (relating to records of inspection and disclosure) is amended by striking out "(l)(1) or (4)(B) or (5)" and inserting in lieu thereof "(l)(1), (4)(B), (5), or (7)".

26 USC 6103.

(B) Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by striking out "(l)(3) or (6)" in so much of such paragraph as precedes subparagraph (A) thereof and inserting in lieu thereof "(l)(3), (6), or (7)".

(C) Clause (i) of section 6103(p)(4)(F) of such Code is amended by striking out "(l)(6)" and inserting in lieu thereof "(l)(6) or (7)".

(D) The first sentence of paragraph (2) of section 7213(a) of such Code is amended by striking out "subsection (d), (l)(6), or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l)(6) or (7), or (m)(4)(B)".

26 USC 7213.

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

Effective date.
26 USC 6103 note.

(b)(1) Section 303 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 503.

94 STAT. 469

"(d)(1) The State agency charged with the administration of the State law—

"(A) shall disclose, upon request and on a reimbursable basis, directly to officers or employees of any State or local child support enforcement agency any wage information contained in the records of such State agency, and

Wage information.

"(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to insure that information disclosed under subparagraph (A) is used only for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

Safeguards, establishment.

For purposes of the preceding sentence, the term 'child support obligations' only includes obligations which are being enforced pursuant to a plan described in section 454 of this Act which has been approved by the Secretary of Health and Human Services under part D of title IV of this Act.

"Child support obligations."

42 USC 654.

42 USC 651.

"(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.

Noncompliance of State agency.

"(3) For purposes of this subsection, the term 'State or local child support enforcement agency' means any agency of a State or political subdivision thereof operating pursuant to a plan described in the last sentence of paragraph (1)."

Definition.

(2) Paragraph (2) of section 304(a) of the Social Security Act is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "subsection (b), (c), or (d)".

42 USC 504.

(3) The amendments made by this subsection shall take effect on July 1, 1980.

Effective date.
42 USC 503 note.

TITLE V—OTHER PROVISIONS RELATING TO THE SOCIAL SECURITY ACT

RELATIONSHIP BETWEEN SOCIAL SECURITY AND SSI BENEFITS

SEC. 501. (a) Part A of title XI of the Social Security Act is amended by inserting immediately after section 1126 the following new section:

"ADJUSTMENT OF RETROACTIVE BENEFITS UNDER TITLE II ON ACCOUNT OF SUPPLEMENTAL SECURITY INCOME BENEFITS

42 USC 1320a-6.

"SEC. 1127. Notwithstanding any other provision of this Act, in any case where an individual—

"(1) makes application for benefits under title II and is subsequently determined to be entitled to those benefits, and

42 USC 1381.

87 Stat. 155.

"(2) was an individual with respect to whom supplemental security income benefits were paid under title XVI (including State supplementary payments which were made under an agreement pursuant to section 1616(a) or an administration agreement under section 212 of Public Law 93-66) for one or more months during the period beginning with the first month for which a benefit described in paragraph (1) is payable and ending with the month before the first month in which such benefit is paid pursuant to the application referred to in paragraph (1),

42 USC 401.

the benefits (described in paragraph (1)) which are otherwise retroactively payable to such individual for months in the period described in paragraph (2) shall be reduced by an amount equal to so much of such supplemental security income benefits (including State supplementary payments) described in paragraph (2) for such month or months as would not have been paid with respect to such individual or his eligible spouse if the individual had received the benefits under title II at the times they were regularly due during such period rather than retroactively; and from the amount of such reduction the Secretary shall reimburse the State on behalf of which such supplementary payments were made for the amount (if any) by which such State's expenditures on account of such supplementary payments for the period involved exceeded the expenditures which the State would have made (for such period) if the individual had received the benefits under title II at the times they were regularly due during such period rather than retroactively. An amount equal to the portion of such reduction remaining after reimbursement of the State under the preceding sentence shall be covered into the general fund of the Treasury.".

42 USC 404.

(b) Section 204 of such Act is amended by adding at the end thereof the following new subsection:

"(e) For payments which are adjusted by reason of payment of benefits under the supplemental security income program established by title XVI, see section 1127.".

42 USC 1381.
Ante, p. 469.
42 USC 1383.

(c) Section 1631(b) of such Act is amended—

(1) by inserting "(1)" immediately after "(b)", and

(2) by adding at the end thereof the following new paragraph:

42 USC 401.
Ante, p. 469.
42 USC 1320a-6 note.

"(2) For payments for which adjustments are made by reason of a retroactive payment of benefits under title II, see section 1127.".

(d) The amendments made by this section shall be applicable in the case of payments of monthly insurance benefits under title II of the Social Security Act entitlement for which is determined on or after the first day of the thirteenth month which begins after the date of the enactment of this Act.

EXTENSION OF NATIONAL COMMISSION ON SOCIAL SECURITY

42 USC 907a.

SEC. 502. (a) Section 361(a)(2)(F) of the Social Security Amendments of 1977 is amended by striking out "a term of two years" and inserting in lieu thereof "a term which shall end on April 1, 1981".

(b) Section 361(c)(2) of the Social Security Amendments of 1977 is amended by striking out all that follows the semicolon and inserting in lieu thereof "and the Commission shall cease to exist on April 1, 1981.".

TIME FOR MAKING OF SOCIAL SECURITY CONTRIBUTIONS WITH RESPECT TO COVERED STATE AND LOCAL EMPLOYEES

SEC. 503. (a) Subparagraph (A) of section 218(e)(1) of the Social Security Act is amended to read as follows:

42 USC 418.

> "(A) that the State will pay to the Secretary of the Treasury, within the thirty-day period immediately following the last day of each calendar month, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 if the services for which wages were paid in such month to employees covered by the agreement constituted employment as defined in section 3121 of such Code; and".

94 STAT. 471

26 USC 3101, 3111.

26 USC 3121.

(b) The amendment made by subsection (a) shall be effective with respect to the payment of taxes (referred to in section 218(e)(1)(A) of the Social Security Act, as amended by subsection (a)) on account of wages paid on or after July 1, 1980.

Effective date.
42 USC 418 note.
42 USC 418.

(c) The provisions of section 7 of Public Law 94-202 shall not be applicable to any regulation which becomes effective on or after July 1, 1980, and which is designed to carry out the purposes of subsection (a) of this section.

42 USC 405a.
42 USC 405a note.

ELIGIBILITY OF ALIENS FOR SSI BENEFITS

SEC. 504. (a) Section 1614(f) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

42 USC 1382c.

"(3) For purposes of determining eligibility for and the amount of benefits for any individual who is an alien, such individual's income and resources shall be deemed to include the income and resources of his sponsor and such sponsor's spouse (if such alien has a sponsor) as provided in section 1621. Any such income deemed to be income of such individual shall be treated as unearned income of such individual.".

Infra.

(b) Part A of title XVI of such Act is amended by adding at the end thereof (after the new section added by section 201(c) of this Act) the following new section:

Ante, p. 445.

"ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO ALIENS

"SEC. 1621. (a) For purposes of determining eligibility for and the amount of benefits under this title for an individual who is an alien, the income and resources of any person who (as a sponsor of such individual's entry into the United States) executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse, shall be deemed to be the income and resources of such individual (in accordance with subsections (b) and (c)) for a period of three years after the individual's entry into the United States. Any such income deemed to be income of such individual shall be treated as unearned income of such individual.

Eligibility determination for benefits.
42 USC 1382j.

"(b)(1) The amount of income of a sponsor (and his spouse) which shall be deemed to be the unearned income of an alien for any year shall be determined as follows:

> "(A) The total yearly rate of earned and unearned income (as determined under section 1612(a)) of such sponsor and such sponsor's spouse (if such spouse is living with the sponsor) shall be determined for such year.

Ante, p. 449.

> "(B) The amount determined under subparagraph (A) shall be reduced by an amount equal to (i) the maximum amount of the Federal benefit under this title for such year which would be

42 USC 1382.

94 STAT. 472

payable to an eligible individual who has no other income and who does not have an eligible spouse (as determined under section 1611(b)(1)), plus (ii) one-half of the amount determined under clause (i) multiplied by the number of individuals who are dependents of such sponsor (or such sponsor's spouse if such spouse is living with the sponsor), other than such alien and such alien's spouse.

42 USC 1382.

"(C) The amount of income which shall be deemed to be unearned income of such alien shall be at a yearly rate equal to the amount determined under subparagraph (B). The period for determination of such amount shall be the same as the period for determination of benefits under section 1611(c).

"(2) The amount of resources of a sponsor (and his spouse) which shall be deemed to be the resources of an alien for any year shall be determined as follows:

42 USC 1382b.

"(A) The total amount of the resources (as determined under section 1613) of such sponsor and such sponsor's spouse (if such spouse is living with the sponsor) shall be determined.

"(B) The amount determined under subparagraph (A) shall be reduced by an amount equal to (i) $1,500 in the case of a sponsor who has no spouse with whom he is living, or (ii) $2,250 in the case of a sponsor who has a spouse with whom he is living.

"(C) The resources of such sponsor (and spouse) as determined under subparagraphs (A) and (B) shall be deemed to be resources of such alien in addition to any resources of such alien.

42 USC 1382a.

"(c) In determining the amount of income of an alien during the period of three years after such alien's entry into the United States, the reduction in dollar amounts otherwise required under section 1612(a)(2)(A)(i) shall not be applicable if such alien is living in the household of a person who is a sponsor (or such sponsor's spouse) of such alien, and is receiving support and maintenance in kind from such sponsor (or spouse), nor shall support or maintenance furnished in cash or kind to an alien by such alien's sponsor (to the extent that it reflects income or resources which were taken into account in determining the amount of income and resources to be deemed to the alien under subsection (a) or (b)) be considered to be income of such alien under section 1612(a)(2)(A).

Information and documentation respecting sponsor.

"(d)(1) Any individual who is an alien shall, during the period of three years after entry into the United States, in order to be an eligible individual or eligible spouse for purposes of this title, be required to provide to the Secretary such information and documentation with respect to his sponsor as may be necessary in order for the Secretary to make any determination required under this section, and to obtain any cooperation from such sponsor necessary for any such determination. Such alien shall also be required to provide to the Secretary such information and documentation as the Secretary may request and which such alien or his sponsor provided in support of such alien's immigration application.

"(2) The Secretary shall enter into agreements with the Secretary of State and the Attorney General whereby any information available to such persons and required in order to make any determination under this section will be provided by such persons to the Secretary, and whereby such persons shall inform any sponsor of an alien, at the time such sponsor executes an affidavit of support or similar agreement, of the requirements imposed by this section.

Sponsor and alien, liability for overpayment.

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Ante, p. 470.

"(e) Any sponsor of an alien, and such alien, shall be jointly and severably liable for an amount equal to any overpayment made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to provide correct information under the provisions of this section, except where such sponsor was without fault, or where good cause for such failure existed. Any such overpayment which is not repaid to the Secretary or recovered in accordance with section 1631(b) shall be withheld from any subsequent payment to which such alien or such sponsor is entitled under any provision of this Act.

"(f)(1) The provisions of this section shall not apply with respect to any individual who is an 'aged, blind, or disabled individual' for purposes of this title by reason of blindness (as determined under section 1614(a)(2)) or disability (as determined under section 1614(a)(3)), from and after the onset of the impairment, if such blindness or disability commenced after the date of such individual's admission into the United States for permanent residence.

"Aged, blind, or disabled individual", nonapplicability.
42 USC 1382c.

"(2) The provisions of this section shall not apply with respect to any alien who is—

"(A) admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act;

8 USC 1153.

"(B) admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 207(c)(1) of such Act;

Ante, p. 103.

"(C) paroled into the United States as a refugee under section 212(d)(5) of such Act; or

Ante, p. 107.

"(D) granted political asylum by the Attorney General.".

(c) The amendments made by this section shall be effective with respect to individuals applying for supplemental security income benefits under title XVI of the Social Security Act for the first time after September 30, 1980.

Effective date.
42 USC 1382j note.
42 USC 1381.

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 505. (a)(1) The Secretary of Health and Human Services shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of (A) various alternative methods of treating the work activity of disabled beneficiaries under the old-age, survivors, and disability insurance program, including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of disabled beneficiaries and (B) altering other limitations and conditions applicable to such disabled beneficiaries (including, but not limited to, lengthening the trial work period, altering the 24-month waiting period for medicare benefits, altering the manner in which such program is administered, earlier referral of beneficiaries for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation), to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of title II of the Social Security Act.

42 USC 1310 note.
42 USC 401.

(2) The experiments and demonstration projects developed under paragraph (1) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program without committing such program to the adoption of any particular system either locally or nationally.

(3) In the case of any experiment or demonstration project under paragraph (1), the Secretary may waive compliance with the benefit requirements of titles II and XVIII of the Social Security Act insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least ninety days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Secretary to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Secretary to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in paragraph (1).

42 USC 401, 1395.

94 STAT. 474

Report to Congress.

(4) The Secretary shall submit to the Congress no later than January 1, 1983, a report on the experiments and demonstration projects with respect to work incentives carried out under this subsection together with any related data and materials which he may consider appropriate.

42 USC 401.

Ante, p. 459.

(5) Section 201 of the Social Security Act is amended by adding at the end thereof (after the new subsection added by section 310(a) of this Act) the following new subsection:

Ante, p. 473.

"(k) Expenditures made for experiments and demonstration projects under section 505(a) of the Social Security Disability Amendments of 1980 shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Secretary.".

42 USC 1310.

(b) Section 1110 of the Social Security Act is amended—

(1) by inserting "(1)" after "Sec. 1110. (a)";

(2) by striking out "for (1)" and "(2)" and inserting in lieu thereof "for (A)" and "(B)", respectively;

(3) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(4) by striking out "under subsection (a)" each place it appears and inserting in lieu thereof "under paragraph (1)";

(5) by striking out "purposes of this section" and inserting in lieu thereof "purposes of this subsection"; and

(6) by adding at the end thereof the following new subsection:

Waiver.
42 USC 1381.

42 USC 1382e.

94 STAT. 475

42 USC 1396.

42 USC 1381.

"(b)(1) The Secretary is authorized to waive any of the requirements, conditions, or limitations of title XVI (or to waive them only for specified purposes, or to impose additional requirements, conditions, or limitations) to such extent and for such period as he finds necessary to carry out one or more experimental, pilot, or demonstration projects which, in his judgment, are likely to assist in promoting the objectives or facilitate the administration of such title. Any costs for benefits under or administration of any such project (including planning for the project and the review and evaluation of the project and its results), in excess of those that would have been incurred without regard to the project, shall be met by the Secretary from amounts available to him for this purpose from appropriations made to carry out such title. The costs of any such project which is carried out in coordination with one or more related projects under other titles of this Act shall be allocated among the appropriations available for such projects and any Trust Funds involved, in a manner determined by the Secretary, taking into consideration the programs (or types of benefit) to which the project (or part of a project) is most closely related or which the project (or part of a project) is intended to benefit. If, in order to carry out a project under this subsection, the Secretary requests a State to make supplementary payments (or makes them himself pursuant to an agreement under section 1616), or to provide medical assistance under its plan approved under title XIX, to individuals who are not eligible therefor, or in amounts or under circumstances in which the State does not make such payments or provide such medical assistance, the Secretary shall reimburse such State for the non-Federal share of such payments or assistance from amounts appropriated to carry out title XVI.

"(2) With respect to the participation of recipients of supplemental security income benefits in experimental, pilot, or demonstration projects under this subsection—

"(A) the Secretary is not authorized to carry out any project that would result in a substantial reduction in any individual's total income and resources as a result of his or her participation in the project;

"(B) the Secretary may not require any individual to participate in a project; and he shall assure (i) that the voluntary participation of individuals in any project is obtained through informed written consent which satisfies the requirements for informed consent established by the Secretary for use in any experimental, pilot, or demonstration project in which human subjects are at risk, and (ii) that any individual's voluntary agreement to participate in any project may be revoked by such individual at any time;

"(C) the Secretary shall, to the extent feasible and appropriate, include recipients who are under age 18 as well as adult recipients; and

"(D) the Secretary shall include in the projects carried out under this section such experimental, pilot, or demonstration projects as may be necessary to ascertain the feasibility of treating alcoholics and drug addicts to prevent the onset of irreversible medical conditions which may result in permanent disability, including programs in residential care treatment centers.".

Report to Congress.
42 USC 1310 note.

(c) The Secretary shall submit to the Congress a final report with respect to all experiments and demonstration projects carried out under this section no later than five years after the date of the enactment of this Act.

ADDITIONAL FUNDS FOR DEMONSTRATION PROJECT RELATING TO THE TERMINALLY ILL

42 USC 1395*ll* note.

SEC. 506. (a) The Secretary of Health and Human Services is authorized to provide for the participation, by the Social Security Administration, in a demonstration project relating to the terminally ill which is currently being conducted within the Department of Health and Human Services. The purpose of such participation shall be to study the impact on the terminally ill of provisions of the disability programs administered by the Social Security Administration and to determine how best to provide services needed by persons who are terminally ill through programs over which the Social Security Administration has administrative responsibility.

Appropriation authorization.

(b) For the purpose of carrying out this section there are authorized to be appropriated such sums (not in excess of $2,000,000 for any fiscal year) as may be necessary.

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VOLUNTARY CERTIFICATION OF MEDICARE SUPPLEMENTAL HEALTH INSURANCE POLICIES

SEC. 507. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"VOLUNTARY CERTIFICATION OF MEDICARE SUPPLEMENTAL HEALTH INSURANCE POLICIES

42 USC 1395ss.

"SEC. 1882. (a) The Secretary shall establish a procedure whereby medicare supplemental policies (as defined in subsection (g)(1)) may be certified by the Secretary as meeting minimum standards and requirements set forth in subsection (c). Such procedure shall provide an opportunity for any insurer to submit any such policy, and such additional data as the Secretary finds necessary, to the Secretary for his examination and for his certification thereof as meeting the standards and requirements set forth in subsection (c). Such certification shall remain in effect if the insurer files a notarized statement with the Secretary no later than June 30 of each year stating that the policy continues to meet such standards and requirements and if the insurer submits such additional data as the Secretary finds necessary to independently verify the accuracy of such notarized statement. Where the Secretary determines such a policy meets (or continues to meet) such standards and requirements, he shall authorize the insurer to have printed on such policy (but only in accordance with such requirements and conditions as the Secretary may prescribe) an emblem which the Secretary shall cause to be designed for use as an indication that a policy has received the Secretary's certification. The Secretary shall provide each State commissioner or superintendent of insurance with a list of all the policies which have received his certification.

Emblem.

List of certified policies.

State regulatory program, standards and requirements.

"(b)(1) Any medicare supplemental policy issued in any State which the Supplemental Health Insurance Panel (established under paragraph (2)) determines has established under State law a regulatory program that—

"(A) provides for the application of standards with respect to such policies equal to or more stringent than the NAIC Model Standards (as defined in subsection (g)(2)(A));

"(B) includes a requirement equal to or more stringent than the requirement described in subsection (c)(2); and

"(C) provides for application of the standards and requirements described in subparagraphs (A) and (B) to all medicare supplemental policies (as defined in subsection (g)(1)) issued in such State,

shall be deemed (for so long as the Panel finds that such State regulatory program continues to meet the standards and requirements of this paragraph) to meet the standards and requirements set forth in subsection (c).

Supplemental Health Insurance Panel, establishment.

"(2)(A) There is hereby established a panel (hereinafter in this section referred to as the 'Panel') to be known as the Supplemental Health Insurance Panel. The Panel shall consist of the Secretary, who shall serve as the Chairman, and four State commissioners or superintendents of insurance, who shall be appointed by the President and serve at his pleasure. Such members shall first be appointed not later than December 31, 1980.

Quorum.

"(B) A majority of the members of the Panel shall constitute a quorum, but a lesser number may conduct hearings.

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"(C) The Secretary shall provide such technical, secretarial, clerical, and other assistance as the Panel may require.

Appropriation authorization.

"(D) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

Travel expenses.

"(E) Members of the Panel shall be allowed, while away from their homes or regular places of business in the performance of services for the Panel, travel expenses (including per diem in lieu of subsistence) in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

Medicare supplemental policy, certification criteria.

"(c) The Secretary shall certify under this section any medicare supplemental policy, or continue certification of such a policy, only if he finds that such policy—

"(1) meets or exceeds (either in a single policy or, in the case of nonprofit hospital and medical service associations, in one or more policies issued in conjunction with one another) the NAIC Model Standards; and

"(2) can be expected (as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices) to return to policyholders in the form of aggregate benefits provided under the policy, at least 75 percent of the aggregate amount of premiums collected in the case of group policies and at least 60 percent of the aggregate amount of premiums collected in the case of individual policies.

Individual policies.

For purposes of paragraph (2), policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

False statement or representation, penalties and fines.

"(d)(1) Whoever knowingly or willfully makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the compliance of any policy with the standards and requirements set forth in subsection (c) or in regulations promulgated pursuant to such subsection, or with respect to the use of the emblem designed by the Secretary under subsection (a), shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.

"(2) Whoever falsely assumes or pretends to be acting, or misrepresents in any way that he is acting, under the authority of or in association with, the program of health insurance established by this title, or any Federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value, shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.

"(3)(A) Whoever knowingly sells a health insurance policy to an individual entitled to benefits under part A or enrolled under part B of this title, with knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled, other than benefits to which he is entitled under a requirement of State or Federal law (other than this title), shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.

42 USC 1395c, 1395j.

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"(B) For purposes of this paragraph, benefits which are payable to or on behalf of an individual without regard to other health benefit coverage of such individual, shall not be considered as duplicative.

"(C) Subparagraph (A) shall not apply with respect to the selling of a group policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations (or combination thereof), for employees or former employees (or combination thereof) or for members or former members (or combination thereof) of the labor organizations.

Policies mailed for prohibited purpose.

"(4)(A) Whoever knowingly, directly or through his agent, mails or causes to be mailed any matter for a prohibited purpose (as determined under subparagraph (B)) shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.

Definition.

"(B) For purposes of subparagraph (A), a prohibited purpose means the advertising, solicitation, or offer for sale of a medicare supplemental policy, or the delivery of such a policy, in or into any State in which such policy has not been approved by the State commissioner or superintendent of insurance. For purposes of this paragraph, a medicare supplemental policy shall be deemed to be approved by the commissioner or superintendent of insurance of a State if—

"(i) the policy has been certified by the Secretary pursuant to subsection (c) or was issued in a State with an approved regulatory program (as defined in subsection (g)(2)(B));

"(ii) the policy has been approved by the commissioners or superintendents of insurance in States in which more than 30 percent of such policies are sold; or

"(iii) the State has in effect a law which the commissioner or superintendent of insurance of the State has determined gives him the authority to review, and to approve, or effectively bar from sale in the State, such policy;

except that such a policy shall not be deemed to be approved by a State commissioner or superintendent of insurance if the State notifies the Secretary that such policy has been submitted for approval to the State and has been specifically disapproved by such State after providing appropriate notice and opportunity for hearing pursuant to the procedures (if any) of the State.

Exceptions.

"(C) Subparagraph (A) shall not apply in the case of a person who mails or causes to be mailed a medicare supplemental policy into a State if such person has ascertained that the party insured under such policy to whom (or on whose behalf) such policy is mailed is located in such State on a temporary basis.

"(D) Subparagraph (A) shall not apply in the case of a person who mails or causes to be mailed a duplicate copy of a medicare supplemental policy previously issued to the party to whom (or on whose behalf) such duplicate copy is mailed, if such policy expires not more than 12 months after the date on which the duplicate copy is mailed.

Benefit information

"(e) The Secretary shall provide to all individuals entitled to benefits under this title (and, to the extent feasible, to individuals about to become so entitled) such information as will permit such individuals to evaluate the value of medicare supplemental policies to them and the relationship of any such policies to benefits provided under this title.

State regulatory programs, study and evaluation.

"(f)(1)(A) The Secretary shall, in consultation with Federal and State regulatory agencies, the National Association of Insurance Commissioners, private insurers, and organizations representing

consumers and the aged, conduct a comprehensive study and evaluation of the comparative effectiveness of various State approaches to the regulation of medicare supplemental policies in (i) limiting marketing and agent abuse, (ii) assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice, (iii) promoting policies which provide reasonable economic benefits for such individuals, (iv) reducing the purchase of unnecessary duplicative coverage, (v) improving price competition, and (vi) establishing effective approved State regulatory programs described in subsection (b).

"(B) Such study shall also address the need for standards or certification of health insurance policies, other than medicare supplemental policies, sold to individuals eligible for benefits under this title.

Report to Congress.

"(C) The Secretary shall, no later than January 1, 1982, submit a report to the Congress on the results of such study and evaluation, accompanied by such recommendations as the Secretary finds warranted by such results with respect to the need for legislative or administrative changes to accomplish the objectives set forth in subparagraphs (A) and (B), including the need for a mandatory Federal regulatory program to assure the marketing of appropriate types of medicare supplemental policies, and such other means as he finds may be appropriate to enhance effective State regulation of such policies.

Report to Congress.

"(2) The Secretary shall submit to the Congress no later than July 1, 1982, and periodically as may be appropriate thereafter (but not less often than once every 2 years), a report evaluating the effectiveness of the certification procedure and the criminal penalties established under this section, and shall include in such reports an analysis of—

"(A) the impact of such procedure and penalties on the types, market share, value, and cost to individuals entitled to benefits under this title of medicare supplemental policies which have been certified by the Secretary;

"(B) the need for any change in the certification procedure to improve its administration or effectiveness; and

"(C) whether the certification program and criminal penalties should be continued.

Medicare supplemental policy, definition.

"(g)(1) For purposes of this section, a medicare supplemental policy is a health insurance policy or other health benefit plan offered by a private entity to individuals who are entitled to have payment made under this title, which provides reimbursement for expenses incurred for services and items for which payment may be made under this title but which are not reimbursable by reason of the applicability of deductibles, coinsurance amounts, or other limitations imposed pursuant to this title; but does not include any such policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations (or combination thereof), for employees or former employees (or combination thereof) or for members or former members (or combination thereof) of the labor organizations. For purposes of this section, the term 'policy' includes a certificate issued under such policy.

"Policy."

"(2) For purposes of this section:

"NAIC Model Standards."

"(A) The term 'NAIC Model Standards' means the 'NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act', adopted by the

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National Association of Insurance Commissioners on June 6, 1979, as it applies to medicare supplement policies.

Definition.

"(B) The term 'State with an approved regulatory program' means a State for which the Panel has made a determination under subsection (b)(1).

"(C) The State in which a policy is issued means—

"(i) in the case of an individual policy, the State in which the policyholder resides; and

"(ii) in the case of a group policy, the State in which the holder of the master policy resides.

Regulations.

"(h) The Secretary shall prescribe such regulations as may be necessary for the effective, efficient, and equitable administration of the certification procedure established under this section. The Secretary shall first issue final regulations to implement the certification procedure established under subsection (a) not later than March 1, 1981.

Emblem usage, effective date.

"(i)(1) No medicare supplemental policy shall be certified and no such policy may be issued bearing the emblem authorized by the Secretary under subsection (a) until July 1, 1982. On and after such date policies certified by the Secretary may bear such emblem, including policies which were issued prior to such date and were subsequently certified, and insurers may notify holders of such certified policies issued prior to such date using such emblem in the notification.

"(2)(A) The Secretary shall not implement the certification program established under subsection (a) with respect to policies issued in a State unless the Panel makes a finding that such State cannot be expected to have established, by July 1, 1982, an approved State regulatory program meeting the standards and requirements of subsection (b)(1). If the Panel makes such a finding, the Secretary shall implement such program under subsection (a) with respect to medicare supplemental policies issued in such State, until such time as the Panel determines that such State has a program that meets the standards and requirements of subsection (b)(1).

Panel findings, transmittal to congressional committees; effective date.

"(B) Any finding by the Panel under subparagraph (A) shall be transmitted in writing, not later than January 1, 1982, to the Committee on Finance of the Senate and to the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means of the House of Representatives and shall not become effective until 60 days after the date of its transmittal to the Committees of the Congress under this subparagraph. In counting such days, days on which either House is not in session because of an adjournment sine die or an adjournment of more than three days to a day certain are excluded in the computation.

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"(j) Nothing in this section shall be construed so as to affect the right of any State to regulate medicare supplemental policies which, under the provisions of this section, are considered to be issued in another State.".

Effective date.
42 USC 1395ss note.
Ante, p. 476.

(b) The amendment made by this section shall become effective on the date of the enactment of this Act, except that the provisions of paragraph (4) of section 1882(d) of the Social Security Act (as added by this section) shall become effective on July 1, 1982.

Approved June 9, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-100 (Comm. on Ways and Means) and No. 96-944 (Comm. of Conference).
SENATE REPORT No. 96-408 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 6, considered and passed House.
Dec. 5, considered in Senate.
Vol. 126 (1980): Jan. 30, 31, considered and passed Senate, amended.
May 22, House agreed to conference report.
May 29, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 24 (1980): June 9, Presidential statement.

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94 STAT. 500

Public Law 96-272
96th Congress

An Act

June 17, 1980
[H.R. 3434]

To establish a program of adoption assistance, to strengthen the program of foster care assistance for needy and dependent children, to improve the child welfare, social services, and aid to families with dependent children programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Adoption Assistance and Child Welfare Act of 1980.

SHORT TITLE

42 USC 1305 note.

SECTION 1. This Act, with the following table of contents, may be cited as the "Adoption Assistance and Child Welfare Act of 1980".

TABLE OF CONTENTS

Sec. 1. Short title.

TITLE I—FOSTER CARE AND ADOPTION ASSISTANCE

Sec. 101. Federal payments for foster care and adoption assistance.
Sec. 102. Federal payments for dependent children voluntarily placed in foster care.
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TITLE II—SOCIAL SERVICES

Sec. 201. Determination of amount allocated to States.
Sec. 202. Extension of 100-per centum Federal matching for child day care expenditures.
Sec. 203. Limitation on funds for training.
Sec. 204. Use of restricted private funds for training programs.
Sec. 205. Emergency shelter.
Sec. 206. Multiyear plan; choice of fiscal year.
Sec. 207. Social services funding for territories.
Sec. 208. Permanent extension of provisions relating to child day care services and WIN tax credit.
Sec. 209. Permanent extension of provisions relating to services for alcoholics and drug addicts.

TITLE III—OTHER SOCIAL SECURITY ACT PROVISIONS

Sec. 301. Permanent extension of provisions relating to child support enforcement.
Sec. 302. Incentives to report earnings under AFDC programs.
Sec. 303. Prorating of shelter allowance.
Sec. 304. Services for disabled children.
Sec. 305. Public assistance payments to territorial jurisdictions.
Sec. 306. Period within which certain claims must be filed.
Sec. 307. Incentives for States to collect child support obligations.
Sec. 308. Exchange of information on terminated or suspended providers.
Sec. 309. Postponement of imposition of certain penalties relating to child support requirements.
Sec. 310. Continuing medicaid eligibility for certain recipients of Veterans' Administration pensions.

TITLE I—FOSTER CARE AND ADOPTION ASSISTANCE

94 STAT. 501

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

Sec. 101. (a)(1) Title IV of the Social Security Act is amended by adding at the end thereof the following new part:

"Part E—Federal Payments for Foster Care and Adoption Assistance

"PURPOSE: APPROPRIATION

"Sec. 470. For the purpose of enabling each State to provide, in appropriate cases, foster care and adoption assistance for children who otherwise would be eligible for assistance under the State's plan approved under part A (or, in the case of adoption assistance, would be eligible for benefits under title XVI), there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

42 USC 670.
42 USC 601.
42 USC 1381.

"STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

"Sec. 471. (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

42 USC 671.

"(1) provides for foster care maintenance payments in accordance with section 472 and for adoption assistance payments in accordance with section 473;

"(2) provides that the State agency responsible for administering the program authorized by part B of this title shall administer, or supervise the administration of, the program authorized by this part;

Post, p. 516.

"(3) provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

"(4) provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;

42 USC 601, *post*, p. 516, 42 USC 1397.

"(5) provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

"(6) provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the 'State agency') will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"State agency."

94 STAT. 502

"(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;

"(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or

Information disclosure restriction.

42 USC 601, *post*, p. 516, 42 USC 630, 651.
42 USC 301, 701, 1201, 1351, 1381, 1396, 1397.
42 USC 1381.

program of the State under part A, B, C, or D of this title or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need, and (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely;

Post, p. 516

"(9) provides that where any agency of the State has reason to believe that the home or institution in which a child resides whose care is being paid for in whole or in part with funds provided under this part or part B of this title is unsuitable for the child because of the neglect, abuse, or exploitation of such child, it shall bring such condition to the attention of the appropriate court or law enforcement agency;

42 USC 1397b.

"(10) provides that the standards referred to in section 2003(d)(1)(F) shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title;

Standard review.

"(11) provides for periodic review of the standards referred to in the preceding paragraph and amounts paid as foster care maintenance payments and adoption assistance payments to assure their continuing appropriateness;

Hearing opportunity.

"(12) provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part is denied or is not acted upon with reasonable promptness;

Audit.

"(13) provides that the State shall arrange for a periodic and independently conducted audit of the programs assisted under this part and part B of this title, which shall be conducted no less frequently than once every three years;

Goals.

"(14) provides (A) specific goals (which shall be established by State law on or before October 1, 1982) for each fiscal year (commencing with the fiscal year which begins on October 1, 1983) as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care with respect to whom assistance under the plan is provided during such year) who, at any time during such year, will remain in foster care after having been in such care for a period in excess of twenty-four months, and (B) a description of the steps which will be taken by the State to achieve such goals;

94 STAT. 503

"(15) effective October 1, 1983, provides that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home; and

Case plan and case review system.

"(16) provides for the development of a case plan (as defined in section 475(1)) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 475(5)(B) with respect to each such child.

Plan approval.

"(b) The Secretary shall approve any plan which complies with the provisions of subsection (a) of this section. However, in any case in which the Secretary finds, after reasonable notice and opportunity for a hearing, that a State plan which has been approved by the Secretary no longer complies with the provisions of subsection (a), or that in the administration of the plan there is a substantial failure to comply with the provisions of the plan, the Secretary shall notify the State that further payments will not be made to the State under this part, or that such payments will be made to the State but reduced by an amount which the Secretary determines appropriate, until the Secretary is satisfied that there is no longer any such failure to comply, and until he is so satisfied he shall make no further payments to the State, or shall reduce such payments by the amount specified in his notification to the State.

"FOSTER CARE MAINTENANCE PAYMENTS PROGRAM

42 USC 672.
Post, p. 513.

"SEC. 472. (a) Each State with a plan approved under this part shall make foster care maintenance payments (as defined in section 475(4)) under this part with respect to a child who would meet the requirements of section 406(a) or of section 407 but for his removal from the home of a relative (specified in section 406(a)), if—

42 USC 606, 607.

"(1) the removal from the home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and (effective October 1, 1983) that reasonable efforts of the type described in section 471(a)(15) have been made;

"(2) such child's placement and care are the responsibility of (A) the State agency administering the State plan approved under section 471, or (B) any other public agency with whom the State agency administering or supervising the administration of the State plan approved under section 471 has made an agreement which is still in effect;

"(3) such child has been placed in a foster family home or child-care institution as a result of a determination referred to in paragraph (1); and

"(4) such child—

"(A) received aid under the State plan approved under section 402 in or for the month in which court proceedings leading to the removal of such child from the home were initiated, or

42 USC 602.

"(B)(i) would have received such aid in or for such month if application had been made therefor, or (ii) had been living with a relative specified in section 406(a) within six months prior to the month in which such proceedings were initiated, and would have received such aid in or for such month if in such month he had been living with such a relative and application therefor had been made.

94 STAT. 504

42 USC 606.

"(b) Foster care maintenance payments may be made under this part only on behalf of a child described in subsection (a) of this section who is—

"(1) in the foster family home of an individual, whether the payments therefor are made to such individual or to a public or nonprofit private child-placement or child-care agency, or

"(2) in a child-care institution, whether the payments therefor are made to such institution or to a public or nonprofit private child-placement or child-care agency, which payments shall be limited so as to include in such payments only those items which are included in the term 'foster care maintenance payments' (as defined in section 475(4)).

"Foster family home."

"Child-care institution."

"(c) For the purposes of this part, (1) the term 'foster family home' means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing; and (2) the term 'child-care institution' means a nonprofit private child-care institution, or a public child-care institution which accommodates no more than twenty-five children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing, but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.

42 USC 1396, 1397.
42 USC 606.
42 USC 601.

"(d) For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section shall be deemed to be a dependent child as defined in section 406 and shall be deemed to be a recipient of aid to families with dependent children under part A of this title.

"ADOPTION ASSISTANCE PROGRAM

42 USC 673.
Post, p. 514.

"SEC. 473. (a)(1) Each State with a plan approved under this part shall, directly through the State agency or through another public or nonprofit private agency, make adoption assistance payments pursuant to an adoption assistance agreement in amounts determined under paragraph (2) of this subsection to parents who, after the effective date of this section, adopt a child who—

42 USC 606, 607.

"(A)(i) at the time adoption proceedings were initiated, met the requirements of section 406(a) or section 407 or would have met such requirements except for his removal from the home of a relative (specified in section 406(a)) as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child, or

42 USC 1381.

"(ii) meets all of the requirements of title XVI with respect to eligibility for supplemental security income benefits,

42 USC 602.

"(B)(i) received aid under the State plan approved under section 402 in or for the month in which court proceedings leading to the removal of such child from the home were initiated, or

42 USC 606.

"(ii)(I) would have received such aid in or for such month if application had been made therefor, or (II) had been living with a relative specified in section 406(a) within six months prior to the month in which such proceedings were initiated, and would have received such aid in or for such month if in such month he had been living with such a relative and application therefor had been made, or

"(iii) is a child described in subparagraph (A)(ii), and

"(C) has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs.

Amount of payment.

"(2) The amount of the adoption assistance payments shall be determined through agreement between the adoptive parents and the State or local agency administering the program under this section, which shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted, and may be readjusted periodically, with the concurrence of the adopting parents (which may be specified in the adoption assistance agreement), depending upon changes in such circumstances. However, in no case may the amount of the adoption assistance payment exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.

Restrictions.

"(3) Notwithstanding the preceding paragraph, (A) no payment may be made to parents with respect to any child who has attained the age of eighteen (or, where the State determines that the child has a mental or physical handicap which warrants the continuation of assistance, the age of twenty-one), and (B) no payment may be made to parents with respect to any child if the State determines that the parents are no longer legally responsible for the support of the child or if the State determines that the child is no longer receiving any support from such parents. Parents who have been receiving adoption assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for such assistance payments, or eligible for assistance payments in a different amount.

"(4) For purposes of this part, individuals with whom a child (who has been determined by the State, pursuant to subsection (c), to be a child with special needs) is placed for adoption, pursuant to an interlocutory decree, shall be eligible for adoption assistance payments under this subsection, during the period of the placement, on the same terms and subject to the same conditions as if such individuals had adopted such child.

"(b) For purposes of titles XIX and XX, any child with respect to whom adoption assistance payments are made under this section shall be deemed to be a dependent child as defined in section 406 and shall be deemed to be a recipient of aid to families with dependent children under part A of this title. 42 USC 1396, 1397. 42 USC 606. 42 USC 601.

"(c) For purposes of this section, a child shall not be considered a child with special needs unless— Child with special needs.

"(1) the State has determined that the child cannot or should not be returned to the home of his parents; and

"(2) the State had first determined (A) that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance, and (B) that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section.

94 STAT. 506

"PAYMENTS TO STATES; ALLOTMENTS TO STATES

"SEC. 474. (a) For each quarter beginning after September 30, 1980, each State which has a plan approved under this part (subject to the limitations imposed by subsection (b)) shall be entitled to a payment equal to the sum of— 42 USC 674.

"(1) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b) of this Act) of the total amount expended during such quarter as foster care maintenance payments under section 472 for children in foster family homes or child-care institutions; plus 42 USC 1396d.

"(2) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b) of this Act) of the total amount expended during such quarter as adoption assistance payments under section 473 pursuant to adoption assistance agreements; plus

"(3) an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training (including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions) of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision, and

"(B) one-half of the remainder of such expenditures.

"(b)(1) Notwithstanding the provisions of subsections (a)(1) and (a)(3), the aggregate of the sums payable thereunder to any State

42 USC 1308.
Post, pp. 526, 529, 530.

(other than a State subject to limitation under section 1108(a)) with respect to expenditures relating to foster care, for the calendar quarters in any of the fiscal years 1981 through 1984 in which the conditions set forth in paragraph (2) are met, shall not exceed the State's allotment for such year.

"(2)(A) The limitation in paragraph (1) shall apply—

"(i) with respect to fiscal year 1981, only if the amount appropriated under section 420 for such fiscal year is equal to or greater than $163,550,000;

42 USC 620.

"(ii) with respect to fiscal year 1982, only if the amount appropriated under section 420 for such fiscal year is equal to or greater than $220,000,000;

"(iii) with respect to fiscal year 1983, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000; and

"(iv) with respect to fiscal year 1984, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000.

94 STAT. 507

"(B) The limitations set forth in paragraph (1) with respect to the fiscal years 1982 through 1984 shall apply only if the required appropriation is made in advance in an appropriation Act (as authorized under section 420(b)) for the fiscal year preceding the fiscal year to which the limitation would apply.

42 USC 620.

"(3) For purposes of this subsection, a State's allotment for any fiscal year shall be the greater of—

"(A) the amount determined under paragraph (4);

"(B) an amount which bears the same ratio to $100,000,000 as the under age eighteen population of such State bears to the under age eighteen population of the fifty States and the District of Columbia; or

"(C) at the option of the State, an amount determined under paragraph (5), but only in the case of a State which meets the requirements of such paragraph (5).

State allotment determination criteria.

"(4) For purposes of paragraph (3)(A), a State's allotment shall be determined as follows:

"(A) The allotment for any State for fiscal year 1980 shall be an amount equal to such State's base amount (as determined under subparagraph (c)) increased by 21.2 percent.

"(B) The allotment for any State for each of the fiscal years 1981 through 1984 shall be an amount equal to such State's allotment for the preceding fiscal year, increased or decreased by a percentage equal to twice the percentage increase or decrease (as the case may be) (but not to exceed an increase or decrease of 10 percent) in the Consumer Price Index prepared by the Department of Labor, and used in determining cost-of-living adjustments under section 215(i) of this Act, for the second quarter of the preceding fiscal year as compared to such index for the second quarter of the second preceding fiscal year. For purposes of this subparagraph the Consumer Price Index for any quarter shall be the arithmetical mean of such index for the three months in such quarter.

42 USC 415.

42 USC 603.
Post, p. 512.

"(C) The base amount shall be equal to the amount of the Federal funds payable to such State for fiscal year 1978 under section 403 on account of expenditures for aid with respect to which Federal financial participation is authorized in payments pursuant to section 408 (including administrative expenditures attributable to the provision of such aid as determined by the Secretary) and for those States which in fiscal year 1978 did not make foster care maintenance payments under section 408 on behalf of children otherwise eligible for such payment, solely because their foster care was provided by related persons, shall be equal to the total amount of Federal funds the State would have been entitled to be paid under section 403 on account of expenditures pursuant to section 408 for that fiscal year if such payments had been made. In the event that there is a dispute between any State and the Secretary as to the amount of such expenditures for such fiscal year, then, until the beginning of the fiscal year immediately following the fiscal year in which the dispute is finally resolved, the base amount shall be deemed to be the amount of Federal funds which would have been payable under section 403 if the amount of such expenditures were equal to the amount thereof claimed by the State.

"(5)(A) For purposes of paragraph (3)(C), a State's allotment for any fiscal year ending after September 30, 1980, and before October 1, 1984, may, at the option of the State (and if the State meets the requirements of subparagraphs (B) and (C)), be determined by application of the provisions of paragraph (4) with the following modifications:

"(i) The base amount for purposes of determining an allotment for any such fiscal year shall be equal to the base amount determined under paragraph (4)(C) increased by a percentage equal to the percentage by which the average monthly number of children in such State receiving aid with respect to which Federal financial participation is authorized in payments pursuant to section 408, or receiving foster care maintenance payments with respect to which Federal financial participation is authorized under this part, for such fiscal year exceeds the average monthly number of such children for fiscal year 1978.

Post, p. 512.

"(ii) For purposes of clause (i), the percentage determined under such clause shall not exceed 33.1 percent in the case of fiscal year 1981, 46.4 percent in the case of fiscal year 1982, 61.1 percent in the case of fiscal year 1983, or 77.2 percent in the case of fiscal year 1984.

"(B) No State may exercise the option to have its allotment amount determined under the provisions of this paragraph unless, for fiscal year 1978, the average monthly number of children in such State receiving aid for which Federal financial participation is authorized in payments pursuant to section 408 as a percentage of the under age eighteen population of such State, was less than the average such percentage for the fifty States and the District of Columbia.

"(C) No State may exercise the option to have its allotment determined under this paragraph for any fiscal year other than fiscal year 1981 after the first fiscal year (after fiscal year 1978) with respect to which the average monthly number of children in such State receiving aid for which Federal financial participation is authorized in payments pursuant to section 408, or receiving foster care maintenance payments for which Federal financial participation is authorized under this part, as a percentage of the under age eighteen population of such State, was equal to or greater than the average such percentage for the fifty States and the District of Columbia for the fiscal year 1978. Any allotment determined under this paragraph for a State which opted to have its allotment so determined under this paragraph for the fiscal year prior to the first fiscal year for which its option may not be exercised by reason of the preceding sentence shall be considered to be such State's allotment for such prior fiscal year for purposes of determining allotments for subsequent fiscal years under paragraph (4).

"(D) In determining the number of children receiving aid for which Federal financial participation is authorized in payments under section 408 or under this part, for any fiscal year, with respect to any State and with respect to the national average for purposes of subparagraphs (B) and (C), there shall be included those children with respect to whom foster care maintenance payments were not made under section 408 or this part (though they were otherwise eligible for such payments) solely because their foster care was provided by related persons. In the event that there is a dispute between any State and the Secretary as to the number of such children (with respect to whom foster care maintenance payments were not made) for any fiscal year, then until the beginning of the fiscal year immediately following the fiscal year in which the dispute is finally resolved, determinations under subparagraphs (B) and (C) shall be

94 STAT. 509

made on the basis of the number of such children claimed by the State.

Interim and final allotment amounts.

"(E) The Secretary shall promulgate an interim allotment amount for purposes of this paragraph for each fiscal year for each State exercising its option to have its allotment determined under this paragraph, based on the most recent satisfactory data available, not later than six months after the beginning of such fiscal year. The amount of such allotment shall be adjusted, and the final allotment amount shall be promulgated, based on the most recent satisfactory data available, not later than nine months after the end of such fiscal year.

"(6) Except in the case of a State which loses the option of having its allotment determined under paragraph (5) by reason of the provisions of paragraph (5)(C), and subject to the provisions of such paragraph (5)(C), the amount of any allotment as determined in accordance with subparagraph (A), (B), or (C) of paragraph (3) for any fiscal year for any State shall be determined in accordance with the provisions of such subparagraph, without regard to the amount of such State's allotment for any prior fiscal year as determined in accordance with another such subparagraph.

State reimbursements.

"(c)(1) Except as provided in paragraphs (3) and (4), for any of the fiscal years 1981 through 1984 during which the limitation under subsection (b)(1) is in effect, sums available to a State from its allotment under subsection (b) for carrying out this part, which the State does not claim as reimbursement for expenditures in such year pursuant to subsection (a) of this section, may be claimed by the State as reimbursement for expenditures in such year pursuant to part B of this title, in addition to sums available pursuant to section 420 for carrying out part B.

Post, p. 516.

"(2) Except as provided in paragraphs (3) and (4), for any of the fiscal years 1981 through 1984 during which the limitation under subsection (b)(1) is not in effect, a State may claim as reimbursement for expenditures for such year pursuant to part B of this title, in addition to amounts claimed under section 420, an amount equal to the amount by which the State's allotment amount for such fiscal year (as determined under subsection (b)(3)) exceeds the amount claimed by such State for such fiscal year as reimbursement for expenses relating to foster care under subsection (a); except that the total amount claimed by such State for such fiscal year under this paragraph, when added to the amount that such State receives for such fiscal year under section 420, may not exceed the amount that would have been payable to such State under section 420 for such fiscal year if the relvant amount described in subsection (b)(2)(A) had been appropriated for such fiscal year.

"(3) The provisions of paragraphs (1) and (2) shall not apply for any fiscal year with respect to any State which, with respect to such fiscal year, exercised its option to have its allotment amount determined under subsection (b)(5).

"(4)(A) No State may claim an amount under the provisions of this subsection as reimbursement for expenditures for any fiscal year pursuant to part B of this title to the extent that such amount, plus the amount claimed by such State for such fiscal year under section 420, exceeds the amount which would be allotted to such State under part B if the amount appropriated under section 420 were $141,000,000, unless such State has met the requirements set forth in section 427(a).

Post, p. 519.

94 STAT. 510

42 USC 620.

"(B) If, for each of any two consecutive fiscal years, there is appropriated under section 420 a sum equal to $266,000,000, no State may claim any amount under the provisions of this subsection as reimbursement for expenditures for any succeeding fiscal year pursuant to part B of this title unless such State has met the requirements set forth in section 427(b).

Post, p. 516.
Post, p. 519.

"(C) If, for each of any two fiscal years during which the limitation under subsection (b)(1) is not in effect, the total amount claimed by a

State as reimbursement for expenditures pursuant to part B under this subsection and under section 420 equals the amount which would be allotted to such State for such fiscal year under part B if the amount appropriated under section 420 were $266,000,000, such State may not claim any amount under the provisions of paragraph (2) as reimbursement for expenditures for any succeeding fiscal year pursuant to part B of this title unless such State has met the requirements set forth in section 427(b).

"DEFINITIONS

"SEC. 475. As used in this part or part B of this title:

42 USC 675.
Ante, p. 501, *post*, 516.

"(1) The term 'case plan' means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(1); and a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

"(2) The term 'parents' means biological or adoptive parents or legal guardians, as determined by applicable State law.

"(3) The term 'adoption assistance agreement' means a written agreement, binding on the parties to the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the amounts of the adoption assistance payments and any additional services and assistance which are to be provided as part of such agreement, and (B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

"(4) The term 'foster care maintenance payments' means payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to the child's home for visitation. In the case of institutional care, such term shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence.

"(5) The term 'case review system' means a procedure for assuring that—

"(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

"(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

"(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

"(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

"TECHNICAL ASSISTANCE; DATA COLLECTION AND EVALUATION

42 USC 676.

Ante, p. 501, *post*, p. 516.

"SEC. 476. (a) The Secretary may provide technical assistance to the States to assist them to develop the programs authorized under this part and shall periodically (1) evaluate the programs authorized under this part and part B of this title and (2) collect and publish data pertaining to the incidence and characteristics of foster care and adoptions in this country.

Statistical reports to Secretary.

"(b) Each State shall submit statistical reports as the Secretary may require with respect to children for whom payments are made under this part containing information with respect to such children including legal status, demographic characteristics, location, and length of any stay in foster care.".

94 STAT. 512

Repeal.
42 USC 608.

(2)(A) Effective with respect to expenditures made after September 30, 1980, section 408 of the Social Security Act is, subject to subparagraph (B), repealed.

42 USC 608 note.

Ante, p. 501.

Ante, p. 506.

42 USC 601.

Supra.

(B) The repeal made by subparagraph (A) shall not be applicable in the case of any State for any quarter prior to the first quarter, which begins after September 30, 1980, in which such State has in effect a State plan approved under part E of the Social Security Act, or (if earlier) such repeal shall be effective with respect to expenditures made after September 30, 1982. During any period with respect to which the repeal made by subparagraph (A) is not applicable in the case of a State and during which a limitation is in effect under section 474(b)(1) of the Social Security Act, the aggregate of the sums payable to the State, under the State's plan approved under part A of title IV of such Act, with respect to expenditures (including administrative expenditures as determined by the Secretary of Health, Education, and Welfare) authorized or incurred by reason of the provisions of section 408 of such Act shall not exceed the amount of the allotment which such State would have had for such period under section 474(b) if such State had had an approved plan under part E of such title IV. Any amount which would have been available to such State from its allotment for any period with respect which such repeal is not applicable in the case of a State (whether or not a limitation is in effect under section 474(b)(1) of such Act) under section 474(b) of the Social Security Act (if such State had had an approved plan under part E of title IV of such Act) which the State does not claim as reimbursement with respect to expenditures (including administrative expenditures as determined by the Secretary) authorized or incurred by reason of the provisions of section 408 of such Act, may be claimed by the State as reimbursement for expenditures in such period pursuant to part B of title IV of such Act in the same manner as amounts available to States from allotments under section 474(b) of such Act, and not claimed as reimbursement under part E of title IV of such Act, are authorized to be claimed under section 474(c) of such Act.

Post, p. 516.

(3)(A) Section 402(a)(20) of such Act is amended to read as follows:

42 USC 602.

"(20) provide that the State has in effect a State plan for foster care and adoption assistance approved under part E of this title;".

Ante, p. 501.

(B) The amendment made by subparagraph (A) shall become effective with respect to any State at the same time as the repeal of section 408 becomes effective with respect to such State under the provisions of paragraph (2) of this subsection.

Effective date.
42 USC 602 note.
Supra.

(4)(A) Clause (B) of the first sentence of section 475(3) of the Social Security Act (as added by subsection (a) of this section) shall be effective with respect to adoption assistance agreements entered into on or after October 1, 1983.

Effective date.
42 USC 675 note.
Ante, p. 510.

(B) The Secretary of Health, Education, and Welfare shall take all possible steps to encourage and assist the various States to enter into interstate compacts (which are hereby approved by the Congress) under which the interests of any adopted child with respect to whom an adoption assistance agreement has been entered into by a State under section 473 of the Social Security Act will be adequately protected, on a reasonable and equitable basis which is approved by the Secretary, if and when the child and his or her adoptive parent (or parents) move to another State.

Interstate compacts.
42 USC 673a.
Ante, p. 504.

94 STAT. 513

(5)(A) Subject to the repeal provided under paragraph (2), the last paragraph of section 408 of the Social Security Act is amended to read as follows:

Ante, p. 512.

"For the purposes of this section, the term 'foster family home' means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing; and the term 'child-care institution' means a nonprofit private child-care institution, or a public child-care institution which accommodates no more than twenty-five children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing; but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.".

"Foster family home."
"Child-care institution."

(B) The amendment made by subparagraph (A) shall be effective with respect to expenditures made on or after the date of the enactment of this Act.

Effective date.
42 USC 608 note.

(b)(1) The Secretary of Health, Education, and Welfare shall conduct a study of programs of foster care and adoption assistance established under part IV–E of the Social Security Act (as added by subsection (a) of this section), and shall submit to the Congress, not later than October 1, 1983, a full and complete report thereon, together with his recommendations as to (A) whether such part IV–E should be continued, and if so, (B) the changes (if any) which should be made in such part IV–E.

Report to Congress.
42 USC 670 note.
Ante, p. 501.

(2) Such report shall include, but not be limited to, the following:

(A) a determination as to (i) the extent of reduction that has occurred in the duration of foster care under such programs, (ii) the extent to which such programs of adoption assistance have resulted in an increase in the adoption of children who otherwise would have remained in foster care under State plans approved

42 USC 601, *ante*, p. 501.

under title IV–A or IV–E of the Social Security Act, and (iii) the extent to which the availability of Federal funding for adoption assistance under title IV–E of such Act has resulted in States' initiating or expanding programs for adoption assistance, and

(B) specific legislative recommendations for ways to bring about further reduction in the duration of foster care for children.

FEDERAL PAYMENTS FOR DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

Ante, p. 503.

SEC. 102. (a)(1) Effective with respect to expenditures made after September 30, 1980, and before October 1, 1983, section 472(a) of the Social Security Act (as added by section 101 of this Act) is amended—

(A) by inserting "occurred pursuant to a voluntary placement agreement entered into by the child's parent or legal guardian, or" after "removal from the home" in paragraph (1);

(B) by striking out "a determination" in paragraph (3) and inserting in lieu thereof "the voluntary placement agreement or judicial determination";

(C) by inserting "such agreement was entered into or" after "the month in which" in paragraph (4)(A); and

(D) by inserting "such agreement was entered into or" after "the month in which" in paragraph (4)(B)(ii).

Ante, p. 503.

(2) Section 472 of such Act (as so added) is further amended by redesignating subsection (d) as subsection (h), and by inserting after subsection (c) the following new subsections:

"(d) Notwithstanding any other provision of this title, Federal payments may be made under this part with respect to amounts expended by any State as foster care maintenance payments under this section, in the case of children removed from their homes pursuant to voluntary placement agreements as described in subsection (a), only if (at the time such amounts were expended) the State has fulfilled all of the requirements of section 427(b).

Post, p. 519.

"(e) No Federal payment may be made under this part with respect to amounts expended by any State as foster care maintenance payments under this section, in the case of any child who was removed from his or her home pursuant to a voluntary placement agreement as described in subsection (a) and has remained in voluntary placement for a period in excess of 180 days, unless there has been a judicial determination by a court of competent jurisdiction (within the first 180 days of such placement) to the effect that such placement is in the best interests of the child.

Ante, p. 501, *post*, 516.
"Voluntary placement."

"Voluntary placement agreement."

"(f) For the purposes of this part and part B of this title, (1) the term 'voluntary placement' means an out-of-home placement of a minor, by or with participation of a State agency, after the parents or guardians of the minor have requested the assistance of the agency and signed a voluntary placement agreement; and (2) the term 'voluntary placement agreement' means a written agreement, binding on the parties to the agreement, between the State agency, any other agency acting on its behalf, and the parents or guardians of a minor child which specifies, at a minimum, the legal status of the child and the rights and obligations of the parents or guardians, the child, and the agency while the child is in placement.

"(g) In any case where—

"(1) the placement of a minor child in foster care occurred pursuant to a voluntary placement agreement entered into by the parents or guardians of such child as provided in subsection (a), and

"(2) such parents or guardians request (in such manner and form as the Secretary may prescribe) that the child be returned to their home or to the home of a relative,

the voluntary placement agreement shall be deemed to be revoked unless the State agency opposes such request and obtains a judicial determination, by a court of competent jurisdiction, that the return of the child to such home would be contrary to the child's best interests.".

Ante, p. 504.

(3) Section 473(a)(1) of such Act (as so added) is amended—

Ante, p. 506, 42 USC 603.

(A) by inserting ", either pursuant to a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or 403) or" immediately before "as a result of a judicial determination" in subparagraph (A)(i);

(B) by inserting "such agreement was entered into or" after "the month in which" in subparagraph (B)(i); and

(C) by inserting "such agreement was entered into or" after "the month in which" in subparagraph (B)(ii).

Ante, p. 510.

(4) Section 475(1) of such Act (as so added) is amended by inserting "voluntary placement agreement entered into or" before "judicial determination made".

94 STAT. 515

Ante, p. 512.

(b)(1) Effective with respect to expenditures made after September 30, 1979 (but subject to the repeal provided under section 101(a)(2) (A) and (B)), section 408(a) of the Social Security Act is amended—

42 USC 606.

(A) by inserting "pursuant to a voluntary placement agreement entered into by the child's parent or legal guardian, or" after "(specified in such section 406(a))" in clause (1);

(B) by striking out "such determination" in clause (3) and inserting in lieu thereof "such voluntary placement agreement or judicial determination";

(C) by inserting "such agreement was entered into or" after "the month in which" in clause (4)(A); and

(D) by inserting "such agreement was entered into or" after "the month in which" in clause (4)(B)(ii).

(2) Section 408 of such Act is further amended by adding at the end thereof the following new paragraph:

Ante, p. 503.

"For the purposes of this section, the provisions of subsections (d), (e), (f), and (g) of section 472 shall apply.".

Effective date. 42 USC 672 note, 608, 672, 673, 675.

(c) The amendments made by subsections (a) and (b) shall be effective only with respect to expenditures made after September 30, 1979, and before October 1, 1983; and from and after October 1, 1983, the provisions of law amended by such subsections shall read as they would if this section had not been enacted.

42 USC 672 note.

Ante, p. 501.

(d)(1) For purposes of section 472 of the Social Security Act, a child who was voluntarily removed from the home of a relative and who had a judicial determination prior to October 1, 1978, to the effect that continuation therein would be contrary to the welfare of such child, shall be deemed to have been so removed as a result of such judicial determination if, and from the date that, a case plan and a review meeting the requirements of section 471(a)(16) of such Act have been made with respect to such child and such child is determined to be in need of foster care as a result of such review. In the case of any child described in the preceding sentence, for purposes of section 472(a)(4) of such Act, the date of the voluntary removal shall be deemed to be the date on which court proceedings are initiated which led to such removal.

42 USC 608 note. Ante, p. 512.

(2) For purposes of section 408 of the Social Security Act (but subject to the repeal provided under section 101(a)(2) (A) and (B)), in any case where a child was voluntarily removed from the home of a relative prior to October 1, 1979, and a judicial determination was made (prior to October 1, 1978) to the effect that continuation in such home would have been contrary to the child's welfare—

(A) such child shall be deemed to have been so removed as a result of a judicial determination to the effect that continuation in such home would be contrary to the welfare of such child, and

42 USC 602.

(B) Federal financial participation under the applicable State plan approved under section 402 of the Social Security Act for quarters beginning prior to October 1, 1979, shall not be denied with respect to aid furnished under such plan to or on behalf of such child.

Ante, p. 512.

For purposes of subsection (a)(4) of such section 408, the date of such child's voluntary removal shall be deemed to be the date on which court proceedings were initiated which led to such removal.

Report to Congress. 42 USC 672 note.

94 STAT. 516

Ante, pp. 512, 513.

(e) The Secretary of Health, Education, and Welfare, within three months after the close of each fiscal year with respect to which the amendments made by this section are in effect, shall submit to the Congress a full and complete report on the number of children placed in foster care pursuant to voluntary placement agreements under sections 408 and 472 of the Social Security Act and on the reasons for such placements together with a description of the extent to which such placements have contributed to the achievement of the objectives of this title, including such recommendations as he may deem appropriate with respect to the continuation (in such section 472) of authority to make Federal payments for dependent children voluntarily placed in foster care.

CHILD WELFARE SERVICES

SEC. 103. (a) Part B of title IV of the Social Security Act is amended (subject to subsection (c) of this section) by striking out all that precedes section 426 and inserting in lieu thereof the following:

"PART B—CHILD WELFARE SERVICES

"APPROPRIATION

42 USC 620.

"SEC. 420. (a) For the purpose of enabling the United States, through the Secretary, to cooperate with State public welfare agencies in establishing, extending, and strengthening child welfare services, there is authorized to be appropriated for each fiscal year the sum of $266,000,000.

"(b) Funds appropriated for any fiscal year pursuant to the authorization contained in subsection (a) shall be included in the appropriation Act (or supplemental appropriation Act) for the fiscal year preceding the fiscal year for which such funds are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence, shall apply notwithstanding the fact that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"ALLOTMENTS TO STATES

42 USC 621.

"SEC. 421. (a) The sum appropriated pursuant to section 420 for each fiscal year shall be allotted by the Secretary for use by cooperating State public welfare agencies which have plans developed jointly by the State agency and the Secretary as follows: He shall first allot $70,000 to each State, and shall then allot to each State an amount which bears the same ratio to the remainder of such sum as the product of (1) the population of the State under the age of twenty-one and (2) the allotment percentage of the State (as determined under this section) bears to the sum of the corresponding products of all the States.

"Allotment percentage."

"(b) The 'allotment percentage' for any State shall be 100 per centum less the State percentage; and the State percentage shall be the percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States; except that (1) the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and (2) the allotment percentage shall be 70 per centum in the case of Puerto Rico, the Virgin Islands, and Guam.

Promulgation by Secretary.

94 STAT. 517

"(c) The allotment percentage for each State shall be promulgated by the Secretary between October 1 and November 30 of each even-numbered year, on the basis of the average per capita income of each State and of the United States for the three most recent calendar **years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning October 1 next succeeding such promulgation.**

"(d) For purposes of this section, the term 'United States' means the fifty States and the District of Columbia.

"United States."

"STATE PLANS FOR CHILD WELFARE SERVICES

"SEC. 422. (a) In order to be eligible for payment under this part, a State must have a plan for child welfare services which has been developed jointly by the Secretary and the State agency designated pursuant to subsection (b)(1), and which meets the requirements of subsection (b).

42 USC 622.
Post, p. 521.

"(b) Each plan for child welfare services under this part shall—

"(1) provide that (A) the individual or agency designated pursuant to section 2003(d)(1)(C) to administer or supervise the administration of the State's services program will administer or supervise the administration of the plan (except as otherwise provided in section 103(d) of the Adoption Assistance and Child Welfare Act of 1980), and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering the plan, a single organizational unit in such State or local agency, as the case may be, will be responsible for furnishing such child welfare services;

42 USC 1397b.

Ante, p. 516.

"(2) provide for coordination between the services provided for children under the plan and the services and assistance provided under title XX, under the State plan approved under part A of this title, under the State plan approved under part E of this title, and under other State programs having a relationship to the program under this part, with a view to provision of welfare and related services which will best promote the welfare of such children and their families;

42 USC 1397.
42 USC 601.
Ante, p. 501.

"(3) provide that the standards and requirements imposed with respect to child day care under title XX shall apply with respect to day care services under this part, except insofar as eligibility for such services is involved;

"(4) provide for the training and effective use of paid paraprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low income, as community service aides, in the administration of the plan, and for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the State agency;

Paraprofessionals and volunteers.

"(5) contain a description of the services to be provided and specify the geographic areas where such services will be available;

"(6) contain a description of the steps which the State will take to provide child welfare services and to make progress in—

"(A) covering additional political subdivisions,

"(B) reaching additional children in need of services, and

"(C) expanding and strengthening the range of existing services and developing new types of services,

along with a description of the State's child welfare services staff development and training plans;

"(7) provide, in the development of services for children, for utilization of the facilities and experience of voluntary agencies in accordance with State and local programs and arrangements, as authorized by the State; and

Voluntary agencies, utilization.

94 STAT. 518

"(8) provide that the agency administering or supervising the administration of the plan will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require.

"PAYMENT TO STATES

"SEC. 423. (a) From the sums appropriated therefor and the allotment under this part, subject to the conditions set forth in this section and in section 427, the Secretary shall from time to time pay to each

42 USC 623.

State that has a plan developed in accordance with section 422 an amount equal to 75 per centum of the total sum expended under the plan (including the cost of administration of the plan) in meeting the costs of State, district, county, or other local child welfare services.

Computation method.

"(b) The method of computing and making payments under this section shall be as follows:

"(1) The Secretary shall, prior to the beginning of each period for which a payment is to be made, estimate the amount to be paid to the State for such period under the provisions of this section.

"(2) From the allotment available therefor, the Secretary shall pay the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which he finds that his estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount which should have been paid to the State for such prior period under this section.

"(c)(1) No payment may be made to a State under this part, for any fiscal year beginning after September 30, 1979, with respect to State expenditures made for (A) child day care necessary solely because of the employment, or training to prepare for employment, of a parent or other relative with whom the child involved is living, (B) foster care maintenance payments, and (C) adoption assistance payments, to the extent that the Federal payment with respect to those expenditures would exceed the total amount of the Federal payment under this part for fiscal year 1979.

"(2) Expenditures made by a State for any fiscal year which begins after September 30, 1979, for foster care maintenance payments shall be treated for purposes of making Federal payments under this part with respect to expenditures for child welfare services, as if such foster care maintenance payments constituted child welfare services of a type to which the limitation imposed by paragraph (1) does not apply; except that the amount payable to the State with respect to expenditures made for other child welfare services and for foster care maintenance payments during any such year shall not exceed 100 per centum of the amount of the expenditures made for child welfare services for which payment may be made under the limitation imposed by paragraph (1) as in effect without regard to this paragraph.

"(d) No payment may be made to a State under this part in excess of the payment made under this part for fiscal year 1979, for any fiscal year beginning after September 30, 1979, if for the latter fiscal year the total of the State's expenditures for child welfare services under this part (excluding expenditures for activities specified in subsection (c)(1)) is less than the total of the State's expenditures under this part (excluding expenditures for such activities) for fiscal year 1979.

94 STAT. 519

"REALLOTMENT

42 USC 624.

"SEC. 424. The amount of any allotment to a State under section 421 for any fiscal year which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out their State plans so developed for sums in excess of those previously allotted to them under section 421 and (2) will be able to use such excess amounts during such fiscal year. Such reallotments shall be made on the basis of the State plans so developed, after taking into consideration the population under the age of twenty-one, and the per capita income of each such State as compared with the population under the age of twenty-one, and the per capita income of all such States with respect to which such a determination by the Secretary has been made. Any amount so reallotted to a State shall be deemed part of its allotment under section 421.

"DEFINITIONS

"SEC. 425. (a)(1) For purposes of this title, the term 'child welfare services' means public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. 42 USC 625.

"(2) Funds expended by a State for any calendar quarter to comply with the statistical report required by section 476(b), and funds expended with respect to nonrecurring costs of adoption proceedings in the case of children placed for adoption with respect to whom assistance is provided under a State plan for adoption assistance approved under part E of this title, shall be deemed to have been expended for child welfare services. *Ante*, p. 501.

"(b) For other definitions relating to this part and to part E of this title, see section 475 of this Act.". *Ante*, p. 510.

(b) Part B of title IV of such Act is amended by adding at the end thereof the following new sections:

"FOSTER CARE PROTECTION REQUIRED FOR ADDITIONAL FEDERAL PAYMENTS

"SEC. 427. (a) If, for any fiscal year after fiscal year 1979, there is appropriated under section 420 a sum in excess of $141,000,000, a State shall not be eligible for payment from its allotment in an 42 USC 627.

94 STAT. 520

amount greater than the amount for which it would be eligible if such appropriation were equal to $141,000,000, unless such State—

"(1) has conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of six months preceding the inventory, and determined the appropriateness of, and necessity for, the current foster placement, whether the child can be or should be returned to his parents or should be freed for adoption, and the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship; and

"(2) has implemented and is operating to the satisfaction of the Secretary—

"(A) a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child in foster care or who has been in such care within the preceding twelve months can readily be determined;

"(B) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State; and

"(C) a service program designed to help children, where appropriate, return to families from which they have been removed or be placed for adoption or legal guardianship.

"(b) If, for each of any two consecutive fiscal years after the fiscal year 1979, there is appropriated under section 420 a sum equal to $266,000,000, each State's allotment amount for any fiscal year after such two consecutive fiscal years shall be reduced to an amount equal to its allotment amount for the fiscal year 1979, unless such State—

"(1) has completed an inventory of the type specified in subsection (a)(1);

"(2) has implemented and is operating the program and systems specified in subsection (a)(2); and

"(3) has implemented a preplacement preventive service program designed to help children remain with their families.

"(c) Any amounts expended by a State for the purpose of complying with the requirements of subsection (a) or (b) shall be conclusively presumed to have been expended for child welfare services.

"PAYMENTS TO INDIAN TRIBAL ORGANIZATIONS

42 USC 628.

"SEC. 428. (a) The Secretary may, in appropriate cases (as determined by the Secretary) make payments under this part directly to an Indian tribal organization within any State which has a plan for child welfare services approved under this part. Such payments shall be made in such manner and in such amounts as the Secretary determines to be appropriate.

"(b) Amounts paid under subsection (a) shall be deemed to be a part of the allotment (as determined under section 421) for the State in which such Indian tribal organization is located.

"(c) For purposes of this section—

"Tribal organization."

"(1) the term 'tribal organization' means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body; and

"Indian tribe."

94 STAT. 521

43 USC 1601 note.

"(2) the term 'Indian tribe' means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-203; 85 Stat. 688)) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.".

42 USC 622 note.

Ante, p. 517.

(c) In the case of Guam, Puerto Rico, and the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, section 422(b)(1) of such Act (as otherwise amended by subsection (a) of this section) shall be deemed to read as follows:

42 USC 602.

42 USC 601.

"(1) provide that (A) the State agency designated pursuant to section 402(a)(3) to administer or supervise the administration of the plan of the State approved under part A of this title will administer or supervise the administration of such plan for child welfare services, and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering such plan for child welfare services, the organizational unit in such State or local agency established pursuant to section 402(a)(15) will be responsible for furnishing such child welfare services;".

42 USC 622 note.

Ante, p. 517.

Ante, p. 516.

42 USC 602.

42 USC 1397b.

(d) Notwithstanding section 422(b)(1) of the Social Security Act (as amended by subsection (a) of this section) if on December 1, 1974, the agency of a State administering its plan for child welfare services under part B of title IV of that Act was not the agency designated pursuant to section 402(a)(3) of that Act, such section 422(b)(1) shall not apply with respect to such agency, but only so long as such agency is not the agency designated under section 2003(d)(1)(C) of that Act; and if on December 1, 1974, the local agency administering the plan of a State under part B of title IV of that Act in a subdivision of the State was not the local agency in such subdivision administering the plan of such State under part A of that title, such section 422(b)(1) shall not apply with respect to such local agency, but only so long as such local agency is not the local agency administering the program of the State for the provision of services under title XX of that Act.

42 USC 1397.

42 USC 1397a.

Ante, pp. 517, 518.

(e) Section 2002(a)(8) of such Act is amended by striking out "or 422" and inserting in lieu thereof "or 423".

42 USC 620 note.

(f)(1) Notwithstanding any other provision of law, funds which are appropriated for fiscal year 1980 pursuant to section 420 of the Social

Ante, p. 516.

Security Act, and for which States are eligible for payment under part B of title IV of that Act, shall remain available, to the extent so provided in an appropriation Act hereafter enacted, for payment with respect to expenditures for child welfare services under part B of title IV of that Act until September 30, 1981.

Applicability.

(2) Section 420(b) of the Social Security Act (as added by subsection (a) of this section) shall apply only with respect to appropriation Acts, which appropriate funds for fiscal years after fiscal year 1981 pursuant to the authorization contained in section 420 of the Social Security Act, enacted after the date of enactment of this Act.

TITLE II—SOCIAL SERVICES

DETERMINATION OF AMOUNT ALLOCATED TO STATES

42 USC 1397a.

SEC. 201. (a) Section 2002(a)(2)(A) of the Social Security Act is amended by striking out clause (ii) and inserting in lieu thereof the following:

"(ii) The amount specified for purposes of clause (i) for fiscal year 1980 and each succeeding fiscal year shall be an amount (not exceeding $3,300,000,000) equal to the indexed ceiling amount for that fiscal year as determined under subparagraph (B).".

42 USC 1397a.

(b) Section 2002(a)(2) of such Act is amended (subject to subsection (c) of this section) by striking out subparagraphs (B), (C), and (D), and by inserting after subparagraph (A) the following new subparagraph:

"(B)(i)(I) Except as otherwise provided in clauses (ii), (iii), and (iv), the indexed ceiling amount for any fiscal year shall be an amount equal to the indexed ceiling amount for the preceding fiscal year increased or decreased (as the case may be) by an amount determined under division (II).

"(II) For purposes of division (I) the amount of the increase or decrease (as the case may be) shall be an amount equal to $2,500,000,000, multiplied by a percentage equal to the positive or negative percentage change in the Consumer Price Index prepared by the Department of Labor, and used in determining cost-of-living adjustments under section 215(i) of this Act, for the second quarter of the preceding fiscal year as compared to such index for the second quarter of the second preceding fiscal year (rounded to the nearest one-tenth of 1 per centum). For purposes of this clause the Consumer Price Index for any quarter shall be the arithmetical mean of such index for the three months in such quarter.

42 USC 415.

"(ii) If the percentage increase in the Consumer Price Index as determined under clause (i)(II) for any fiscal year exceeds the inflation rate for that fiscal year as shown for that year (or, if no rate is shown for that year, for the most recent preceding year for which a rate is shown) in the table which appears on page 25 of Senate Budget Committee Report Numbered 96–311, then for such fiscal year such inflation rate shall be used in making the determination under clause (i)(II) instead of the percentage increase in the Consumer Price Index.

"(iii) The indexed ceiling amount determined under clause (i) shall, if not a multiple of $100,000,000, be rounded to the next lesser amount that is a multiple of $100,000,000.

"(iv) The indexed ceiling amount for fiscal year 1979 shall be $2,500,000,000."

(c) With respect to fiscal year 1980 only—

42 USC 1397a.

(1) subparagraphs (B) and (C) of section 2002(a)(2) of such Act (as in effect immediately prior to the enactment of this Act) shall continue in effect, redesignated as subparagraphs (D) and (E), respectively;

(2) the subparagraph of such section 2002(a)(2) which is redesignated as subparagraph (E) and continued in effect by paragraph (1) of this subsection is amended by striking out "subparagraph (B)" and "subparagraph (D)" and inserting in lieu thereof "subparagraph (D)" and "subparagraph (F)", respectively; and

(3) subparagraph (D) of such section 2002(a)(2) (as in effect immediately prior to the enactment of this Act) shall continue in

effect, redesignated as subparagraph (F) and amended to read as follows:

"(F) The amounts made available pursuant to subparagraph (E) for allotment in fiscal year 1980 shall be allotted by the Secretary to the States which have certified under subparagraph (D) that the amounts of their limitations for such fiscal year are less than their need for such year. The amount of such allotment to any State (which shall be in addition to any payments made to

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the State under subparagraph (A)) shall bear the same ratio to the total amount available for allotment in such year under this subparagraph as the population of such State bears to the population of the fifty States and the District of Columbia, but shall in no case exceed the amount by which such State certified that its limitation is less than its need for such fiscal year.".

EXTENSION OF 100-PER CENTUM FEDERAL MATCHING FOR CHILD DAY CARE EXPENDITURES

42 USC 1397a.

SEC. 202. (a) Section 2002(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

42 USC 1397f.

"(17)(A) The total payment to a State under this section with respect to expenditures during any fiscal year for the provision of child day care services under this title (including expenditures for grants to qualified providers under section 2007) shall be equal to 100 per centum of such expenditures to the extent that such expenditures (during that fiscal year) do not exceed—

"(i) an amount which bears the same ratio to $200,000,000 as the amount of the State's limitation under paragraph (2)(A) bears to the indexed ceiling amount for such fiscal year, in the case of fiscal year 1980 and fiscal year 1981; or

"(ii) 8 per centum of the State's limitation under paragraph (2)(A) for such fiscal year, in the case of fiscal year 1982 and any subsequent fiscal year.

"(B) Federal funds payable to a State under this title (with respect to expenditures for child day care services) at the rate specified in subparagraph (A) shall, to the maximum extent that the State determines to be feasible, be employed in such a way as to increase the employment of welfare recipients and other low-income persons in jobs related to the provision of child day care services.".

(b) Section 2002(a)(1) of such Act is amended by striking out "100 per centum" and all that follows down through "2007" and inserting in lieu thereof "100 per centum of the expenditures during that quarter for child day care services (including expenditures for grants to qualified providers under section 2007) to the extent permitted by paragraph (17)".

LIMITATION ON FUNDS FOR TRAINING

42 USC 1397a.

SEC. 203. (a) The first sentence of section 2002(a)(2)(A)(i) of the Social Security Act is amended by striking out "in excess of an amount" and all that precedes it, and inserting in lieu thereof "Except as provided in clause (iii), no payment may be made under this section to any State for any fiscal year in excess of an amount".

(b) Section 2002(a)(2)(A) of such Act is further amended by adding after clause (ii) the following new clause:

"(iii) Payment with respect to expenditures for personnel training or retraining directly related to the provision of services under this title shall be made to a State in excess of the limitation for such State promulgated under clause (i) for any fiscal year and without regard to such limitation; except that—

"(I) notwithstanding any other provision of law, payment to a State with respect to such expenditures for fiscal years 1980 and 1981 may not exceed an amount equal to 4 per centum of such State's limitation (for the fiscal year involved) under clause (i), or, if greater, an amount equal to the amount of the payment made under this title to such State with respect to such expendi-

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tures for fiscal year 1979, or equal to (a) the amount which would be payable without regard to this subclause with respect to expenditures pursuant to an appropriation made prior to October 1, 1979, by such State for fiscal year 1980, or, if less, (b) the amount determined under division (a) of this subclause reduced to the extent necessary and on a proportional basis so as to assure that the aggregate of the additional amounts payable to all States as a result of such division (a) does not exceed $6,000,000; and

Training plan, submittal to Secretary.

"(II) payment to a State with respect to such expenditures for fiscal year 1982 or any succeeding fiscal year may be made only if the State has submitted to the Secretary in accordance with paragraph (18) (prior to the beginning of the fiscal year involved) a training plan specifying how its funds expended for such training or retraining in that fiscal year will be used, and only with respect to expenditures included in such plan which are approved by the Secretary in accordance with criteria prescribed by him.".

42 USC 1397a.
Ante, p. 523.

(c) Section 2002(a) of such Act is amended by adding after paragraph (17) (as added by section 202(a) of this Act) the following new paragraph:

"(18) Effective October 1, 1981, no payment may be made under this section for training or retraining expenditures except in accordance with a training plan approved by the Secretary which, at a minimum—

"(A) describes how training needs were assessed and how the assessment was used to structure the training programs, the individuals to be trained, and the training resources to be used;

42 USC 1397.

"(B) demonstrates that the training activities have a direct relationship to the title XX services program and to the State's staffing needs to carry out the title XX services program; and

"(C) describes the State agency's plan to monitor training programs and to evaluate the agency's overall staff training and development program.".

USE OF RESTRICTED PRIVATE FUNDS FOR TRAINING PROGRAMS

42 USC 1397a.

SEC. 204. (a) Section 2002(a)(7)(D)(ii) of the Social Security Act is amended by striking out "and" at the end thereof and inserting in lieu thereof the following: "except that during fiscal years 1980 and 1981 the provisions of this clause shall not apply with respect to funds that are donated for the purpose of training or retraining as provided in subsection (a)(1), if such training or retraining is carried out by a public or nonprofit entity, and".

EMERGENCY SHELTER

SEC. 205. (a) Section 2002(a)(11) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(E) any expenditure for the provision of emergency shelter, for not in excess of thirty days in any six-month period, provided as a

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protective service to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation.".

Effective date.
42 USC 1397a note.

(b) The amendments made by this section shall be effective on and after October 1, 1979.

MULTIYEAR PLAN; CHOICE OF FISCAL YEAR

42 USC 1397c.

SEC. 206. (a) Section 2004(1) of the Social Security Act is amended to read as follows:

"(1) for each services program period, the beginning of the fiscal year of the Federal Government, the State government, or the political subdivisions of such State is established as the beginning of the State's services program period, and the end of such fiscal year, the succeeding fiscal year, or the second succeeding fiscal year is established as the end of the State's services program period; and".

(b) Section 2004 of such Act is further amended—

(1) by striking out "services program year" each place it appears and inserting in lieu thereof in each instance "services program period";

(2) by striking out "annual" in paragraph (2) (in the matter preceding subparagraph (A)) and in paragraph (4);

(3) by striking out "during that year" in paragraph (2) (in the matter preceding subparagraph (A)) and inserting in lieu thereof "during that period";

(4) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(5) by adding at the end thereof the following new paragraph:

"(6) in the case of a State that adopts a services program planning period of longer than one year, the State agency publishes and makes generally available such information concerning the comprehensive services program at such times as the Secretary may by regulation require.".

42 USC 1397b.

(c) Section 2003(b) of such Act is amended—

(1) by striking out "each services program year" and inserting in lieu thereof "each fiscal year (as selected by the State under section 2004(1)) within each services program period"; and

(2) by striking out "any services program year" and inserting in lieu thereof "any services program period".

42 USC 1397b, 1397d.

(d) Sections 2003(d)(1) and 2005 of such Act are each amended by striking out "services program year" and inserting in lieu thereof "services program period".

42 USC 1397a.

(e) Section 2002(a)(3)(B) of such Act is amended by striking out "annual".

Effective date. 42 USC 1397a note.

(f) The amendments made by this section shall be effective with respect to services program periods beginning after the date of the enactment of this Act.

SOCIAL SERVICES FUNDING FOR TERRITORIES

42 USC 1397a. *Ante*, p. 521.

Sec. 207. (a) Section 2002(a)(2) of the Social Security Act is amended by adding after subparagraph (B) (as added by section 201(b) of this Act) the following new subparagraph:

"(C) From the amounts made available under section 2001 for any fiscal year beginning with fiscal year 1980 (in addition to any sums appropriated for purposes of payments under the preceding provisions of this subsection), the Secretary shall allocate—

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42 USC 303, 603, 1203, 1353, 1383 note.

"(i) to the jurisdictions of Puerto Rico, Guam, and the Virgin Islands, for purposes of payments under sections 3(a) (4) and (5), 403(a)(3), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5), with respect to services, the sums of $15,000,000, $500,000 and $500,000, respectively, and

42 USC 603.

"(ii) to the jurisdiction of the Northern Mariana Islands, for purposes of payments under section 403(a)(3), with respect to services and for services programs for other individuals as defined by the Secretary, the sum of $100,000,

in addition to any amounts otherwise available to such jurisdictions under this Act.".

42 USC 1397.

(b) The last sentence of section 2001 of such Act is amended by inserting before the period at the end thereof the following: "(and to territorial jurisdictions as described in subsection (a)(2)(C) thereof)".

42 USC 1308, *post*, pp. 529, 530. *Ante*, p. 525.

(c) Section 1108(a) of such Act is amended by striking out "section 2002(a)(2)(D)" and inserting in lieu thereof "section 2002(a)(2)(C)".

PERMANENT EXTENSION OF PROVISIONS RELATING TO CHILD DAY CARE SERVICES AND WIN TAX CREDIT

SEC. 208. (a) Section 4(d) of Public Law 96-178 is amended by striking out "during the period beginning October 1, 1979, and ending March 31, 1980" and inserting in lieu thereof "on or after October 1, 1979". 42 USC 1397e-1 note.

(b)(1) Section 50B(i) of the Internal Revenue Code of 1954 (relating to special rules with respect to employment of day care workers) is amended to read as follows: 93 Stat. 1295. 26 USC 50B.

"(i) SPECIAL RULES WITH RESPECT TO EMPLOYMENT OF DAY CARE WORKERS.—

"(1) ELIGIBLE EMPLOYEE.—An individual who would be an 'eligible employee' (as that term is defined for purposes of this section) except for the fact that such individual's employment is not on a substantially full-time basis, shall be deemed to be an eligible employee as so defined, if such employee's employment is related to the provision of child day care services and is performed on either a full-time or part-time basis.

"(2) ALTERNATIVE COMPUTATION WITH RESPECT TO CHILD DAY CARE SERVICES ELIGIBLE EMPLOYEES PAID FROM FUNDS MADE AVAILABLE UNDER TITLE XX OF THE SOCIAL SECURITY ACT.—The amount of the credit allowed a taxpayer under section 40, as determined under section 50A and the preceding provisions of this section, with respect to work incentive program expenses paid or incurred by him with respect to an eligible employee whose services are performed in connection with a child day care services program conducted by the taxpayer, and with respect to whom the taxpayer is reimbursed (in whole or in part) from funds made available pursuant to section 2007 of the Social Security Act, at the option of the taxpayer shall be equal to 100 percent of the unreimbursed wages paid or incurred by the taxpayer with respect to such employee, but not more than the amount of the limitation in paragraph (4). 42 USC 1397. 26 USC 40. 26 USC 50A. 42 USC 1397f.

"(3) UNREIMBURSED WAGES.—For purposes of this subsection, the term 'unreimbursed wages' means work incentive program expenses for which the taxpayer was not reimbursed under section 2007 of the Social Security Act or under any other grant or program.

"(4) LIMITATION.—The amount of the credit, as determined under paragraph (2), with respect to any employee shall not exceed the lesser of—

"(A) an amount equal to $6,000 minus the amount of the funds reimbursed to the taxpayer with respect to such employee from funds made available pursuant to section 2007 of the Social Security Act; or 42 USC 1397f.

"(B) with respect to work incentive program expenses attributable to service rendered—

"(i) during the one-year period which begins on the day such employee begins work for the taxpayer, an amount equal to the lesser of—

"(I) $3,000, or

"(II) 50 percent of the sum of the amount of the unreimbursed wages of such employee and the amount reimbursed to the taxpayer with respect to such employee from funds made available pursuant to section 2007 of the Social Security Act; or

"(ii) during the one-year period which begins on the day after the last day of the one-year period described in clause (i), an amount equal to the lesser of—

"(I) $1,500, or

"(II) 25 percent of the sum of the amount of the unreimbursed wages of such employee and the amount reimbursed to the taxpayer with respect to such employee from funds made available pursuant to section 2007 of the Social Security Act.".

26 USC 50B.

(2) Section 50B(h)(1)(B) of such Code is amended by inserting "(except as provided in subsection (i))" after "full-time basis".

Effective date.
26 USC 50B note.

(3)(A) The amendments made by paragraphs (1) and (2) shall be effective with respect to taxable years beginning after December 31, 1979.

26 USC 50B note.
93 Stat. 1295.

(B) The redesignation of subsection (i) of section 50B of the Internal Revenue Code of 1954 as subsection (j) by section 3(a)(1) of Public Law 96–178, shall remain in effect with respect to taxable years beginning after December 31, 1979.

PERMANENT EXTENSION OF PROVISIONS RELATING TO SERVICES FOR ALCOHOLICS AND DRUG ADDICTS

93 Stat. 1297.
42 USC 1397a note.

SEC. 209. Section 5(b) of Public Law 96–178 is amended by striking out "during the period beginning October 1, 1978, and ending March 31, 1980" and inserting in lieu thereof "on or after October 1, 1978".

TITLE III—OTHER SOCIAL SECURITY ACT PROVISIONS

PERMANENT EXTENSION OF PROVISIONS RELATING TO CHILD SUPPORT ENFORCEMENT

93 Stat. 1295.
42 USC 655 note.

SEC. 301. (a) Section 2(b) of Public Law 96-178 is amended by striking out "during the period beginning October 1, 1978, and ending March 31, 1980" and inserting in lieu thereof "on or after October 1, 1978".

42 USC 652.

(b) Section 452(a)(10) of the Social Security Act is amended by adding at the end thereof (after and below subparagraph (H)) the following new sentence:

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42 USC 654.
42 USC 601.

"The information contained in any such report under subparagraph (A) shall specifically include (i) the total amount of child support payments collected as a result of services furnished during the fiscal year involved to individuals under section 454(6), (ii) the cost to the States and to the Federal Government of furnishing such services to those individuals, and (iii) the extent to which the furnishing of such services was successful in providing sufficient support to those individuals to assure that they did not require assistance under the State plan approved under part A.".

INCENTIVES TO REPORT EARNINGS UNDER AFDC PROGRAMS

42 USC 602.

SEC. 302. (a) Section 402(a)(8) of the Social Security Act is amended—

(1) by inserting "or" at the end of subparagraph (D) thereof; and

(2) by adding after subparagraph (D) the following new subparagraph:

"(E) any of the persons specified in clause (ii) of subparagraph (A) with respect to which there is a failure without good cause to make a timely report (as prescribed by the State plan) to the State agency;".

Effective date.
42 USC 602 note.

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

PRORATING OF SHELTER ALLOWANCE

SEC. 303. Part A of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"PRORATING OF SHELTER ALLOWANCE IN CERTAIN CASES WHERE CHILD LIVES WITH RELATIVE NOT LEGALLY RESPONSIBLE FOR HIS SUPPORT

42 USC 612.

"SEC. 412. (a) Notwithstanding any other provision of this part, a State plan for aid and services to needy families with children shall not be regarded as failing to comply with the requirements imposed under this part solely because, under such plan, in any case in which one or more children live in any household—

"(1)(A) in which the total income of such child or children and the closely related family members (as defined in subsection (b)) living in the same household equals or exceeds the standard of need under such plan for a family equal in number to the total number of such children and closely related family members in the same household, or (B) where the income of children and family members cannot be determined due to failure to cooperate, and

"(2) which (A) does not include a relative (specified in section 406(a)(1)) who is legally responsible for the support of the child or children, or (B) includes one or more such relatives who is legally responsible for the support of the child or children but none of whom is eligible for aid under the State plan because such relative is being supported by another person or under another program,

42 USC 606.

the amount of the aid furnished with respect to such child or children for shelter, utilities, and similar expenses, bears the same ratio to the total amount which would be furnished for such expenses, if all the closely related family members with whom such child or children are living were eligible for such aid, as the number of such children bears to the total number of such children and closely related family members.

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"(b) For purposes of subsection (a), the term 'closely related family members' of a child means those relatives of his who are specified in section 406(a)(1) and any other individual for whose support such a relative is legally responsible, but does not include any such relative or other individual (1) with respect to whom benefits are provided under another public program eligibility for which is based on need, or (2) whose presence in the home would not increase the total amount which would be allowed for shelter, utilities, and similar expenses if he was eligible for aid.

"Closely related family members."
42 USC 606.

"(c) The amount of aid to families with dependent children for shelter, utilities, and similar expenses shall be identified, for purposes of this section, in the following manner:

"(1) If the State plan approved under this part provides for paying 100 per centum of the standard of need specified in the plan, and designates a portion of that standard, for families of specified sizes, to meet shelter, utilities, and similar expenses, then an amount equal to that portion shall be considered the total amount for such expenses for a family of the specified size.

"(2) If such plan provides for meeting less than 100 per centum of such standard, and designates a portion of that standard, for families of specified sizes, to meet such expenses, then an amount equal to that portion, multiplied by the proportion of the standard of need which such State pays as aid to families with dependent children, shall be considered the total amount for such expenses for a family of the specified size.

"(3) If such plan does not designate any portion of the standard of need for meeting such expenses, then such portion shall be prescribed by the Secretary, but in no event shall such portion exceed 30 per centum of the standard of need for a family of a specified size, multiplied by the proportion of such standard which the State pays as aid to families with dependent children.

"(d) For purposes of subsection (a), the total income of the child or children and the closely related family members (as defined in subsection (b)) shall be determined as it would be if all such individuals were applicants for aid under the State plan and shall not include any income which any such individual is obligated to apply to the support of any other individual not living in the household.".

SERVICES FOR DISABLED CHILDREN

SEC. 304. Section 1615 of the Social Security Act is amended by redesignating the second subsection (c) as subsection (e), and by

42 USC 1382d.

striking out "October 1, 1979" in paragraph (1) of such subsection (e) and inserting in lieu thereof "October 1, 1982".

PUBLIC ASSISTANCE PAYMENTS TO TERRITORIAL JURISDICTIONS

Ante, p. 526.
Post, p. 530.

SEC. 305. (a) Section 1108(a) of the Social Security Act is amended—

(1) by striking out "with respect to the fiscal year 1972 and each fiscal year thereafter other than the fiscal year 1979" in paragraphs (1)(E), (2)(E), and (3)(E) and inserting in lieu thereof in each instance "with respect to each of the fiscal years 1972 through 1978"; and

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(2) by striking out "with respect to the fiscal year 1979" in paragraphs (1)(F), (2)(F), and (3)(F) and inserting in lieu thereof in each instance "with respect to the fiscal year 1979 and each fiscal year thereafter".

Ante, pp. 526, 529.
42 USC 601, *ante*, p. 501.

(b) Section 1108(a) of such Act is further amended by striking out "under part A" in the matter preceding paragraph (1) and inserting in lieu thereof "under parts A and E".

42 USC 1318.

(c) The last sentence of section 1118 of such Act is amended by striking out "when applied to quarters in the fiscal year ending September 30, 1979".

PERIOD WITHIN WHICH CERTAIN CLAIMS MUST BE FILED

SEC. 306. (a) Part A of title XI of the Social Security Act is amended by adding after section 1131 the following new section:

"PERIOD WITHIN WHICH CERTAIN CLAIMS MUST BE FILED

42 USC 1320b-2.

"SEC. 1132. (a) Notwithstanding any other provision of this Act (but subject to subsection (b)), any claim by a State for payment with respect to an expenditure made during any calendar quarter by the State—

42 USC 301, 601, 701, 1201, 1351, 1381, 1396, 1397.

"(1) in carrying out a State plan approved under title I, IV, V, X, XIV, XVI, XIX, or XX of this Act, or

"(2) under any other provision of this Act which provides (on an entitlement basis) for Federal financial participation in expenditures made under State plans or programs,

shall be filed (in such form and manner as the Secretary shall by regulations prescribe) within the two-year period which begins on the first day of the calendar quarter immediately following such calendar quarter; and payment shall not be made under this Act on account of any such expenditure if claim therefor is not made within such two-year period; except that this subsection shall not be applied so as to deny payment with respect to any expenditure involving court-ordered retroactive payments or audit exceptions, or adjustments to prior year costs.

"(b) The Secretary shall waive the requirement imposed under subsection (a) with respect to the filing of any claim if he determines (in accordance with regulations) that there was good cause for the failure by the State to file such claim within the period prescribed under subsection (a). Any such waiver shall be only for such additional period of time as may be necessary to provide the State with a reasonable opportunity to file such claim. A failure to file a claim within such time period which is attributable to neglect or administrative inadequacies shall be deemed not to be for good cause.".

Effective date.
42 USC 1320b-2 note.

(b)(1) The amendment made by subsection (a) shall be effective only in the case of claims filed on account of expenditures made in calendar quarters commencing on or after October 1, 1979.

(2) In the case of claims filed prior to the date of enactment of this Act on account of expenditures described in section 1132 of the Social Security Act made in calendar quarters commencing prior to October 1, 1979, there shall be no time limit for the payment of such claims.

(3) In the case of such expenditures made in calendar quarters commencing prior to October 1, 1979, for which no claim has been filed on or before the date of enactment of this Act, payment shall not be made under this Act on account of any such expenditure unless

claim therefor is filed (in such form and manner as the Secretary shall by regulation prescribe) prior to January 1, 1981.

(4) The provisions of this subsection shall not be applied so as to deny payment with respect to any expenditure involving adjustments to prior year costs or court-ordered retroactive payments or audit exceptions. The Secretary may waive the requirements of paragraph (3) in the same manner as under section 1132(b) of the Social Security Act.

42 USC 1320b-2 note.

(c) Notwithstanding any other provision of law, there shall be no time limit for the filing or payment of such claims except as provided in this section, unless such other provision of law, in imposing such a time limitation, specifically exempts such filing or payment from the provisions of this section.

INCENTIVES FOR STATES TO COLLECT CHILD SUPPORT OBLIGATIONS

42 USC 658.

SEC. 307. (a) The heading of section 458 of the Social Security Act is amended by inserting "STATES AND" after "TO".

(b) Section 458(a) of such Act is amended—

(1) by inserting "or a State on its own behalf makes," after "another State,", and

(2) by striking out "or such other State" and inserting in lieu thereof ", such other State, or such State (in the case of a State which on its own behalf makes such enforcement and collection)".

(c) Section 458 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) No payment under the preceding provisions of this section shall be made to any State or political subdivision thereof with respect to any amount collected and distributed by it unless such amount was collected and distributed in accordance with the State plan of the State approved by the Secretary as meeting the conditions required by section 454.".

42 USC 654.

EXCHANGE OF INFORMATION ON TERMINATED OR SUSPENDED PROVIDERS

42 USC 1395y.

SEC. 308. (a) Section 1862(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary shall promptly notify each State agency which administers or supervises the administration of a State plan approved under title XIX of any determination made under the provisions of this subsection.".

42 USC 1396.

42 USC 1395cc.

(b) Section 1866(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Where an agreement filed under this title by a provider of services has been terminated by the Secretary, the Secretary shall promptly notify each State agency which administers or supervises the administration of a State plan approved under title XIX of such termination.".

42 USC 1396a.

(c) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (39);

(2) by striking out the period at the end of paragraph (40) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (40) the following new paragraph:

"(41) provide that whenever a provider of services or any other person is terminated, suspended, or otherwise sanctioned or prohibited from participating under the State plan, the State agency shall promptly notify the Secretary of such action.".

POSTPONEMENT OF IMPOSITION OF CERTAIN PENALTIES RELATING TO CHILD SUPPORT REQUIREMENTS

42 USC 603 note.
42 USC 601.

SEC. 309. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to fiscal year 1977 or

42 USC 603.

fiscal year 1978 shall be made prior to October 1, 1980, on account of the provisions of section 403(h) of such Act.

CONTINUING MEDICAID ELIGIBILITY FOR CERTAIN RECIPIENTS OF VETERANS' ADMINISTRATION PENSIONS

Ante, p. 530.

SEC. 310. (a)(1) Part A of title XI of the Social Security Act is amended by adding after section 1132 (as added by section 305 of this Act) the following new section:

"APPLICANTS OR RECIPIENTS UNDER PUBLIC ASSISTANCE PROGRAMS NOT TO BE REQUIRED TO MAKE ELECTION RESPECTING CERTAIN VETERANS' BENEFITS

42 USC 1320b-3.
42 USC 301, 1201, 1351, 1381, 601.

"SEC. 1133. (a) Notwithstanding any other provision of law (but subject to subsection (b)), no individual who is an applicant for or recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or of benefits under the Supplemental Security Income program established by title XVI shall—

38 USC 521 note.

"(1) be required, as a condition of eligibility for (or of continuing to receive) such aid, assistance, or benefits, to make an election under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 with respect to pension paid by the Veterans' Administration, or

"(2) by reason of failure or refusal to make such an election, be denied (or suffer a reduction in the amount of) such aid, assistance, or benefits.

"(b) The provisions of subsection (a) shall be applicable only with respect to an individual, who is an applicant for or recipient of aid, assistance, or benefits described in subsection (a), during a period with respect to which there is in effect—

"(1) in case such individual is an applicant for or recipient of aid or assistance under a State plan referred to in subsection (a), in the State having such plan, or

42 USC 1381.

"(2) in case such individual is an applicant for or recipient of benefits under the Supplemental Security Income program established by title XVI, in the State in which the individual applies for or receives such benefits,

42 USC 1396.

a State plan for medical assistance, approved under title XIX, under which medical assistance is available to such individual only for periods for which such individual is a recipient of aid, assistance, or benefits described in subsection (a).".

Effective date.
42 USC 1320 b-3 note.

(2) The amendment made by paragraph (1) shall be effective on and after January 1, 1979; except that nothing contained in such amendment shall be construed to authorize or require any payment (or increase in payment) of any aid or assistance or benefits referred to in section 1133(a) of the Social Security Act (as added by paragraph (1)) for any benefit period which begins prior to the date of enactment of this Act.

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42 USC 1396a note.
42 USC 1396a.
42 USC 301, 1201, 1351, 1381, 601.
42 USC 1396a note.
38 USC 501 *et seq.*

(b)(1)(A) For purposes of section 1902(a)(10)(A) of the Social Security Act, any individual who, prior to the date of enactment of this Act and for the month of December 1978, was eligible for and received aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV of such Act, or was eligible for and received supplemental security income benefits under title XVI of such Act (or a supplementary payment described in section 13(c) of Public Law 93-233), and was also in receipt of (or was a dependent, for purposes of chapter 15 of title 38, United States Code, as in effect on December 31, 1978, of an individual in receipt of) pension from the Veterans' Administration for the month of December 1978 shall (subject to subparagraph (B)) be deemed to have been receiving such aid, assistance, supplemental security income, or supplementary payment, for each calendar month thereafter (prior to the month in which the provisions of this subparagraph cease to be effective with respect to him as determined under subparagraph (B)), if such individual would have been eligible therefor in December 1978 and in the month in which the provisions of this subparagraph cease to be effective with respect to him as determined under subparagraph (B) had the increase in income of such individual (or of the family of which such individual is a member), attributable to an election (made by such individual or another member of such individual's family) under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978, not occurred.

38 USC 521 note.

Effective date.

(B)(i) The provisions of subparagraph (A) shall take effect on January 1, 1979, and shall cease to be effective, in the case of any individual, for and after the first calendar month beginning more than 10 days after an "informed election" (as defined in subdivision (ii) of this subparagraph) has been made by such individual (or, if such individual is not eligible to make such an election, by a member of such individual's family who is eligible to make such an election which affects such individual's eligibility for aid, assistance, or benefits under a plan or program referred to in subparagraph (A)).

"Informed election."

38 USC 521 note.

(ii) The term "informed election" means an election made under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 (or a reaffirmation of such an election which previously was made under such section 306) after the date of compliance by the Administrator of Veterans' Affairs (hereinafter in this section referred to as the "Administrator") with the provisions of paragraph (2)(A) with respect to the individual concerned. An individual who fails, within the time limits prescribed in paragraph (2)(B), to disaffirm an election previously made by such individual under such section 306 shall be deemed, for purposes of this section and such section 306, to have reaffirmed such election.

42 USC 1320b-3 note.

Ante, p. 532.

38 USC 521 note.

42 USC 1396.

(2)(A) The Administrator shall provide to each individual to whom section 1133 of the Social Security Act (as added by subsection (a)(1) of this section) applies and who is eligible to make or has made an election under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978, a written notice, in clear and understandable language, which (i) describes the consequences to such individual (and possibly to such individual's family), in terms of a determination or possible determination of ineligibility for medical assistance under a State plan approved under title XIX of the Social Security Act, of making an election with respect to pension under such section 306, (ii) describes the provisions of subparagraph (B) of this paragraph and subsection (a) of this section, (iii) sets forth other relevant information that would be helpful to such individual in making an informed decision concerning such an election or the disaffirmation thereof, and (iv) in the case of any individual who has made such an election, is accompanied by a form prepared for the purpose of enabling such individual to file with the Administrator a written disaffirmation of such an election.

94 STAT. 534

(B) Notwithstanding any other provision of law—

Ante, p. 532.

38 USC 521 note.

(i) any individual to whom section 1133 of the Social Security Act (as added by subsection (a)(1) of this section) applies may, within the 90-day period beginning with the day that there is mailed to such individual (at such individual's last known mailing address) a notice referred to in subparagraph (A), disaffirm an election previously made by such individual under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 by completing and mailing to the Administrator the form furnished such individual for such purpose by the Administrator pursuant to subparagraph (A),

(ii) whenever any such individual files such a disaffirmation with the Administrator, the amount of pension payable to such individual shall be adjusted, beginning with the first calendar month which commences after the receipt by the Administrator of such disaffirmation, to the amount that such pension would have been if such an election by such individual had not been made,

(iii) any individual who has filed a disaffirmation, pursuant to this subparagraph, of an election made by such individual under such section 306 may again make an election thereunder, but such subsequent election may not be disaffirmed under this subsection, and

(iv) no indebtedness to the United States, as a result of the disaffirmation by an individual, pursuant to this subparagraph, of an election made by such individual under such section 306 shall be considered to arise from the payment of pension pursuant to such an election.

94 STAT. 535

(C) The Administrator shall promptly advise the Secretary of Health, Education, and Welfare, and provide identification of the individuals involved and other pertinent information with respect to (i) disaffirmations of elections made by individuals pursuant to subparagraph (B), (ii) individuals who, by failing to disaffirm within the 90-day period prescribed in subparagraph (B), are deemed to have reaffirmed elections previously made, and (iii) individuals who, after having disaffirmed an election under subparagraph (B), subsequently again make an election under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978. The Secretary, upon receipt of any such information with respect to an individual, shall promptly notify the appropriate agencies administering State plans approved under title I, X, XIV, XIX, and part A of title IV of the Social Security Act, and State agencies making supplemental payments pursuant to section 1616 of such Act or an agreement entered into pursuant to section 212(a) of Public Law 93-66.

38 USC 521 note.

42 USC 301, 1201, 1351, 1396, 601.

42 USC 1382e.

87 Stat. 155.

Approved June 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-136 (Comm. on Ways and Means), No. 96-136, Pt. 2 (Comm. on Appropriations), and No. 96-900 (Comm. of Conference).

SENATE REPORT No. 96-336 (Comm. on Finance).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Aug 2, considered and passed House.
Oct. 25, 29, considered and passed Senate, amended.

Vol. 126 (1980): June 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 16, No. 25 (1980): June 17, Presidential statement.

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94 STAT. 587

Public Law 96-284
96th Congress

An Act

June 28, 1980
[S. 2460]

To amend chapter 5 of title 37, United States Code, to revise the special pay provisions for medical officers in the uniformed services and to extend the special pay provisions for other health professionals in the uniformed services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Uniformed Services Health Professionals Special Pay Act of 1980.
37 USC 101 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Uniformed Services Health Professionals Special Pay Act of 1980".

REVISION OF SPECIAL PAY FOR MEDICAL OFFICERS OF THE ARMED FORCES

SEC. 2. (a) Section 302 of title 37, United States Code, relating to special pay for medical officers of the uniformed services, is amended to read as follows:

"§ 302. Special pay: medical officers of the armed forces

"(a)(1) An officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) of this subsection who is serving in a pay grade below pay grade O-7 is entitled to variable special pay at the following rates:

"(A) $1,200 per year, if the officer is undergoing medical internship training.

"(B) $5,000 per year, if the officer has less than six years of creditable service and is not undergoing medical internship training.

"(C) $10,000 per year, if the officer has at least six but less than eight years of creditable service.

"(D) $9,500 per year, if the officer has at least eight but less than ten years of creditable service.

"(E) $9,000 per year, if the officer has at least ten but less than twelve years of creditable service.

"(F) $8,000 per year, if the officer has at least twelve but less than fourteen years of creditable service.

"(G) $7,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service.

"(H) $6,000 per year, if the officer has at least eighteen but less than twenty-two years of creditable service.

"(I) $5,000 per year, if the officer has twenty-two or more years of creditable service.

94 STAT. 588

"(3) An officer described in paragraph (1) of this subsection who is serving in a pay grade above pay grade O-6 is entitled to variable special pay at the rate of $1,000 per year.

"(4)(A) Subject to subsection (c) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection who has less than ten years of creditable service is entitled to additional special pay of $9,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.

"(B) Subject to subsection (c) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection who has ten or more years of creditable service is entitled to additional special pay of $10,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.

"(5) An officer who is entitled to variable special pay under paragraph (2) or (3) of this subsection and who is board certified is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than ten years of creditable service.

"(B) $2,500 per year, if the officer has at least ten but less than twelve years of creditable service.

"(C) $3,000 per year, if the officer has at least twelve but less than fourteen years of creditable service.

"(D) $4,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service.

"(E) $5,000 per year, if the officer has eighteen or more years of creditable service.

"(b)(1) Subject to subsection (c) of this section and paragraph (2) of this subsection and under regulations prescribed under section 303a(a) of this title, an officer who is entitled to variable special pay under subsection (a)(2) of this section may be paid incentive special pay in an amount not to exceed $8,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.

Post, p. 592.

"(2) An officer is not eligible for incentive special pay under paragraph (1) of this subsection unless the Secretary concerned has determined that such officer is qualified in the medical profession.

"(3) The amount that may be paid for incentive special pay under this subsection in any fiscal year may not exceed an amount equal to 6 percent of the total amount paid in such year for special pay under subsection (a) of this section and paragraph (1) of this subsection.

"(c)(1) An officer may not be paid additional special pay under subsection (a)(4) of this section or incentive special pay under subsection (b) of this section for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

Entitlement termination.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4) or (b)(1) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

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Determination standards.

"(d) Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

"(1) whether an officer is undergoing medical internship or initial residency training for purposes of subsections (a)(2)(A), (a)(2)(B), (a)(4), and (b)(1) of this section; and

"(2) whether an officer is board certified for purposes of subsection (a)(5) of this section.

"(e) Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) of this section shall be paid monthly. Special pay payable to an officer under subsection (a)(4) or (b)(1) of this section shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(f) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) or (b)(1) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

Creditable services, computation.

"(g) For purposes of this section, creditable service of an officer is computed by adding—

"(1) all periods which the officer spent in medical internship or residency training during which the officer was not on active duty; and

"(2) all periods of active service in the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.".

(b) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"302. Special pay: medical officers of the armed forces.".

REVISION OF SPECIAL PAY FOR MEDICAL OFFICERS OF THE PUBLIC HEALTH SERVICE

SEC. 3. (a)(1) Chapter 5 of such title is amended by inserting after section 302b the following new section:

37 USC 302c.

"§ 302c. Special pay: medical officers of the Public Health Service

"(a) A medical officer of the Public Health Service who is on active duty for a period of at least one year is entitled to special pay at the following rates:

"(1) $100 a month for each month of active duty if the officer has not completed two years of active duty as an officer of the

Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

"(2) $350 a month for each month of active duty if the officer has completed at least two years of active duty as an officer of the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

Post, p. 592.

94 STAT. 590

"(b)(1) Subject to subsection (c) of this section and paragraph (2) of this subsection and under regulations prescribed under section 303a(a) of this title, an officer who is entitled to special pay under subsection (a) of this section and who is serving in a pay grade below pay grade O-7 may be paid incentive special pay in an amount not to exceed $8,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.

"(2) An officer is not eligible for incentive special pay under paragraph (1) of this subsection unless the Secretary of Health and Human Services has determined that such officer is qualified in the medical profession.

37 USC 311.

37 USC 313.

"(3) The amount that may be paid for incentive special pay under this subsection in any fiscal year may not exceed 6 percent of the total amount paid in such year for special pay under section 311 of this title for medical officers of the Public Health Service, for special pay under section 313 of this title, and for special pay under this section.

"(c)(1) An officer may not be paid incentive special pay under subsection (b) of this section for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

Entitlement termination.
Post, p. 592.

"(2) Under regulations prescribed under section 303a(a) of this title, the Secretary of Health and Human Services may terminate at any time an officer's entitlement to the special pay authorized by subsection (b) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

"(d) Regulations prescribed by the Secretary of Health and Human Services under section 303a(a) of this title shall include standards for determining whether an officer is undergoing medical internship or initial residency training for purposes of subsection (b) of this section.

"(e) Special pay payable to an officer under subsection (b) of this section shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(f) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (b) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302b the following new item:

"302c. Special pay: medical officers of the Public Health Service.".

37 USC 313.

(b)(1) Subsection (a) of section 313 of such title, relating to special pay for medical officers who execute active duty agreements, is amended—

(A) by striking out "Secretary of Defense" and all that follows in such subsection through "Public Health Service," and inserting in lieu thereof "Secretary of Health and Human Services (hereinafter in this section referred to as the 'Secretary') and approved by the President, a medical officer of the Public Health Service"; and

(B) by striking out "Secretary concerned" each place it appears in such subsection and inserting in lieu thereof "Secretary".

(2) Subsection (b) of such section is amended by striking out "Secretary of Defense, the Secretary concerned" and inserting in lieu thereof "Secretary, the Secretary".

94 STAT. 591

(3) Subsection (c) of such section is amended by striking out "by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate," and inserting in lieu thereof "by the Secretary,".

(4) Subsection (e) of such section is amended—

(A) by striking out "The Secretary" and all that follows in such subsection through "each year" the first place it appears and inserting in lieu thereof "Not later than July 31 of each year, the Secretary shall submit a written report"; and

(B) by striking out the third sentence in such subsection.

(5) The heading of such section is amended to read as follows:

"§ 313. Special pay: medical officers of the Public Health Service who execute active duty agreements".

(6) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"313. Special pay: medical officers of the Public Health Service who execute active duty agreements.".

PERMANENT AUTHORITY FOR OTHER SPECIAL PAY PROVISIONS FOR HEALTH PROFESSIONALS IN THE UNIFORMED SERVICES

SEC. 4. (a) Section 302a of title 37, United States Code, relating to special pay for optometrists, is amended—

(1) by striking out "(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each" in subsection (a) and inserting in lieu thereof "Each";

(2) by striking out "beginning on or after October 1, 1977"; and

(3) by striking out subsections (b) and (c).

37 USC 302b.

(b) Section 302b of such title, relating to special pay for dentists, is amended—

(1) by striking out ", in addition to any other pay or allowances to which he is entitled,"; and

(2) by striking out the last sentence of such section.

37 USC 303.

(c) Section 303 of such title, relating to special pay for veterinarians, is amended—

(1) by striking out "(a) In addition to any other basic pay, special pay, incentive pay or allowances to which he is entitled, each" in subsection (a) and inserting in lieu thereof "Each";

(2) by striking out "beginning on or after October 1, 1977"; and

(3) by striking out subsections (b) and (c).

37 USC 311.

(d)(1) Subsection (a) of section 311 of such title, relating to continuation pay for physicians and dentists who extend their service on active duty, is amended to read as follows:

Active duty agreement.

"(a)(1) Under regulations to be prescribed by the Secretary of Defense, an officer of the Army or Navy in the Dental Corps or an officer of the Air Force who is designated as a dental officer who—

"(A) is serving on active duty in a critical specialty designated by the Secretary of Defense;

"(B) has completed his initial active-duty obligation; and

"(C) executes a written agreement to remain on active duty for at least one additional year;

may be paid not more than four months' basic pay (under the rates of basic pay in effect on April 1, 1980) when he executes that agreement for each additional year that he agrees to remain on active duty. The eligibility of an officer for special pay under the preceding sentence, and the method of computing the amount of such special pay, shall be determined in accordance with the provisions of the regulations of the Secretary of Defense which on April 1, 1980, determined the eligibility for and method of computation of such special pay, except that in computing the amount of such special pay, the rates of basic pay to be applied are the rates of basic pay in effect on April 1, 1980.

94 STAT. 592

"(2) Under regulations to be prescribed by the Secretary of Health and Human Services, a medical officer of the Public Health Service above the pay grade of O-6 or such an officer who is below that pay grade who is undergoing initial residency training and who was on active duty on July 1, 1974, or a dental officer of the Public Health Service who—

"(A) is serving on active duty in a critical specialty designated by the Secretary of Health and Human Services;

"(B) has completed his initial active-duty obligation; and

"(C) executes a written agreement to remain on active duty for at least one additional year;

may be paid not more than four months' basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty.

"(3) Pay under this section shall be paid in equal annual or semiannual installments as determined by the Secretary of Defense or the Secretary of Health and Human Services, as appropriate, in each additional year covered by an agreement to remain on active duty. However, in meritorious cases, the pay may be paid in fewer installments if the Secretary determines it to be in the best interest of the officer.".

(2) Subsection (c) of such section is amended by striking out "beginning with the calendar year 1968,".

(3) The heading of such section is amended to read as follows:

"§ 311. Special pay: continuation pay for dentists in the armed forces and physicians and dentists in the Public Health Service".

(4) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"311. Special pay: continuation pay for dentists in the armed forces and physicians and dentists in the Public Health Service.".

Repeal.

(e) Section 2 of the Act entitled "An Act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services", approved May 6, 1974 (37 U.S.C. 302 note), is repealed.

GENERAL PROVISIONS RELATING TO HEALTH PROFESSIONALS

SEC. 5. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 303 the following new section:

37 USC 303a.

"§ 303a. Special pay: health professionals; general provisions

Administrative regulations.

"(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 302, 302a, 302b, 302c, 303, 311, and 313 of this title.

37 USC 302-302c, 303, 311, 313.

"(b) Special pay authorized under sections 302, 302a, 302b, 302c, and 303 of this title is in addition to any other pay or allowance to which an officer is entitled. The amount of special pay to which an officer is entitled under any of such sections may not be included in computing the amount of any increase in pay authorized by any other provision of this title or in computing retired pay, severance pay, or readjustment pay.

94 STAT. 593

Review.

37 USC 302-302b, 303, 311.

Report to Congress.

"(c) The Secretary of Defense shall conduct a review every two years of the special pay for health professionals authorized by sections 302, 302a, 302b, 303, and 311 of this title. A report shall be submitted to the Congress not later than September 30, 1982, of the results of the first such review, and a report shall be submitted to the Congress not later than September 30 of each second year thereafter on the results of the review for the preceding two-year period.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 303 the following new item:

"303a. Special pay: health professionals; general provisions.".

TECHNICAL AMENDMENT

SEC. 6. Section 306(e) of title 37, United States Code, relating to exclusions from special pay for officers holding positions of unusual responsibility, is amended by striking out "302 or 303" and inserting in lieu thereof "302, 302a, 302b, or 303".

TRANSITION PROVISIONS

37 USC 302 note.

SEC. 7. Notwithstanding any provision of the amendments made by this Act, and in accordance with regulations to be prescribed by the Secretary of Defense, any officer of the Army, Navy, or Air Force who at any time before the effective date of the amendments made by this Act was entitled to special pay under section 302 of title 37, United States Code, and any officer who after such effective date would have become entitled to special pay under such section (as in effect on the day before such effective date) had such section continued in effect, shall be paid basic pay and special pay under section 302 of such title (as in effect on and after the effective date of the amendments made by this Act) in a total amount not less than the total amount of the basic pay (as in effect on the day before such date) and special pay applicable (or which would have been applicable) to such officer under sections 302, 311, and 313 of such title (as in effect on the day before such date and computed on the rates of basic pay as in effect on the day before such date).

37 USC 302, 311, 313.

94 STAT. 594

EFFECTIVE DATE

37 USC 302 note.

SEC. 8. The amendments made by sections 2 and 3 shall apply to special pay payable for periods beginning after the last day of the month in which this Act is enacted.

Approved June 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-904 accompanyng H.R. 6982 (Comm. on Armed Services).
SENATE REPORT No. 96-749 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 28, considered and passed Senate.
June 23, H.R. 6982 considered and passed House; passage vacated and S. 2460, amended, passed in lieu.
June 26, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 16, No. 27:
June 30, Presidential statement.

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94 STAT. 1208

Public Law 96-364
96th Congress

An Act

Sept. 26, 1980
[H.R. 3904]

To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Multiemployer Pension Plan Amendments Act of 1980.
29 USC 1001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multiemployer Pension Plan Amendments Act of 1980".

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94 STAT. 1209

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94 STAT. 1564

Public Law 96-398
96th Congress

An Act

Oct. 7, 1980
[S. 1177]

To improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mental Health Systems Act.
42 USC 9401 note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Mental Health Systems Act".

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Public Law 96-473 94 STAT. 2263
96th Congress

An Act

To amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes.

Oct. 19, 1980
[H.R. 5295]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security Act, amendment.

PROVISION RELATING TO AVAILABILITY OF MONTHLY EARNINGS TEST

SECTION 1. (a)(1) Section 203(f)(1) of the Social Security Act is amended— 42 USC 403.

(A) by striking out "or" immediately before clause (E), and

(B) by inserting before the period at the end thereof the following: ", or (F) in which such individual did not engage in self-employment and did not render services for wages (determined as provided in paragraph (5) of this subsection) of more than the applicable exempt amount as determined under paragraph (8), in the case of an individual entitled to benefits under section 202(b) (but only by reason of having a child in her care within the meaning of paragraph (1)(B) of that subsection) or under section 202 (d) or (g), if such month is in a year in which such entitlement ends for a reason other than the death of such individual, and such individual is not entitled to any benefits under this title for the month following the month during which such entitlement under section 202 (b), (d), or (g) ended". 42 USC 402.

(2) Section 203(f)(2) of such Act is amended by striking out "(D), and (E)" and inserting in lieu thereof "(D), (E), and (F)".

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977. 42 USC 403 note.

MEDICARE ENTITLEMENT

42 USC 426.

SEC. 2. (a) Section 226(a)(2) of the Social Security Act is amended by inserting after "section 202" the following: ", or would be entitled to those benefits except that he has not filed an application therefor (or application has not been made for a benefit the entitlement to which for any individual is a condition of entitlement therefor) and, in conformity with regulations of the Secretary, files an application for hospital insurance benefits under part A of title XVIII,".

42 USC 1395c.

42 USC 1395c.

(b) Section 1811(1) of such Act is amended by striking out "are entitled to" and inserting in lieu thereof "are eligible for".

42 USC 426 note.

42 USC 402.

(c) For purposes of section 226 of such Act as amended by subsection (a) of this section, an individual who filed an application for monthly insurance benefits under section 202 of such Act prior to the effective date of the amendment made by subsection (a) shall be deemed to have filed an application for hospital insurance benefits under part A of title XVIII of such Act, at the time he applied for such benefits under section 202 regardless of the continuing status or effect of the application for benefits under section 202, if he would have been entitled to benefits under that section had such application remained in effect.

94 STAT. 2264

42 USC 426 note.

(d) The amendments made by subsections (a) and (b) shall be effective after the second month beginning after the date on which this Act is enacted.

INCOME NOT ATTRIBUTABLE TO SERVICES PERFORMED AFTER ENTITLEMENT

42 USC 403.

SEC. 3. (a) Section 203(f)(5)(D) of the Social Security Act is amended to read as follows:

"(D) In the case of—

"(i) an individual who has attained the age of 65 on or before the last day of the taxable year, and who shows to the satisfaction of the Secretary that he or she is receiving royalties attributable to a copyright or patent obtained before the taxable year in which he or she attained such age and that the property to which the copyright or patent relates was created by his or her own personal efforts, or

42 USC 423, 402.

"(ii) an individual who has become entitled to insurance benefits under this title, other than benefits under section 223 or benefits payable under section 202(d) by reason of being under a disability, and who shows to the satisfaction of the Secretary that he or she is receiving, in a year after his or her initial year of entitlement to such benefits, any other income not attributable to services performed after the month in which he or she initially became entitled to such benefits,

there shall be excluded from gross income any such royalties or other income.".

42 USC 403 note.

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1977, but only with respect to benefits payable for months after December 1977.

RETROSPECTIVE EFFECT OF ELIMINATION OF MONTHLY EARNINGS TEST

42 USC 403.

SEC. 4. (a) Section 203(f)(1) of the Social Security Act is amended by striking out "the first month" in clause (E) and inserting in lieu thereof "the first month after December 1977".

42 USC 403 note.

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977.

BENEFITS FOR CERTAIN PRISONERS

42 USC 423.

SEC. 5. (a)(1) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(6)(A) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with the commission by an individual (after the date of the enactment of this paragraph) of an offense which constitutes a felony under applicable law and for which such individual is subsequently convicted, or which is aggravated in connection with such an offense (but only to the extent so aggravated), shall not be considered in determining whether an individual is under a disability.

"(B) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with an individual's confinement in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of an 94 STAT. 2265

offense (committed after the date of the enactment of this paragraph) constituting a felony under applicable law, or which is aggravated in connection with such a confinement (but only to the extent so aggravated), shall not be considered in determining whether such individual is under a disability for purposes of benefits payable for any month during which such individual is so confined.".

(2) The third sentence of section 216(i)(1) of such Act is amended by striking out "and (5)" and inserting in lieu thereof "(5), and (6)". 42 USC 416.

(b) Section 202(d)(7)(A) of such Act is amended by adding at the end thereof the following: "An individual shall not be considered a 'full-time student' for the purpose of this section while that individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense (committed after the date of the enactment of this paragraph) which constituted a felony under applicable law.". "Fulltime student." 42 USC 402.

(c) Section 223 of such Act is amended by adding at the end thereof the following new subsection: 42 USC 423.

"Suspension of Benefits for Inmates of Penal Institutions

"(f)(1) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section, or under section 202(d) by reason of being under a disability, to any individual for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense which constituted a felony under applicable law, unless such individual is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for such individual by a court of law and, as determined by the Secretary, is expected to result in such individual being able to engage in substantial gainful activity upon release and within a reasonable time.

"(2) Benefits which would be payable to any individual (other than a confined individual to whom benefits are not payable by reason of paragraph (1)) under this title on the basis of the wages and self-employment income of such a confined individual but for the provisions of paragraph (1), shall be payable as though such confined individual were receiving such benefits under this section.".

(d) The amendments made by this section shall be effective with respect to benefits payable for months beginning on or after October 1, 1980. 42 USC 402 note.

TECHNICAL CORRECTIONS

SEC. 6. (a) Section 202(e)(2)(B)(i) of such Act is amended by striking out the second comma following "where applicable". 42 USC 402.

(b)(1) Section 203(a)(3)(A) of such Act is amended by striking out "bases" and inserting in lieu thereof "basis". 42 USC 403.

(2) Section 203(a)(7) of such Act is amended by striking out "benefits base" and inserting in lieu thereof "benefit base".

(c) Section 213(a)(2)(A) of such Act is amended by striking out "quarters of coverage" and inserting in lieu thereof "quarter of coverage". 42 USC 413.

(d) Section 215(a)(4)(B) of such Act is amended by striking out "computation or recommendation" and inserting in lieu thereof "computation or recomputation". 42 USC 415.

(e)(1) Section 303 of such Act is amended by redesignating the second subsection (d) as subsection (e). *Ante*, p. 468.

(2) Section 304(a)(2) of such Act is amended to read as follows: 42 USC 504.

94 STAT. 2266

42 USC 503.

"(2) makes a finding with respect to a State under subsection (b), (c), (d), or (e) of section 303,".

42 USC 602.

(f)(1) Section 402(a)(27) of such Act is amended by striking out "provide, that the State" and inserting in lieu thereof "provide that the State".

(2) Section 402(a)(29) of such Act is amended by striking out "provided" and inserting in lieu thereof "provide".

(3) Section 402 of such Act is amended by redesignating the second subsection (d) as subsection (e).

Ante, p. 449.

(g)(1) Section 1612(a)(1)(B) of such Act is amended by striking out "following subsection (a)(10)" and inserting in lieu thereof "following subsection (a)(11)".

(2) Section 1612(a)(1) of such Act is further amended—

(A) by striking out "and" at the end of subparagraph (B); and

(B) by redesignating the second subparagraph (C) as subparagraph (D).

42 USC 1382a.

(3) Section 1612(b)(2)(B) of such Act is amended—

(A) by striking out "Monthly" and inserting in lieu thereof "monthly"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a semicolon.

Ante, p. 470.

(h) Section 1631(b) of such Act is amended—

(1) by striking out "(b)(1)(1)" and inserting in lieu thereof "(b)(1)"; and

(2) by redesignating the second paragraph (2) as paragraph (3).

42 USC 1395g.

(i) Section 1815(c) of such Act is amended by striking out "for on in connection with" and inserting in lieu thereof "for or in connection with".

42 USC 1395*l*.

(j) Section 1833 of such Act is amended by redesignating the second subsection (g) as subsection (h).

42 USC 1396d.

(k) Section 1905(c) of such Act is amended by striking out "under clauses (1)" and inserting in lieu thereof "under clause (1)".

42 USC 1397b.

(l) Section 2003(e)(1) of such Act is amended by striking out "under subsection (g)" and inserting in lieu thereof "under subsection (d)".

Approved October 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-537, Pts. 1 and 2 (Comm. on Ways and Means).
SENATE REPORT No. 96-987 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 19, considered and passed House.
Vol. 126 (1980): Sept. 30, considered and passed Senate, amended.
Oct. 1, House concurred in Senate amendments with an amendment; Senate concurred in House amendment.

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94 STAT. 3183

Public Law 96-538
96th Congress

An Act

Dec. 17, 1980
[S. 988]

To amend the Public Health Service Act to revise and extend the authorities under that Act relating to national research institutes, and for other purposes.

Health Programs Extension Act of 1980.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Programs Extension Act of 1980".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—NATIONAL CANCER INSTITUTE AND NATIONAL HEART, LUNG, AND BLOOD INSTITUTE AUTHORIZATIONS

Sec. 101. (a) Section 410(a) (42 U.S.C. 286e(a)) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $1,015,700,000 for the fiscal year ending September 30, 1981; and $1,109,000,000 for the fiscal year ending September 30, 1982".

(b) Section 410(b) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $112,900,000 for the fiscal year ending September 30, 1981; and $123,200,000 for the fiscal year ending September 30, 1982".

(c) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $49,300,000 for the fiscal year ending September 30, 1981, and $53,800,000 for the fiscal year ending September 30, 1982".

(d) The first sentence of section 419B (42 U.S.C. 287i) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $564,300,000 for the fiscal year ending September 30, 1981, and $616,100,000 for the fiscal year ending September 30, 1982".

TITLE II—AMENDMENTS RELATING TO ARTHRITIS, DIABETES, DIGESTIVE DISEASES, AND KIDNEY DISEASES

Sec. 201. (a) The heading of part D of title IV is amended to read as follows:

94 STAT. 3184

"Part D—National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, National Institute of Neurological Diseases and Stroke, and Other Institutes".

Sec. 202. Section 431(c) (42 U.S.C. 289a(c)) is repealed. Repeal.

Sec. 203. (a) The heading of section 434 is amended to read as follows:

"NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES".

(b) Subsection (a) of section 434 (42 U.S.C. 289c-1(a)) is amended—

(1) by striking out "National Institute of Arthritis, Metabolism, and Digestive Diseases" and inserting in lieu thereof "National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases";

(2) by striking out "National Arthritis, Metabolism, and Digestive Diseases Advisory Council" and inserting in lieu thereof "National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council"; and

(3) by striking out the last sentence.

(c) Section 434 is amended by striking out subsections (b) through (e) and inserting in lieu thereof the following:

"(b) In the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (hereinafter referred to in this section as the 'Institute') there shall be an Associate Director for Arthritis and Musculoskeletal and Skin Diseases, an Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, an Associate Director for Digestive Diseases, and an Associate Director for Kidney, Urologic, and Hematologic Diseases who, under the supervision of the Director of the Institute, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning the diseases for which the positions of the Associate Directors were created;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

Comments and recommendations, transmittal to NIH.

The Director of the Institute shall transmit to the Director of the National Institutes of Health the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

Subcommittees, establishment.

"(c) There are established within the Advisory Council of the Institute a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on arthritis and musculoskeletal and skin diseases, a subcommittee on digestive diseases, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the Advisory Council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the Advisory Council those applications and contracts that the subcommittees determine will best carry out the purposes of this part. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, arthritis, musculoskeletal and skin diseases, digestive diseases, and kidney, urologic, and hematologic diseases programs under this part and recommend to the Advisory Council such changes in the administration of such programs as the subcommittees determine are necessary.

94 STAT. 3185

"(d) The Director of the Institute, acting through the Associate Director for Arthritis and Musculoskeletal and Skin Diseases, the Associate Director for Kidney, Urologic, and Hematologic Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall—

42 USC 289*l*-1.

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis, digestive diseases, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.".

42 USC 289c-1.

(d) Subsection (f) of section 434 is redesignated as subsection (e) and is amended (1) by striking out "a report" in the first sentence and inserting in lieu thereof "an annual report", and (2) by amending the second sentence to read as follows: "The annual report shall include a description of the Institute's activities—

"(1) under the current Arthritis Plan prepared under the National Arthritis Act of 1974,

42 USC 201 note.

"(2) under the current diabetes plan prepared under the National Diabetes Mellitus Research and Education Act, and

42 USC 201 note.

"(3) under the current digestive diseases plan prepared under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.".

42 USC 201 note.

SEC. 204. (a) The heading of section 435 is amended to read as follows:

"DIABETES RESEARCH AND TRAINING CENTERS; DIABETES DATA GROUP AND CLEARINGHOUSE".

(b) The first sentence of subsection (a) of section 435 (42 U.S.C. 289c-2(a)) is amended by striking out "National Commission on Diabetes" and inserting in lieu thereof "the current diabetes plan under the National Diabetes Mellitus Research and Education Act".

(c) Subsection (a) of section 435 is amended by adding at the end the following: "A center may use funds provided under this subsection to provide stipends for health professionals enrolled in training programs described in clause (2)(B).".

(d) Subsection (b) of section 435 is amended by striking out "September 30" and inserting in lieu thereof "November 30".

(e) Subsection (c) of section 435 is redesignated as subsection (d) and the following new subsection is inserted after subsection (b):

"(c)(1) The Secretary, with the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall (A) establish the Diabetes Data Group and the Diabetes Information Clearinghouse, and (B) through such entities, establish the diabetes data system for the collection, storage, analysis, retrieval, and dissemination of data concerning diabetes, including, where possible, data involving general populations for the purpose of detecting individuals with a risk of developing diabetes.

94 STAT. 3186

Appropriation authorization.

"(2) There is authorized to be appropriated to carry out this subsection $2,000,000 for the fiscal year ending September 30, 1981; $2,000,000 for the fiscal year ending September 30, 1982; and $2,000,000 for the fiscal year ending September 30, 1983.".

Ante, p. 3185.

(f) Subsection (d) of section 435 (as so redesignated) is amended (1) by striking out "this section" and inserting in lieu thereof "this section (other than subsection (c))", (2) by striking out "and" after "1979,", and (3) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1983".

Repeals.

SEC. 205. Sections 436, 437, and 440A (42 U.S.C. 289c-3, 289c-4, and 289c-8) are repealed, and the following section is inserted after section 435:

"INTERAGENCY COORDINATING COMMITTEES

42 USC 289c-3.

"SEC. 436. (a) For the purpose of—

"(1) better coordinating the research activities of all the national research institutes relating to arthritis, diabetes mellitus, and digestive diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

Establishment.

the Secretary shall establish an Arthritis Interagency Coordinating Committee, a Diabetes Mellitus Interagency Coordinating Committee, and a Digestive Diseases Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

Membership.

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

Report.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of the National Institutes of Health, and

Supra.

"(3) the Advisory Board established under section 437 for the disease for which the Committee was established,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the sixtieth day after the end of each fiscal year.".

94 STAT. 3187

Repeals.

SEC. 206. Sections 436A and 440 (42 U.S.C. 289c-3a and 289c-7) are repealed, and the following new section is inserted after the section added by section 205 of this title:

"DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

Establishment.
42 USC 289c-4.

"SEC. 437. (a) The Secretary shall establish the National Arthritis Advisory Board, the National Diabetes Advisory Board, and the National Digestive Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialities and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from the disease and one member who is a parent of a person who suffers from the disease.

Of the appointed members, at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, a medical officer designated by the Department of Defense (or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration (or their designees of such ex officio members).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their

regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

Compensation.

45 F.R. 69201.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurs. In the case of the National Diabetes Advisory Board and the National Arthritis Advisory Board, six of the members of each such Advisory Board whose terms expired on September 30, 1980, shall be reappointed for a term of three years.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

Meetings.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) review and evaluate the implementation of the plan referred to in section 434(e) regarding the diseases with respect to which the Advisory Board was established;

Ante, p. 3185.

"(2) periodically update the plan referred to in paragraph (1) to ensure its continuing relevance;

"(3) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to Congress, the Secretary, the Director of the National Institutes of Health, the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation of such plan; and

"(4) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the Coordinating Committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

Report.

"(j) Each Advisory Board shall submit to the Secretary and Congress an annual report which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made during such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations, if any, for changes in the plan referred to in subsection (h)(1).

Appropriation authorization.

"(k) For each Advisory Board there is authorized to be appropriated $300,000 for the fiscal year ending September 30, 1981; $300,000 for the fiscal year ending September 30, 1982; and $300,000 for the fiscal year ending September 30, 1983.

"(l) Each Advisory Board shall expire on September 30, 1983.".

42 USC 289c-5.

SEC. 207. (a) Subsection (a) of section 438 (42 U.S.C. 289c-5a(a)) is amended by striking out ", acting through the Assistant Secretary for Health,".

(b) Subsection (b) of such section is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following:

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis.".

(c) Paragraphs (2) and (3) of subsection (d) of such section are each amended by inserting before the period a comma and the following: "and for each of the next 3 fiscal years".

42 USC 289c-6.

SEC. 208. (a) Subsection (a) of section 439 (289c-6(a)) is amended by striking out ", acting through the Assistant Secretary for Health".

(b) Subsection (b) of such section is amended by adding after and below paragraph (2) the following: "A center may use funds provided under this subsection to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).".

(c) Subsection (e) of such section is amended by striking out "not later than four months after the end of each fiscal year" and inserting in lieu thereof "on or before November 30 of each year".

(d) Subsection (f) of such section is repealed and subsection (g) is redesignated as subsection (f) and amended (1) by striking out "and" after "1979,"; and (2) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1983".

SEC. 209. The following section is inserted after section 439:

"INFORMATION AND EDUCATION CENTER FOR DIGESTIVE DISEASES

Establishment.
42 USC 289c-7.

"SEC. 440. The Secretary, acting through the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, shall establish an information and education center for digestive diseases (1) to identify, collect, analyze, and disseminate information respecting the diseases, and (2) to serve as a national educational resource for patients with such diseases and their families, physicians, and other health professionals.".

TITLE III—HEALTH PLANNING AMENDMENTS

SEC. 301. The second sentence of section 1501(b)(1) (42 U.S.C. 300k-1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

SEC. 302. Effective with respect to fiscal years beginning after September 30, 1981, section 1516(d)(3) (42 U.S.C. 300l-5(d)(3)) is amended to read as follows:

"(3) Notwithstanding subsection (c)(1), if the total of the amounts appropriated under paragraph (1) for any fiscal year (reduced by the amount to be retained by the Secretary for use under paragraph (2)) is less than the amount required to make grants to each health systems agency designated under section 1515(c) in the amount prescribed for such agency by subsection (c)(1), the Secretary shall make a pro rata reduction in the amount of the grant to each such agency as follows:

42 USC 300*l*-4.

Grant, pro-rata reduction.

"(A) The Secretary shall compute the amount of the grant each such agency would be entitled to receive under such subsection if the dollar limit prescribed by subparagraph (A)(ii) of such subsection did not apply.

"(B) The Secretary shall reduce on a pro rata basis the amount of the grant to each such agency computed under subparagraph (A) of this paragraph so that the total amount of such grants equals the total of the amounts appropriated for such fiscal year (as so reduced), except that—

"(i) the amount of the grant to any such agency may not exceed $3,750,000,

"(ii) to the extent of available appropriations, no such agency shall receive a grant in an amount less than the amount prescribed by subparagraph (C) of subsection (c)(1) for such fiscal year, and

"(iii) if the total of the appropriations for the fiscal year ending September 30, 1982, for such grants—

"(I) is equal to or greater than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount less than the amount of the grant it received in such preceding fiscal year unless the population of the area for which it is designated has decreased, unless the level of non-Federal funds on which its grant is computed had decreased, or unless the amount available for its grant is decreased because of an increase in the minimum grant prescribed by subsection (c)(1)(C), or

"(II) is less than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount greater than the amount of the grant it received in such preceding fiscal year unless the population of the area for which it is designated has increased, unless the level of non-Federal funds on which its grant is computed has increased, or unless the amount of its grant is increased under subsection (c)(1)(C).".

SEC. 303. (a) Section 129(b)(2)(A) of Public Law 96-79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

42 USC 300m-6 note.

Ante, p. 3183.

(b) Section 1521(d)(1)(B)(i) (42 U.S.C. 300m(d)(1)(B)(i)) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

Ante, p. 3183.

(c) Section 117(c) of the Health Planning and Resources Development Amendments of 1979 (93 Stat. 620) is amended by striking out "February 1, 1982" and inserting in lieu thereof "February 1, 1983".

42 USC 300m-6 note.

SEC. 304. Section 124(c) of Public Law 96-79 (93 Stat. 627) is amended to read as follows:

42 USC 300m-3.

"(c)(1) Section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'.

42 USC 300m-3.

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'.".

SEC. 305. The first sentence of section 1524(c)(6) (42 U.S.C. 300m-3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

SEC. 306. Section 1527(b)(3)(B) (42 U.S.C. 300m-6(b)(3)(B)) is amended (1) by striking out "that (i)" and inserting in lieu thereof "that", (2) by striking out ", which intends to acquire the controlling interest or which intends to use the facility is" and inserting in lieu

Certificate of need program.

thereof "which intends to acquire the controlling interest in or use the facility is (i)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

SEC. 307. Section 1527 (42 U.S.C. 300m-6) is amended by adding at the end the following new subsection:

Major medical equipment; acquisition, conditions.

"(h)(1) Subsection (a) does not require a certificate of need program to require a health care facility to obtain a certificate of need for the acquisition of major medical equipment to be used solely for research, institutional health services to be offered solely for research, or the obligation of a capital expenditure to be made solely for research if the acquisition, offering, or obligation does not—

"(A) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

"(B) substantially change the bed capacity of the facility; or

"(C) substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, or obligation.

State Agency of the State, notification.

"(2)(A) Before a health care facility acquires major medical equipment to be used solely for research, offers an institutional health service solely for research, or obligates a capital expenditure solely for research, such health care facility shall notify in writing the State Agency of the State in which such facility is located of such facility's intent and the use to be made of such medical equipment, institutional health service, or capital expenditure.

"(B) Paragraph (1) does not apply with respect to the acquisition of major medical equipment, the offering of institutional health services, or the obligation of a capital expenditure if—

"(i) the notice required by subparagraph (A) is not filed with the State Agency with respect to such acquisition, offering, or obligation, or

"(ii) the State Agency finds, within 60 days after the date it receives a notice in accordance with subparagraph (A) respecting the acquisition, offering, or obligation, that the acquisition, offering, or obligation will have the effect or make a change described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) If major medical equipment is acquired, an institutional health service is offered, or a capital expenditure is obligated and a certificate of need is not required for such acquisition, offering, or obligation as provided in paragraph (1), such equipment or service or equipment or facilities acquired through the obligation of such capital expenditure may not be used in such a manner as to have the effect or to make a change described in subparagraph (A), (B), or (C) of paragraph (1) unless the State Agency issues a certificate of need approving such use.

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"Solely for research."

"(4) For purposes of this subsection, the term 'solely for research' includes patient care provided on an occasional and irregular basis and not as part of a research program.".

SEC. 308. The last sentence of section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

SEC. 309. Section 1531(5) (42 U.S.C. 300n(5)) is amended by striking out "maintained or developed by the Department of Commerce and".

SEC. 310. Section 1532(b)(12)(D) (42 U.S.C. 300n-1(b)(12)(D)) is amended by striking out "administratively".

TITLE IV—HEALTH PROFESSIONS PROGRAMS

SEC. 401. The first sentence of section 728(a) (42 U.S.C. 294a(a)) is amended by inserting a comma before the period and the following: "and for the next fiscal year".

SEC. 402. (a) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended (1) by inserting "and" at the end of clause (iv), and (2) by striking out clause (v) and redesignating clause (vi) as clause (v).

(b) Section 731(b) is amended by striking out "12 percent per annum on the unpaid principal balance of the loan" and inserting in lieu thereof "the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous quarter plus 3½ percentage points, rounded to the next higher one-eighth of 1 percent".

SEC. 403. (a) Section 753(a)(2) (42 U.S.C. 294v(a)(2)) is amended—

(1) by striking out "(A)" after "designated under section 332) which";

(2) by striking out ", and" after "section 333(c)"; and

(3) by striking out subclause (B) thereof and inserting in lieu thereof a period.

(b) Section 753(a) is amended by striking out the last sentence.

SEC. 404. Section 212(j)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(2)(A)) is amended by striking out "1980" and inserting in lieu thereof "1981".

TITLE V—NEUROLOGICAL RESEARCH

42 USC 289 note.

SEC. 501. (a) The Secretary of Health and Human Services shall enter into a contract, in accordance with subsection (b), with a private, nonprofit entity pursuant to which such entity shall—

Review.

(1) conduct a general review of past and ongoing neurological research;

(2) include, in the review described in paragraph (1), a review of past and ongoing research regarding spinal cord regeneration following acute and chronic damage to the spinal cord;

(3) identify those areas of neurological research which appear to be the most promising;

5-year plan outline.

(4) prepare an outline of a 5-year plan for neurological research, including (A) recommendations regarding the resources needed to effectively implement such a plan, and (B) specific recommendations with respect to spinal cord regeneration research; and

Report.

(5) transmit to the Secretary a report summarizing its findings and recommendations.

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(b) The Secretary shall enter into the contract described in subsection (a) with the Institute of Medicine of the National Academy of Science, except that, if the Institute of Medicine of the National Academy of Science declines to enter into such contract after a reasonable period of time determined by the Secretary, the Secretary shall enter into such contract with any other private, nonprofit entity which the Secretary has determined is qualified to carry out the terms of such contract.

(c) The report described in subsection (a)(5) shall be transmitted to the Secretary no later than 12 months after the date of the enactment of this Act.

(d) The authority of the Secretary to enter into a contract under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-997 accompanying H.R. 7036 (Comm. on Interstate and Foreign Commerce) and No. 96-1478 (Comm. of Conference).
SENATE REPORT No. 96-714 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 19, considered and passed Senate.
Aug. 28, H.R. 7036 considered and passed House; passage vacated and S. 988, amended, passed in lieu.
Dec. 1, Senate agreed to conference report.
Dec. 4, House agreed to conference report.

94 STAT. 3374

Public Law 96-582
96th Congress

An Act

Dec. 23, 1980
[H.R. 8195]

To amend the Railroad Retirement Act of 1974 to extend certain cost-of-living increases.

Railroad Retirement Act of 1974, amendments. 45 USC 231b. Cost-of-living increase, extension. 45 USC 231a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(g) of the Railroad Retirement Act of 1974 is amended by inserting "(1)" after "(g)" and by inserting at the end thereof the following new subdivision:

"(2) Those portions of the annuity of an individual as are computed under subsections (b) and (d) of this section shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue on or before June 1, 1981, be increased by 32.5 per centum of the percentage increase, if any (rounded to the nearest one-tenth of 1 per centum), obtained by comparing the unadjusted Consumer Price Index for the calendar quarter ending March 31, 1981, with such index for the calendar quarter ending March 31, 1980. The unadjusted Consumer Price Index for any calendar quarter shall be the arithmetical mean of such index for the three months in such quarter. The increase provided under this subdivision shall be effective on June 1, 1981.".

REPORT ON RECOMMENDATIONS

Report to congressional committees.

SEC. 2. No later than March 1, 1981, representatives of employees and representatives of carriers, acting through a group designated by them, shall submit to the Senate Committee on Labor and Human Resources and the House of Representatives Committee on Interstate and Foreign Commerce a report containing their joint recommendations for further restructuring of the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system.

Effective date. 45 USC 231b note.

SEC. 3. The provisions of this Act shall take effect on the date of the enactment of this Act.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1437 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 30, considered and passed House.
- Dec. 8, considered and passed Senate, amended.
- Dec. 10, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 52:
- Dec. 23, Presidential statement.

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94 STAT. 3375

Public Law 96-583
96th Congress

An Act

Dec. 23, 1980
[H.R. 6796]

To amend and extend title VII of the Comprehensive Employment and Training Act.

Comprehensive Employment and Training Act, amendment. 29 USC 822. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112(a)(7) of the Comprehensive Employment and Training Act is amended by adding at the end thereof the following new subparagraph:

"(C) There are authorized to be appropriated such sums as may be necessary for the fiscal years 1981 and 1982 to carry out title VII.".

SEC. 2. Title VII of the Comprehensive Employment and Training Act is amended—

(1) by inserting ", in cooperation with other Federal programs that generate employment," immediately after "under this Act, and" in the first sentence of section 701; 29 USC 981.

(2) by striking out subsection (b) of section 702 and inserting in lieu thereof the following: 29 USC 982.

"(b)(1) Eighty-five per centum of the funds made available for carrying out this title shall be allocated by the Secretary on an equitable basis among such prime sponsors, taking into account the factors set forth in section 202(a). 29 USC 842.

"(2) Ten per centum of the funds made available for carrying out this title shall be used by the Secretary to provide incentive bonuses to prime sponsors who engage in efforts to promote coordination with economic development activities supported by Federal, State, or local funds. Funds used for such coordinated activities shall not be taken into account in the computation of cost per participant or cost per placement for purposes of program evaluation.

"(3) The remainder of the funds made available for carrying out this title shall be used by the Secretary to provide financial assistance to prime sponsors who jointly establish a single private industry council and tc Native American entities described in section 302(c)(1)(A) and (B) for carrying out the purposes of this title."; 29 USC 872.

(3) by inserting ", local economic development councils established under the Public Works and Economic Development Act of 1965," immediately after "community-based organizations" in section 703(b)(5); 29 USC 983.

(4) by inserting "local economic development councils (such as those established under the Public Works and Economic Development Act of 1965)," immediately after "community-based organizations," in section 704(a)(1); 29 USC 984.

(5) by inserting "(particularly persons with expertise in on-site, industry specific vocational education)" immediately after "educational agencies and institutions" in the second sentence of section 704(a)(1);

(6) by striking "and" at the end of paragraph (14) of section 705(a); 29 USC 985.

(7) by striking the period at the end of paragraph (15) of section 705(a) and inserting in lieu thereof "; and";

(8) by adding after such paragraph the following new paragraph:

"(16) developing on-site, industry specific training programs supportive of industrial and economic development in cooperation with State vocational education boards: *Provided*, That, where feasible, funds made available under this Act for such programs are supplemented by Federal, State, or local vocational education funds or by non-governmental funds made specifically available for such programs, or both."; and

(9) by adding at the end of section 705 the following new subsection: 29 USC 985.

"(c) Activities under this section may include upgrading and retraining in accordance with the provisions of part C of title II. Not more than 15 per centum of the funds available for this title may be used for programs under this subsection. No employer may participate in such a program unless the employer agrees that the employer will hire one economically disadvantaged person for every employee participating in the upgrading or retraining program. The Secretary may waive the provisions of the preceding sentence in whole or in part where the Secretary finds that it would be impracticable for the employer to comply with such provisions or that a waiver would facilitate participation by the employer in an experimental or demonstration project approved or being carried out by the Secretary.". 29 USC 852. Waiver.

SEC. 3. The Comprehensive Employment and Training Act is further amended as follows:

29 USC 824.

(a) Section 122(i)(2) of such Act is amended by deleting "$7,200" and substituting in lieu thereof "$8,000".

29 USC 842, 855, 964.

(b) Section 202(f)(2)(B), section 233(d)(1), and section 604(b)(1) of such Act are each amended by deleting "1980" and substituting in lieu thereof "1982".

29 USC 879, 930, 935.

(c) Wherever the terms "Secretary of Health, Education, and Welfare" or "Department of Health, Education, and Welfare" appear in sections 311(b), 457(c), and 462(b) of such Act, they are amended to read "Secretary of Education" or "Department of Education", respectively.

29 USC 875.

(d) Section 305 of such Act is amended by deleting the words "and the Secretary of Health, Education, and Welfare" and the words "Labor and Health, Education, and Welfare" where they occur, and substituting in lieu thereof, respectively, the words "the Secretary of Health and Human Services and the Secretary of Education" and "Labor, Health and Human Services, and Education".

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-985 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 15, considered and passed House.
Dec. 8, considered and passed Senate, amended.
Dec. 9, House concurred in Senate amendments.

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94 STAT. 3566

Public Law 96-611
96th Congress

An Act

Dec. 28, 1980
[H.R. 8406]

To amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration.

Social Security Act, amendment.
42 USC 1395x.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(B) by striking out "and" at the end of paragraph (8);

(C) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (9) the following paragraph:

"(10) pneumococcal vaccine and its administration.".

42 USC 1395aa.

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (10) and (11) of section 1861(s)" and inserting in lieu thereof "paragraphs (11) and (12) of section 1861(s)".

42 USC 1395y.

(3) Section 1862(a) of such Act is amended—

(A) by inserting ", or, in the case of items and services described in section 1861(s)(10), which are not reasonable and necessary for the prevention of illness" before the semicolon at the end of paragraph (1), and

(B) by inserting "(except as otherwise allowed under section 1861(s)(10) and paragraph (1))" in paragraph (7) after "immunizations".

42 USC 1395*l*.
Ante, pp. 2634, 2239, 2641.

(b)(1) Section 1833(a) of such Act (as amended by sections 932(a)(1)(B), 934(d), and 942 of the Medicare and Medicaid Amendments of 1980) is amended—

(A) by striking out "and" before "(G)" in paragraph (1);

(B) by inserting at the end of paragraph (1) the following: "and

(H) with respect to items and services described in section 1861(s)(10), the amounts paid shall be 100 percent of the reasonable charges for such items and services,";

(C) by inserting "and to items and services described in section 1861(s)(10)" in paragraph (2)(A) after "home health services"; and

(D) by inserting "(other than for items and services described in section 1861(s)(10))" in paragraph (3) after "but in no case may the payment for such services".

(2) The first sentence of section 1833(b) of such Act is amended by inserting "(A)" in clause (2) after "expenses incurred", and by inserting before the comma at the end of such clause the following: ", or (B) for items and services described in section 1861(s)(10)".

(3) Subparagraph (A) of section 1861(aa)(1) of such Act is amended by inserting before the comma at the end the following: "and items and services described in section 1861(s)(10)".

(4) Section 1866(a)(2)(A) of such Act is amended by adding at the end the following new sentence: "A provider of services may not impose a charge under clause (ii) of the first sentence of this subparagraph with respect to items and services described in section 1861(s)(10) for which payment is made under part B.". 42 USC 1395cc.

SEC. 2. The amendments made by this Act shall take effect on, and apply to services furnished on or after, July 1, 1981. Effective date. 42 USC 1395*l* note.

PAYMENTS TO STATES FOR ADOPTION ASSISTANCE AND FOSTER CARE

SEC. 3. Section 474 of the Social Security Act is amended by adding at the end the following new subsection: 42 USC 674.

"(d)(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to which a State will be entitled under subsections (a), (b), and (c) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsections, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of children in the State receiving assistance under this part, and (c) such other investigation as the secretary may find necessary. Estimates, State entitlement.

"(2) The Secretary shall then pay to the State, in such installments as he may determine, the amounts so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to foster care and adoption assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.". Pro rata share.

SEC. 4. Section 406(a)(2) of the Social Security Act is amended— 42 USC 606.

(1) by inserting "at the option of the State," after "(B)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (C) at the option of the State, under the age of twenty-one and (as determined by the State in accordance with standards prescribed by the Secretary) a student regularly attending a school in grade twelve or below or regularly attending a course of vocational or technical training, other than a course provided by or through a college or university, designed to fit him for gainful employment".

SEC. 5. (a) Section 1613 of the Social Security Act is amended by adding at the end thereof the following new subsection: 42 USC 1382b.

"DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE

"(c)(1) In determining the resources of an individual (and his eligible spouse, if any) there shall be included (but subject to the exclusions under subsection (a)) any resource (or interest therein) owned by such individual or eligible spouse within the preceding 24 months if such individual or eligible spouse gave away or sold such resource or interest at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits or assistance under this Act.

Eligibility benefits.

"(2) Any transaction described in paragraph (1) shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this Act unless such individual or eligible spouse

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furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

Fair market value or interest.

"(3) For purposes of paragraph (1) the value of such a resource or interest shall be the fair market value of such resource or interest at the time it was sold or given away, less the amount of compensation received for such resource or interest, if any.".

42 USC 1396a.

(b) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provision of this title, an individual who would otherwise be eligible for medical assistance under the State plan approved under this title may be denied such assistance if such individual would not be eligible for such medical assistance but for the fact that he disposed of resources for less than fair market value. If the State plan provides for the denial of such assistance by reason of such disposal of resources, the State plan shall specify a procedure for implementing such denial which, except as provided in paragraph (2), is not more restrictive than the procedure specified in section 1613(c) of this Act.

Ante, p. 3567.
Ineligibility period.

"(2) In any case where the uncompensated value of disposed of resources exceeds $12,000, the State plan may provide for a period of ineligibility which exceeds 24 months. If a State plan provides for a period of ineligibility exceeding 24 months, such plan shall provide for the period of ineligibility to bear a reasonable relationship to such uncompensated value.

Medical assistance, eligibility.

"(3) In any case where an individual is ineligible for medical assistance under the State plan solely because of the applicability to such individual of the provisions of section 1613(c), the State plan may provide for the eligibility of such individual for medical assistance under the plan if such individual would be so eligible if the State plan requirements with respect to disposal of resources applicable under paragraphs (1) and (2) of this subsection were applied in lieu of the provisions of section 1613(c).".

Effective date.
42 USC 1382b note.
42 USC 1601.

(c) The amendment made by subsection (a) shall be effective with respect to applications for benefits under title XVI of the Social Security Act filed on or after the first day of the first month which begins at least 60 days after the date of enactment of this Act.

SHORT TITLE

42 USC 1305 note.

SEC. 6. Sections 6 to 10 of this Act may be cited as the "Parental Kidnaping Prevention Act of 1980".

FINDINGS AND PURPOSES

28 USC 1738A note.

SEC. 7. (a) The Congress finds that—

(1) there is a large and growing number of cases annually involving disputes between persons claiming rights of custody and visitation of children under the laws, and in the courts, of different States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the laws and practices by which the courts of those jurisdictions determine their jurisdiction to decide such disputes, and the effect to be given the decisions of such disputes by the courts of other jurisdictions, are often inconsistent and conflicting;

(3) those characteristics of the law and practice in such cases, along with the limits imposed by a Federal system on the authority of each such jurisdiction to conduct investigations and

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take other actions outside its own boundaries, contribute to a tendency of parties involved in such disputes to frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases, obtaining of conflicting orders by the courts of various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities; and

(4) among the results of those conditions and activities are the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other jurisdictions, the deprivation of rights of liberty and property without due process of law, burdens on commerce among such jurisdictions and with foreign nations, and harm to the welfare of children and their parents and other custodians.

National system of locating parents, establishment.

(b) For those reasons it is necessary to establish a national system for locating parents and children who travel from one such jurisdiction to another and are concealed in connection with such disputes, and to establish national standards under which the courts of such jurisdictions will determine their jurisdiction to decide such disputes and the effect to be given by each such jurisdiction to such decisions by the courts of other such jurisdictions.

(c) The general purposes of sections 6 to 10 of this Act are to—

(1) promote cooperation between State courts to the end that a determination of custody and visitation is rendered in the State which can best decide the case in the interest of the child;

(2) promote and expand the exchange of information and other forms of mutual assistance between States which are concerned with the same child;

(3) facilitate the enforcement of custody and visitation decrees of sister States;

(4) discourage continuing interstate controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) avoid jurisdictional competition and conflict between State courts in matters of child custody and visitation which have in the past resulted in the shifting of children from State to State with harmful effects on their well-being; and

(6) deter interstate abductions and other unilateral removals of children undertaken to obtain custody and visitation awards.

FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS

28 USC 1731 *et seq.*

SEC. 8. (a) Chapter 115 of title 28, United States Code, is amended by adding immediately after section 1738 the following new section:

28 USC 1738A.

"§1738A. Full faith and credit given to child custody determinations

"(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f) of this section, any child custody determination made consistently with the provisions of this section by a court of another State.

Definitions.

"(b) As used in this section, the term—

"(1) 'child' means a person under the age of eighteen;

"(2) 'contestant' means a person, including a parent, who claims a right to custody or visitation of a child;

"(3) 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modifications;

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"(4) 'home State' means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;

"(5) 'modification' and 'modify' refer to a custody determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody determination concerning the same child, whether made by the same court or not;

"(6) 'person acting as a parent' means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

"(7) 'physical custody' means actual possession and control of a child; and

"(8) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(c) A child custody determination made by a court of a State is consistent with the provisions of this section only if—

"(1) such court has jurisdiction under the law of such State; and

"(2) one of the following conditions is met:

"(A) such State (i) is the home State of the child on the date of the commencement of the proceeding, or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;

"(B)(i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence concerning the child's present or future care, protection, training, and personal relationships;

"(C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse;

"(D)(i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or

"(E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

"(d) The jurisdiction of a court of a State which has made a child
custody determination consistently with the provisions of this section
94 STAT. 3571 continues as long as the requirement of subsection (c)(1) of this
section continues to be met and such State remains the residence of
the child or of any contestant.

"(e) Before a child custody determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child.

"(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if—

"(1) it has jurisdiction to make such a child custody determination; and

"(2) the court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination.

"(g) A court of a State shall not exercise jurisdiction in any proceeding for a custody determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody determination.".

(b) The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738 the following new item: 28 USC 1738A note. *Ante*, p. 3569.

"1738A. Full faith and credit given to child custody determinations.".

(c) In furtherance of the purposes of section 1738A of title 28, United States Code, as added by subsection (a) of this section, State courts are encouraged to—

(1) afford priority to proceedings for custody determinations; and

(2) award to the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, necessary travel expenses, attorneys' fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with such custody determination in any case in which— *Ante*, p. 3569.

(A) a contestant has, without the consent of the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, (i) wrongfully removed the child from the physical custody of such person, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

(B) the court determines it is appropriate.

USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

SEC. 9. (a) Section 454 of the Social Security Act is amended— 42 USC 654.

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) in the case of a State which has in effect an agreement with the Secretary entered into pursuant to section 463 for the use of the Parent Locator Service established under section 453, to accept and transmit to the Secretary requests for information authorized under the provisions of the agreement to be furnished by such Service to authorized persons, and to impose and collect (in accordance with regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reason of such requests, to transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and during the period that such agreement is in effect, otherwise to comply with such agreement and regulations of the Secretary with respect thereto.". *Post*, p. 3572. 42 USC 653.

(b) Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section: 42 USC 651.

"USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

"SEC. 463. (a) The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the Parent Locator Service established under section 453 shall be made available to such State for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of— 42 USC 663.

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination.

"(b) An agreement entered into under this section shall provide that the State agency described in section 454 will, under procedures prescribed by the Secretary in regulations, receive and transmit to 42 USC 654.

the Secretary requests from authorized persons for information as to (or useful in determining) the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination.

42 USC 653.

"(c) Information authorized to be provided by the Secretary under this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453, and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 which is authorized to be provided under such section. Only information as to the most recent address and place of employment of any absent parent or child shall be provided under this section.

Definitions.

"(d) For purposes of this section—

"(1) the term 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modification;

"(2) the term 'authorized person' means—

"(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody determination;

"(B) any court having jurisdiction to make or enforce such a child custody determination, or any agent of such court; and

"(C) any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.".

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42 USC 655.

(c) Section 455(a) of such Act is amended by adding after paragraph (3) the following: "except that no amount shall be paid to any State on account of amounts expended to carry out an agreement which it has entered into pursuant to section 463.".

Ante, p. 3572.
Effective date.
42 USC 663 note.
Ante, p. 3569.

(d) No agreement entered into under section 463 of the Social Security Act shall become effective before the date on which section 1738A of title 28, United States Code (as added by this title) becomes effective.

PARENTAL KIDNAPING

18 USC 1073 note.
42 USC 502.

SEC. 10. (a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302, the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes.

(b) The Attorney General of the United States, not later than 120 days after the date of the enactment of this section (and once every 6 months during the 3-year period following such 120-day period), shall submit a report to the Congress with respect to steps taken to comply with the intent of the Congress set forth in subsection (a). Each such report shall include—

(1) data relating to the number of applications for complaints under section 1073 of title 18, United States Code, in cases involving parental kidnaping;

(2) data relating to the number of complaints issued in such cases; and

(3) such other information as may assist in describing the activities of the Department of Justice in conformance with such intent.

TECHNICAL AMENDMENTS AND AMENDMENTS RELATING TO CHILD SUPPORT AUDITS

SEC. 11. (a)(1) Section 127(a)(1) of the Food Stamp Act Amendments of 1980 (Public Law 96-249), is amended by striking out "Subsection (i) of section 6103" and inserting in lieu thereof "Subsection (l) of section 6103".

Ante, p. 365.

(2)(A) Section 408(a)(1) of the Social Security Disability Amendments of 1980 (Public Law 96-265), is amended by striking out (in the new paragraph added thereby to subsection (l) of section 6103 of the Internal Revenue Code of 1954) "(7) Disclosure" and inserting in lieu thereof "(8) Disclosure".

Ante, p. 468.

(B) Section 408(a)(2) of the Social Security Disability Amendments of 1980 is amended—

- (i) in subparagraph (A), by—
  - (I) striking out "(l)(1) or (4)(B) or (5)" and inserting in lieu thereof "(l)(1), (4)(B), (5), or (7)", and
  - (II) striking out "(l)(1), (4)(B), (5), or (7)" and inserting in lieu thereof "(l)(1), (4)(B), (5), (7), or (8)";
- (ii) in subparagraph (B), by—
  - (I) striking out "(l) (3) or (6)" and inserting in lieu thereof "(l) (3), (6), or (7)", and
  - (II) striking out "(l) (3), (6), or (7)" and inserting in lieu thereof "(l) (3), (6), (7), or (8)";

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- (iii) in subparagraph (C), by—
  - (I) striking out "(l)(6)" and inserting in lieu thereof "(l) (6) or (7)", and
  - (II) striking out "(l) (6) or (7)" and inserting in lieu thereof "(l) (6), (7), or (8)"; and
- (iv) in subparagraph (D), by—
  - (I) striking out "subsection (d), (l)(6) or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l) (6) or (7), or (m)(4)(B)", and
  - (II) striking out "subsection (d), (l) (6) or (7), or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l) (6), (7), or (8), or (m)(4)(B)".

26 USC 7213.

(3) The amendment made by paragraph (1) shall take effect on May 26, 1980 and the amendments made by paragraph (2) shall take effect on June 9, 1980.

Effective date.
26 USC 6103 note.

(4)(A) The first sentence of section 7213(a)(2) of the Internal Revenue Code of 1954 (relating to unauthorized disclosure of information by State and other employees) is amended by striking out "(l) (6) or (7)" and inserting in lieu thereof "(l) (6), (7), or (8)".

26 USC 7213.

(B) The amendment made by subparagraph (A) shall take effect on December 5, 1980.

Effective date.
26 USC 7213 note.

(b)(1) Section 309 of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "fiscal year 1977 or fiscal year 1978 shall be made prior to October 1, 1980" and inserting in lieu thereof "any of the fiscal years 1977 through 1980 shall be made prior to October 1, 1981".

Ante, p. 532.

(2) The regulations pertaining to audit criteria (as set forth in 45 CFR 305.20) and the regulations pertaining to penalty for failure to have an effective child support enforcement program (as set forth in 45 CFR 305.50), under the child support program established by title IV-D of the Social Security Act, as in effect on the date of enactment of this Act, shall remain in effect until October 1, 1981.

42 USC 651.

(c) Section 455(a) of the Social Security Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

42 USC 655.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 5, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

LEGISLATIVE BRANCH ACTS

Public Law 96-191
96th Congress

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An Act

To establish an independent personnel system for employees of the General Accounting Office.

Feb. 15, 1980
[H.R. 5176]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "General Accounting Office Personnel Act of 1980".

General Accounting Office Personnel Act of 1980.
31 USC 1 note.

GENERAL PERSONNEL AUTHORITY

31 USC 52-1.

SEC. 2. The Comptroller General of the United States (hereinafter referred to as the "Comptroller General") may appoint, pay, assign, and direct such personnel as the Comptroller General determines necessary to discharge the duties and functions of the General Accounting Office.

ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM

31 USC 52-2.

SEC. 3. (a) The Comptroller General shall, not later than the effective date established by section 9(a), establish by regulation a personnel management system for the General Accounting Office (hereinafter referred to as the "personnel system") which shall meet the requirements of subsections (b) through (h). Before promulgating any regulation or any amendment thereto under this section, the Comptroller General shall provide notice and an opportunity for public comment. No reprisal or threat of reprisal shall be made against any employee of the General Accounting Office as a result of comments provided with respect to any proposed regulation or amendment under this section.

Notice and public comment.
Reprisal.
Functions.

(b)(1) The personnel system shall—

(A) embody the merit system principles described in section 2301(b) of title 5, United States Code;

(B) prohibit the personnel practices prohibited in section 2302(b) of such title;

5 USC 2302.

(C) prohibit the political activities prohibited under subchapter III of chapter 73 of title 5, United States Code;

5 USC 7321.

(D) assure that all employees of the General Accounting Office are appointed, promoted, and assigned solely on the basis of merit and fitness, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service; and

(E) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.

(2) Nothing in this section prohibits or restricts any lawful effort to achieve equal employment opportunity through affirmative action.

Employee pay.

(c) The personnel system shall provide that the pay of the employees of the General Accounting Office shall be fixed by the Comptroller General consistent with the principles of section 5301(a) of title 5, United States Code. Under the personnel system—

Rates, publication.

(1) the Comptroller General shall publish a schedule of pay rates which shall apply to employees of the General Accounting

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Office and, except as provided in paragraph (3) of this subsection or section 5, the highest rate under such schedule shall not exceed the highest rate of basic pay payable for GS-15 under the General Schedule;

44 FR 58671.

(2) except as provided in section 5, the pay of the employees of the General Accounting Office shall be adjusted at the same time and to the same extent as rates of basic pay are adjusted for the General Schedule;

5 USC 5332 note.

44 FR 58671.

(3) such schedule may provide for rates which do not exceed the maximum rate payable for grade GS-18 of the General Schedule for up to one hundred employees, reduced by the number of employees who are in the General Accounting Office Senior Executive Service established under section 5, except for employees in such service pursuant to section 5(a)(4); and

(4) employees of the General Accounting Office shall be entitled to grade and pay retention, consistent with the principles of subchapter VI of chapter 53 of title 5, United States Code.

5 USC 5361.

Employee performance appraisals.

(d) The personnel system shall include a system for performance appraisals of employees of the General Accounting Office which meets the requirements of section 4302 of title 5, United States Code. The personnel system shall provide that the Comptroller General has the same responsibility with respect to the performance appraisal system under this subsection as the Office of Personnel Management has with respect to the performance appraisal systems under such section. The Comptroller General shall implement the performance system required by this subsection as soon as practicable, but not later than October 1, 1981.

Labor-management relations program.

(e) The personnel system shall provide for procedures to ensure that each employee of the General Accounting Office has the right, freely and without fear of penalty or reprisal, to form, join, and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with chapter 71 of title 5, United States Code.

5 USC 7101 *et seq.*

(f) The personnel system shall provide for the reduction in grade or removal of employees based on unacceptable performance consistent with section 4303 of title 5, United States Code, and the taking of other personnel actions consistent with chapter 75 of such title.

5 USC 7501 *et seq.*

Discrimination, prohibitions.

(g)(1) The personnel system shall provide that all personnel actions affecting employees or applicants for employment in the General Accounting Office shall be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition.

Minority recruitment program.

(2) The personnel system shall include a minority recruitment program consistent with section 7201 of title 5, United States Code.

(3) Nothing in this Act shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in the General Accounting Office by section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), by sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a), by section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), by sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a), or by any other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; except that, with respect to employees and applicants for employment in the General Accounting Office, authorities granted thereunder to the Equal Employment Opportunity Commission, Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch—

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(A) involving oversight and appeals, shall be exercised by the General Accounting Office Personnel Appeals Board established by section 4; and

(B) involving other responsibilities, shall be exercised by the Comptroller General.

Complaints and grievances.

(h) The personnel system shall provide procedures for the processing of complaints and grievances which are not otherwise provided for under subsections (e), (f), and (g).

GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD

31 USC 52-3.

SEC. 4. (a)(1) There is established within the General Accounting Office a board to be known as the General Accounting Office Personnel Appeals Board (hereinafter referred to as the "Board") The Board shall be composed of five members appointed by the Comptroller General in accordance with this subsection.

Appointments.

(2) Each appointment made by the Comptroller General under paragraph (1) shall be made—

(A) from a written list of candidates submitted to the Comptroller General by any organization eligible to make such a submission under paragraph (4); and

(B) after consultation with organizations which represent employees of the General Accounting Office and with the member or members of each committee of the Congress having legislative jurisdiction over the personnel system who are designated by the chair of each such committee to consult with the Comptroller General.

Eligibility.

(3) An individual shall be eligible for appointment as a member of the Board only if such individual—

(A) has a total of three years of full-time or part-time experience in the adjudication or arbitration of personnel matters;

(B) is not a current or former officer or employee of the General Accounting Office;

(C) has the demonstrated ability, background, training, and experience necessary to be especially qualified to serve as a member of the Board; and

(D) demonstrates a capacity and willingness to devote sufficient time to service as a member of the Board in order to enable the Board to dispose of cases under this section in a timely manner.

(4) An organization shall be eligible to submit a list of candidates to the Comptroller General under paragraph (2)(A) if, in the opinion of the Comptroller General, the membership of the organization is composed primarily of individuals who are experienced in the adjudication or arbitration of personnel matters. The submission of any list under this paragraph shall be made in the form, at the time, and according to the procedures, which the Comptroller General may require.

Terms of office.

(b)(1) Except as provided in paragraph (2), members of the Board shall be appointed for terms of three years.

(2) Of the members first appointed to the Board two shall be appointed for a term of three years, two shall be appointed for a term of two years, and one shall be appointed for a term of one year, as designated by the Comptroller General at the time of appointment.

(3) Members of the Board shall not be eligible for reappointment.

Vacancies.

(4) Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment. Any individual appointed to fill a vacancy shall serve only for the unexpired portion

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of the term with respect to which such vacancy has occurred, except that, if the unexpired portion is less than one year, the Comptroller General may appoint the individual for a term which is equal to three years plus that unexpired portion.

(5) A member of the Board may continue to serve after the expiration of the term for which the member was appointed until a successor has taken office, except that the member may not so continue to serve for more than six months after the date on which the term for which the member was appointed otherwise would expire under this subsection.

Removal procedures.

(c)(1) A member of the Board may be removed from the Board—

(A) by majority vote of the members of the Board (other than the member who is the subject of the proposed action of removal); and

(B) only for inefficiency, neglect of duty, or malfeasance in office.

Notice and hearing.

Waiver.

(2) Any member of the Board who is the subject of any proposed action of removal under this subsection shall be given notice and opportunity for a hearing before the Board prior to any vote of the members of the Board under paragraph (1)(A). The Board may dispense with the opportunity for a hearing only upon the submission of a written waiver of the hearing to the Chair by the member subject to the proposed action.

Compensation.

44 FR 58671.

(d) Each member of the Board who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate payable for GS-18 under the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day such member is engaged in the actual performance of duties as a member of the Board. A member of the Board who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Board shall be entitled to travel expenses and per diem allowances in accordance with section 5703 of title 5, United States Code.

Chairperson.

(e) The members of the Board shall select from among the members of the Board a Chair who shall be the chief executive and administrative officer of the Board.

General Counsel.

(f)(1) The Chair shall select and the Comptroller General shall appoint an individual to serve as General Counsel of the Board (hereinafter referred to as the "General Counsel"). The General Counsel shall be eligible for reappointment and shall serve at the pleasure of the Chair.

(2) The Chair shall fix the rate of pay of the General Counsel, except that the rate of pay shall not exceed the maximum rate payable for GS-15 of the General Schedule.

44 FR 58671.

Duties.

(g) The General Counsel shall—

(1) investigate any allegation concerning prohibited personnel practices referred to in section 3(b)(1)(B) of this Act to the extent necessary to determine whether there are reasonable grounds to believe that any such practice has occurred, exists, or is to be taken by any employee of the General Accounting Office;

(2) investigate any allegation concerning prohibited political activities referred to in section 3(b)(1)(C) of this Act;

(3) investigate matters under the jurisdiction of the Board if so requested by the Board or any member of the Board; and

(4) otherwise assist the Board in carrying out its functions.

Corrective or disciplinary action, Board authority.

(h) The Board may consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from—

(1) employee appeals concerning any removal, suspension for more than fourteen days, reduction in grade, reduction in pay, or furlough of thirty days or less;

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(2) prohibited personnel practices referred to in section 3(b)(1)(B);

(3) prohibited political activities referred to in section 3(b)(1)(C) of this Act;

(4) determinations of appropriate units of employees for collective bargaining;

(5) elections and certifications of collective bargaining representatives;

(6) any labor practice prohibited under the labor-management system established under section 3(e) and any other matter appealable to the Board under that system;

(7) actions involving discrimination prohibited under section 3(g); and

(8) any other issue relating to the personnel of the General Accounting Office which the Comptroller General, by regulation, determines is most appropriately resolved by the Board.

(i) The Comptroller General shall promptly implement any corrective action ordered by the Board, in cases in which the Comptroller General has the authority to do so.

(j) The Board shall have authority to designate a panel of its members, or an individual member, to take any action which the Board is authorized to take under subsection (h). Any decision made under subsection (h) by a panel or individual member designated under this subsection shall be considered to be a final decision of the Board unless the decision is reopened and reconsidered by the Board under subsection (k).

Decisions, reconsideration.

(k) The Board may, on the motion of any party or on its own motion, reopen and reconsider any decision under subsection (h) within thirty days after the decision is rendered.

Appeal.

(l)(1) Any final decision of the Board (or of any panel or individual member designated under subsection (j)) under subsections (h) (1), (2), (3), (6) and (7) may be appealed to the United States Court of Appeals for the circuit in which the petitioner resides or to the United States Court of Appeals for the District of Columbia. Any appeal under this subsection shall be in accordance with the procedures of chapter 158 of title 28, United States Code. Notwithstanding any other provision of law, any petition for review of a final decision of the Board shall be filed within thirty days after the date the petitioner receives notice of the final decision of the Board.

28 USC 2341 *et seq.*

Case review.

(2) In any case filed under paragraph (1), the court shall review the record and set aside any agency action, findings, or conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) obtained without procedures required by law, rule, or regulation having been followed; or

(C) unsupported by substantial evidence.

Regulations.

(m) The Board shall promulgate regulations—

(1) providing for employee appeals, consistent with the principles of sections 7701 and 7702 of title 5, United States Code; and

(2) establishing its operating procedure.

GAO SENIOR EXECUTIVE SERVICE; MERIT PAY SYSTEM

31 USC 52-4.

SEC. 5. (a)(1) The Comptroller General may promulgate regulations establishing a General Accounting Office Senior Executive Service (hereinafter referred to as the GAO Senior Executive Service) which—

(A) meets the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

94 STAT. 32

(B) provides that positions in the GAO Senior Executive Service meet requirements which are consistent with the provisions of section 3132(a)(2) of such title;

5 USC 3132.

(C) provides rates of pay for the GAO Senior Executive Service which are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and which are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

5 USC 5382.

(D) provides a performance appraisal system for the GAO Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

5 USC 4311.

(E) permits the Comptroller General to award ranks to members of the GAO Senior Executive Service consistent with the provisions applicable to the Office of Personnel Management and the President under section 4507 of such title;

5 USC 4507.

(F) provides for removal consistent with section 3592 of such title, and removal or suspension consistent with section 7543 of such title; and

5 USC 3592.
5 USC 7543.

(G) permits the Comptroller General to pay performance awards to members of the GAO Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title.

5 USC 5384.

(2) Except as otherwise provided in paragraph (1), the Comptroller

General may make applicable for the GAO Senior Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service.

Exception.

(3) Employees in the GAO Senior Executive Service shall not be subject to the provisions of the personnel system established under section 3 (c), (d), (e) and (f).

(4) The GAO Senior Executive Service may include positions referred to in—

(A) section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a);

(B) section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 52b); and

(C) section 204(d) of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154(d)).

Merit pay system.

(b) The Comptroller General may promulgate regulations establishing a merit pay system for such employees of the General Accounting Office as the Comptroller General considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

NONCOMPETITIVE APPOINTMENTS; TECHNICAL ASSISTANCE

31 USC 52-5.

SEC. 6. (a) Notwithstanding any other provision of law, any employee of the General Accounting Office who has completed at least one year of continuous service under a nontemporary appointment under the personnel system established pursuant to section 3 acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

(b) The Director of the Office of Personnel Management shall, on request from the Comptroller General, provide technical and consulting services to the Comptroller General in the establishment of the personnel system for the General Accounting Office.

94 STAT. 33

COORDINATION WITH CERTAIN OTHER PROVISIONS OF LAW

31 USC 52-6.

SEC. 7. (a) Except as provided under section 5(a)(4), nothing contained in this Act shall be construed as repealing, amending, or otherwise affecting the provisions of—

(1) sections 302 and 303 of the Budget and Accounting Act, 1921 (31 U.S.C. 42 and 43), or subsections (a) and (b) of section 203 of the Federal Legislative Salary Act of 1964 (31 U.S.C. 42a (a) and (b));

(2) section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a);

(3) section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 52b);

(4) section 204(d) of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154(d)); or

(5) section 401 of the General Accounting Office Act of 1974 (31 U.S.C. 52c).

(b) Except as specifically provided in this Act, nothing contained in this Act shall be construed to repeal, amend, or limit the application of any provision of law applicable to employees of the General Accounting Office.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 8. (a) Section 2108(3) of title 5, United States Code, is amended by inserting "or the General Accounting Office" after "the Senior Executive Service".

5 USC 5102.

(b) Subsection 5102(a)(1) of such title is amended by striking out "or" at the end of clause (vii), by inserting "or" at the end of clause (viii), and by adding at the end thereof the following:

"(ix) the General Accounting Office;".

5 USC 5108.

(c)(1) Paragraph (1) of section 5108(c) of such title is repealed.

(2) Paragraphs (2), (3), and (4) of such section are redesignated paragraphs (1), (2), and (3), respectively.

(d) Section 5342(a)(1) of such title is amended by striking out "or" at the end of subparagraph (H), by inserting "or" at the end of subparagraph (I), and by adding at the end thereof the following: 5 USC 5342.

"(J) the General Accounting Office;".

(e)(1) Subchapter III of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7328. General Accounting Office employees 5 USC 7328.

"The preceding provisions of this subchapter shall not apply to employees of the General Accounting Office.".

(2) The chapter analysis for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7327 the following new item:

"7328. General Accounting Office employees.".

(3) Subsections (a), (b), and (d) of section 311 of the Budget and Accounting Act, 1921 (31 U.S.C. 52) are amended to read as follows: Comptroller General's authority.

"(a) The Comptroller General shall appoint, fix the pay of, and remove employees of the General Accounting Office under the General Accounting Office Personnel Act of 1980. *Ante*, p. 27.

"(b) All officers and employees of the General Accounting Office shall perform such duties as may be assigned to them by the Comptroller General.".

(4) Subsections (e) and (f) of such section are redesignated subsections (c) and (d), respectively.

(f) Section 13 of the Federal Employees Pay Act of 1946 (31 U.S.C. 46a) is repealed. Repeal.

(g) Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by striking out "(other than the General Accounting Office)". 94 STAT. 34

AUTHORIZATION

SEC. 9. There are hereby authorized to be appropriated beginning fiscal year 1981 and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act. 31 USC 52-7.

EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on— 31 USC 52-1 note.

(1) October 1, 1980; or

(2) if later, one hundred and twenty days after the date of the enactment of this Act.

(b) The provisions of section 3 shall take effect on the date of the enactment of this Act, except the personnel system established by the Comptroller General under that section shall take effect on the effective date established by subsection (a).

Approved February 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-494 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 96-540 accompanying S. 1879 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 15, considered and passed House.
Vol. 126 (1980): Jan. 25, S. 1879 considered and passed Senate.
Jan. 30, Senate vitiated passage of S. 1879; H.R. 5176, amended, passed in lieu.
Feb. 4, House concurred in Senate amendment.

94 STAT. 122

Public Law 96-214
96th Congress

An Act

Mar. 24, 1980
[S. 2225]

To provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased.

Contingent expenses of the Senate, sales receipts for certain items.
2 USC 111a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which appropriated funds are used by a Senator or a committee or office of the Senate to purchase from the Sergeant at Arms and Doorkeeper of the Senate items which were purchased by him from the appropriation for "miscellaneous items" under "Contingent Expenses of the Senate" in any appropriation Act, the amounts received by the Sergeant at Arms and Doorkeeper shall be deposited in the Treasury of the United States for credit to such appropriation. This Act does not apply to amounts received from the sale of used or surplus furniture and equipment.

Approved March 24, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-556 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Feb. 5, considered and passed Senate.
Feb. 11, considered and passed House.

94 STAT. 1851

Public Law 96-432
96th Congress

An Act

Oct. 10, 1980
[H.R. 6331]

To amend the Act of July 31, 1946, as amended, relating to the United States Capitol Grounds, and for other purposes.

U.S. Capitol grounds.
Boundaries.
D.C. Code 9-118.
40 USC 193a note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas and portions of streets which are situated as follows:

(1) that portion of D Street Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

(2) that portion of Second Street Northeast and Southeast from the south curb of F Street Northeast to the south curb of C Street Southeast;

(3) that portion of Constitution Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

(4) that portion of Pennsylvania Avenue Northwest from the west curb of First Street Northwest to the east curb of Third Street Northwest;

(5) that portion of Maryland Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

(6) that portion of Constitution Avenue Northwest from the east curb of Second Street Northwest to the east curb of Third Street Northwest;

(7) that portion of Independence Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

(8) that portion of Maryland Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

(9) that portion of East Capitol Street from the east curb of Second Street Southeast to the east curb of First Street Southeast;

(10) that portion of Independence Avenue Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

(11) that portion of C Street Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

(12) that portion of North Capitol Street from the south curb of Massachusetts Avenue to the north curb of Louisiana Avenue;

(13) that portion of New Jersey Avenue Northwest from the north curb of D Street Northwest to the north curb of Louisiana Avenue;

(14) that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest;

(15) that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest;

(16) that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest;

(17) that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest;

(18) that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street; and

(19) all that area contiguous to, and surrounding, square numbered 724 from the property line thereof to the contiguous curb;

(20) those areas contiguous to, and surrounding, the areas comprising the grounds of the United States Botanic Garden from the property line of such grounds to the contiguous curb;

(21) all that area contiguous to, and surrounding, the structures comprising the United States Capitol Power Plant, from the building lines of such structures to the contiguous curbs; and

(22) all that area contiguous to, and surrounding, square numbered 581 from the property line thereof to the contiguous curb.

D.C. Code 9-118.

SEC. 2. Section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended (1) by deleting "First Street N.E. to Second Street N.W." and inserting in lieu thereof "Second Street Northeast to Third Street Northwest"; and (2) by inserting immediately before the colon preceding the proviso, a comma and the following: "Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street".

40 USC 193a note.

SEC. 3. On and after the effective date of this section, that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof.

94 STAT. 1853

Effective date.

SEC. 4. The foregoing provisions of this Act shall take effect upon the expiration of the thirty-day period following the date of the enactment of this Act.

40 USC 193a note.
40 USC 212a-1.

SEC. 5. The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

U.S. Supreme Court and Library of Congress, jurisdictional boundaries.
40 USC 193a note.

SEC. 6. (a) Notwithstanding any other provisions of this Act, with respect to those squares occupied by the United States Supreme Court and the Library of Congress, those streets or portions thereof referred to in the first section of this Act which surround such squares shall be considered a part of the Capitol Grounds only to the face of the curbs contiguous to such squares.

(b) Nothing in this Act shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the date of the enactment of this Act vesting authority in the United States Supreme Court Police and the Library of Congress Police to make arrests in adjacent streets.

Vendors, relocation, effective date.
40 USC 193d note.

40 USC 193d.
D.C. Code 9-121.

(c) In order to provide a fair and reasonable transition period in which to permit the orderly relocation of those duly licensed vendors operating, as of the effective date hereof, on those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, hereby included in the definition of United States Capitol Grounds pursuant to section 1 (4) and (5), so much of the prohibitions contained in section 4 of the law of July 31, 1946 (60 Stat. 718), as would prevent the use of those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, for the offer and exposure of articles for sale, shall be suspended for a period not to exceed one year.

Architect of the Capitol, additional property, acquisition.
40 USC 193a note.

40 USC 193a-193m, 212a, 212b.
D.C. Code 9-118 to 9-131.

SEC. 7. (a) The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for addition to the United States Capitol Grounds, all publicly or privately owned property contained in lot 49 in square 582; lot 70 in square 640; and lots 1, 2, 67, 79, 80, 800, 801, 807, 814 through 822, and 834 in square 693 in the District of Columbia (including all alleys or parts of alleys and streets within the lotlines and curblines surrounding such real property): *Provided*, That upon the acquisition of any such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718), as amended in the same manner and to the same extent as all other areas comprising the United States Capitol Grounds.

(b) For the purposes of this section the properties authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of the squares in which they are located.

Appropriation authorization.

(c) There is hereby authorized to be appropriated to the Architect of the Capitol for the fiscal year ending September 30, 1981, the sum of $11,500,000 for the purpose of carrying out the provisions of this section, said appropriation to remain available until expended.

Real property, acquisition.
40 USC 193a note.
42 USC 4601 note.

SEC. 8. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the

District of Columbia for the use of the United States", approved March 1, 1929 (16 D.C. Code, secs. 1351-1368).

Grading, paving, etc., and other expenditures.
40 USC 193a note.

SEC. 9. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of section 7 of this Act.

40 USC 193a note.

SEC. 10. Any contract entered into pursuant to this Act or pursuant to any amendment made by this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.

94 STAT. 1854

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-903 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 22, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 96-444
96th Congress

94 STAT. 1889

An Act

To transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate.

Oct. 13, 1980
[S. 2936]

Certain legislative branch employees, tranfer.
40 USC 185a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) those employees engaged by the Architect of the Capitol under the provisos in the paragraph beginning "Capitol garages:" under the center heading "CAPITOL BUILDINGS AND GROUNDS" under the general heading "ARCHITECT OF THE CAPITOL" in section 1 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 185a), for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

Unused sick leave, annuity computation.
40 USC 185a note.

(2) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under paragraph (1), shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)-(e) and (o) of such section.

Unused annual leave, lump sum payment.
40 USC 185a note.

(3) In the case of days of annual leave to the credit [illegible] any such employee as of the date such employee is transferred under paragraph (1), the Architect of the Capitol is authorized [illegible] make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

"Servicing."
40 USC 185a.

(b) As used in subsection (a), the term "servicing" includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

Garage attendants, compensation.
40 USC 185a note.

SEC. 2. (a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of four garage attendants at not to exceed $14,100 per annum each.

(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

(1) of not more than two of such positions so filled at not to exceed $16,560 per annum each;

(2) of one of such positions so filled at not to exceed $15,485 per annum; and

(3) of one of such positions so filled at not to exceed $14,390 per annum.

94 STAT. 1890

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

Longevity compensation.

(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106 (a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.

Approved October 13, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-844 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 21, considered and passed Senate.
Oct. 1, considered and passed House, amended; Senate concurred in House amendments.

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94 STAT. 3130

Public Law 96-532
96th Congress

An Act

Dec. 15, 1980
[S. 2134]

To provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

U.S. Supreme Court Building, property acquisition. Location. 40 USC 13 p note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act.

40 USC 13 p note.

SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D.C. Code, secs. 1351-1368).

42 USC 4601 note.

40 USC 13 p note.

SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended.

SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

Expenditures.
40 USC 13 p note.

SEC. 5. There is hereby authorized to be appropriated the sum of $645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended.

Appropriation authorization.
40 USC 13 p note.

Approved December 15, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-696 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 16, considered and passed Senate.
Dec. 4, considered and passed House.

Public Law 96-499
96th Congress

94 STAT. 2599

An Act

To provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981.

Dec. 5, 1980
[H.R. 7765]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Reconciliation Act of 1980.

TITLE I—SHORT TITLE AND DECLARATION OF PURPOSE

SHORT TITLE

SECTION 101. This Act may be cited as the "Omnibus Reconciliation Act of 1980".

PURPOSE

SEC. 102. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives and the Senate pursuant to directions contained in section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 (H. Con. Res. 307, 96th Congress), and pursuant to the reconciliation requirements which were imposed by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

31 USC 1331.

TITLE II—SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

Subtitle A—Savings Under the School Lunch and Child Nutrition Programs

REDUCTION IN GENERAL REIMBURSEMENT

42 USC 1753 note.

42 USC 1759a.

42 USC 1776.

42 USC 1756.

SEC. 201. (a) Notwithstanding section 4 of the National School Lunch Act, for the fiscal year ending September 30, 1981, the national average payment per lunch under such Act for such fiscal year, after being adjusted under section 11(a) of such Act, shall be reduced by 2½ cents for any school food authority under which less than 60 percent of the lunches served in the school lunch program were served free or at reduced price during the second preceding school year. The amount of State administrative expense funds to be made available to the States by the Secretary of Agriculture under section 7 of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1983, and the amount of State revenues appropriated or used for meeting the requirements under section 7 of the National School Lunch Act for the school year ending June 30, 1982, shall not be reduced because of a reduction in the amount of Federal funds expended as a result of the preceding sentence. For the purpose of this section, the term "school food authority" means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate a school lunch or school breakfast program.

"School food authority.".

94 STAT. 2600

42 USC 1776.

(b) Section 7 of the Child Nutrition Act of 1966 is amended by—

(1) in subsection (e), striking out "and the succeeding fiscal year" and inserting in lieu thereof "and for the five succeeding fiscal years"; and

(2) in subsection (i), striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1984".

REDUCTION IN COMMODITY ASSISTANCE

42 USC 1755 note.

42 USC 1755.

SEC. 202. (a) For the fiscal year ending September 30, 1981, the national average value of donated foods, or cash payments in lieu thereof, as determined under section 6(e) of the National School Lunch Act, shall be reduced by 2 cents.

42 USC 1755.

(b) Section 6 of the National School Lunch Act is amended by adding at the end thereof a new subsection (f) as follows:

42 USC 1773.

"(f) Beginning with the school year ending June 30, 1981, the Secretary shall not offer commodity assistance based upon the number of breakfasts served to children under section 4 of the Child Nutrition Act of 1966.".

42 USC 1762a.

(c) Section 14(a) of the National School Lunch Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984.".

INCOME ELIGIBILITY GUIDELINES

42 USC 1758 note.

42 USC 1758

SEC. 203. (a) During the fiscal year ending September 30, 1981, the income poverty guidelines for the purposes of section 9 of the National School Lunch Act shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d) for the forty-eight States.

Household income computation.

(b) In computing household income under section 9(b) of the National School Lunch Act for the fiscal year ending September 30, 1981—

(1) in States other than Alaska, Hawaii, and Guam, the Secretary shall allow a standard deduction of $60 each month for each household, which shall be adjusted to the nearest $5 on July 1, 1980, to reflect changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for items other than food for the period beginning September 1977 and ending March 1980;

(2) the monthly standard deduction allowed in Alaska shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Alaska bear to the applicable income poverty guidelines for such States; and

(3) the monthly standard deduction allowed in Hawaii and Guam shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Hawaii bear to the applicable income poverty guidelines for such States.

(c) For the school year ending June 30, 1981, the Secretary may prescribe procedures for implementing the revisions in the income poverty guidelines for free and reduced price lunches contained in this section that may allow school food authorities to (1) use applications distributed at the beginning of the school year when making eligibility determinations based on the revised income poverty guidelines or (2) distribute new applications containing the revised income poverty guidelines and make eligibility determinations using the new applications.

94 STAT. 2601

42 USC 1786.

(d) Section 17 of the Child Nutrition Act of 1966 is amended by—

(1) in subsection (c)(2), striking out "for the fiscal years ending September 30, 1981, and September 30, 1982" and inserting in lieu thereof "for the fiscal year ending September 30, 1981, and for each succeeding fiscal year ending on or before September 30, 1984";

(2) in the first sentence of subsection (g), striking out "$950,000,000 for the fiscal year ending September 30, 1982" and inserting in lieu thereof "such sums as may be necessary for the three subsequent fiscal years"; and

(3) in subsection (h)(2), striking out "1982" and inserting in lieu thereof "1984".

SPECIAL ASSISTANCE

42 USC 1759a.

SEC. 204. (a) Section 11(a) of the National School Lunch Act is amended by striking out in the fifth sentence ": *Provided*, That if in any State all schools charge students a uniform price for reduced-price lunches, and such price is less than 20 cents, the special assistance factor prescribed for reduced-price lunches in such State shall be equal to the special assistance factor for free lunches reduced by either 10 cents or the price charged for reduced-price lunches in such State, whichever is greater".

42 USC 1759a note.

(b) During the fiscal year ending September 30, 1981—

42 USC 1759a.

(1) no semiannual adjustment required under the sixth sentence of section 11(a) of the National School Lunch Act shall be made on January 1 of such fiscal year; and

(2) the adjustment required under the second proviso in the sixth sentence of section 11(a) of the National School Lunch Act which is to be made on July 1 of such fiscal year shall reflect the changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for lunches served during the preceding 12-month period.

MISCELLANEOUS PROVISIONS AND DEFINITIONS, NATIONAL SCHOOL LUNCH ACT

42 USC 1760.

SEC. 205. Section 12(d) of the National School Lunch Act is amended by inserting in paragraph (6) ", but excluding Job Corps Centers funded by the Department of Labor" after "retarded".

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

42 USC 1761.

SEC. 206. Section 13 of the National School Lunch Act is amended by—

(1) amending subsection (b)(2) to read as follows:

"(2) Any service institution may only serve lunch and either breakfast or a meal supplement during each day of operation, except that any service institution that is a camp or that serves meals primarily to migrant children may serve up to four meals during each day of operation, if (A) the service institution has the administrative capability and the food preparation and food holding capabilities (where applicable) to serve more than one meal per day, and (B) the service period of different meals does not coincide or overlap. The meals that camps and migrant programs may serve shall include a breakfast, a lunch, a supper, and meal supplements."; and

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(2) in subsection (p), striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1984".

AMENDMENT TO THE CHILD CARE FOOD PROGRAM

42 USC 1766.

SEC. 207. (a) Section 17(a) of the National School Lunch Act is amended in the second sentence by inserting before the period at the end thereof the following: "; and such term shall also mean any other private organization providing nonresidential day care services for which it receives compensation from amounts granted to the States under title XX of the Social Security Act".

42 USC 1397.

42 USC 1766 note.

(b) The amendment made by subsection (a) of this section shall apply with respect to all fiscal years beginning on or after October 1, 1980.

ADJUSTMENTS

42 USC 1766 note.

SEC. 208. (a) During the fiscal year ending September 30, 1981, in determining the national average payment rate for supplements served in institutions (other than family or group day care home sponsoring organizations) participating in the child care food program under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act—

(1) no adjustment under such paragraphs shall be made on January 1 of such fiscal year; and

(2) the adjustment under such paragraphs required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

42 USC 1766.

(b) Section 17(c) of the National School lunch Act is amended by inserting the following at the end of paragraphs (1), (2), and (3): "The average payment rate for supplements served in such institutions shall be 3 cents lower than the adjusted rate prescribed by the Secretary in accordance with the adjustment formula contained in this paragraph.".

(c) Section 17(n)(1) of the National School Lunch Act is amended by striking out "$6,000,000" and inserting in lieu thereof "$4,000,000"

SPECIAL MILK PROGRAM

42 USC 1772.

SEC. 209. Section 3 of the Child Nutrition Act of 1966 is amended by inserting the following after the seventh sentence: "Notwithstanding the preceding two sentences, the rate of reimbursement per half-pint of milk, which is served to children who are not eligible for free milk in schools, child care institutions, and summer camps participating in meal service programs under the National School Lunch Act and this Act, shall be 5 cents.".

PAYMENTS FOR FREE BREAKFASTS

42 USC 1773 note.

SEC. 210. Notwithstanding section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966, in determining the maximum payment for free breakfasts under such section for the fiscal year ending September 30, 1981—

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(1) no adjustment under such section shall be made on January 1 of such fiscal year; and

(2) the adjustment under such section required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

FOOD SERVICE EQUIPMENT ASSISTANCE

42 USC 1774.

SEC. 211. Section 5 of the Child Nutrition Act of 1966 is amended by—

(1) amending subsection (a) to read as follows:

Appropriation authorization.

"(a) There is authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1981, $30,000,000 for the fiscal year ending September 30, 1982, $35,000,000 for the fiscal year ending September 30, 1983, and $40,000,000 for each succeeding fiscal year, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act."; and

42 USC 1751 note.

(2) in subsection (e), striking out "fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980" and inserting in lieu thereof "fiscal year ending September 30, 1978, and for each succeeding fiscal year ending on or before September 30, 1984";

MISCELLANEOUS PROVISIONS AND DEFINITIONS, CHILD NUTRITION ACT OF 1966

SEC. 212. Section 15(c) of the Child Nutrition Act of 1966 is amended by inserting ", but excluding Job Corps Centers funded by the Department of Labor" after "retarded". 42 USC 1784.

NUTRITION EDUCATION AND TRAINING

SEC. 213. Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by— 42 USC 1788.

(1) striking out "For the fiscal year beginning October 1, 1979" and inserting in lieu thereof "For the fiscal year ending September 30, 1980, and for each succeeding fiscal year ending on or before September 30, 1984";

(2) inserting after the first sentence the following: "For the fiscal year beginning October 1, 1980, and subsequent fiscal years, there is authorized to be appropriated for the grants referred to in the preceding sentence not more than $15,000,000."; and

(3) striking out "preceding sentence" and inserting in lieu thereof "second preceding sentence".

TITLE III—STUDENT LOAN PROGRAMS

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SAVINGS ACHIEVED

SEC. 301. For other provisions of law which reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements imposed by sections 3(a)(2) and 3(a)(18) of H. Con. Res. 307 (96th Congress), see the Education Amendments of 1980 (Public Law 96-374). *Ante*, p. 1367.

DISCLOSURE OF LOCATION OF BORROWERS WHO HAVE DEFAULTED ON STUDENT LOANS

SEC. 302. (a) Paragraph (4) of section 6103(m) of the Internal Revenue Code of 1954 (relating to individuals who have defaulted on student loans) is amended to read as follows: 26 USC 6103.

"(4) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS.—

"(A) IN GENERAL.—Upon written request by the Secretary of Education, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan—

"(i) made under part B or E of title IV of the Higher Education Act of 1965, or 20 USC 1071, 1088.

"(ii) made pursuant to section 3(a)(1) of the Migration and Refugee Assistance Act of 1962 to a student at an institution of higher education, 22 USC 2602.

for use only by officers, employees, or agents of the Department of Education for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO EDUCATIONAL INSTITUTIONS, ETC.—Any mailing address disclosed under subparagraph (A)(i) may be disclosed by the Secretary of Education to—

"(i) any lender, or any State or nonprofit guarantee agency, which is participating under part B of title IV of the Higher Education Act of 1965, or 20 USC 1071.

"(ii) any educational institution with which the Secretary of Education has an agreement under part E of title IV of such Act,

20 USC 1088.

for use only by officers, employees, or agents of such lender, guarantee agency, or institution whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such loan programs for purposes of collecting such loans.".

26 USC 7213.

26 USC 6103.

(b) The first sentence of section 7213(a)(2) of such Code (relating to unauthorized disclosure of information by State and other employees) is amended to read as follows: "It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in section 6103(b)) acquired by him or another person under subsection (d), (l) (6) or (7), or (m)(4) of section 6103.".

Effective date.
26 USC 6103 note.

(c) The amendments made by subsections (a) and (b) of this section shall take effect on the date of the enactment of this Act.

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TITLE IV—CIVIL SERVICE, POSTAL SERVICE, AND RELATED PROGRAMS

Subtitle A—Savings Under the Civil Service Program

ELIMINATION OF RETROACTIVE ANNUITY ADJUSTMENT; PRORATION OF INITIAL ADJUSTMENT

SEC. 401. (a) Section 8340(c) of title 5, United States Code, relating to cost-of-living adjustments, is amended—

(1) by striking out paragraph (1) thereof; and

(2) by inserting in lieu thereof the following new paragraph:

"(1) The first increase (if any) made under subsection (b) of this section to an annuity which is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member, shall be equal to the product (adjusted to the nearest ⅒ of 1 percent) of—

"(A) ⅙ of the applicable percent change computed under subsection (b) of this section, multiplied by

"(B) the number of full months for which the annuity was payable from the Fund before the effective date of the increase (counting any portion of a month as a full month).".

5 USC 8340 note.

(b)(1) The amendment made by subsection (a)(1) shall apply with respect to annuities commencing after the 45th day after the date of the enactment of this Act.

(2) The amendment made by subsection (a)(2) shall take effect with respect to any annuity increase which takes effect after the date of the enactment of this Act.

ELIMINATION OF CREDIT FOR HOLIDAYS IN CALCULATING LUMP-SUM LEAVE PAYMENTS

SEC. 402. (a) Section 5551(a) of title 5, United States Code, relating to lump-sum payment at separation for accumulated leave, is amended by adding at the end thereof the following new sentence: "The period of leave used for calculating the lump-sum payment shall not be extended due to any holiday occurring after separation.".

Effective date.
5 USC 5551 note.

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to employees separating from the service on or after such date.

DISABILITY RETIREMENT ELIGIBILITY

SEC. 403. (a) Section 8337(a) of title 5, United States Code, relating to disability retirement, is amended to read as follows:

"(a) An employee who completes 5 years of civilian service and has become disabled shall be retired on the employee's own application or on application by the employee's agency. Any employee shall be considered to be disabled only if the employee if found by the Office of Personnel Management to be unable, because of disease or injury, to render useful and efficient service in the employee's position and is not qualified for reassignment, under procedures prescribed by the Office, to a vacant position which is in the agency at the same grade or level and in which the employee would be able to render useful and efficient service. For the purpose of the preceding sentence, an employee of the United States Postal Service shall be considered not qualified for a reassignment described in that sentence if the reassignment is to a position in a different craft or is inconsistent with the

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terms of a collective bargaining agreement covering the employee. A Member who completes 5 years of Member service and is found by the Office to be disabled for useful and efficient service as a Member because of disease or injury shall be retired on the Member's own application. An annuity authorized by this section is computed under section 8339(g) of this title, unless the employee or Member is eligible for a higher annuity computed under section 8339(a)-(e) or (n).".

Infra.

(b) Section 8331 of title 5, United States Code, is amended by striking out paragraph (6).

(c) The amendments made by this section shall take effect on the 90th day after the date of the enactment of this Act.

Effective date.
5 USC 8331 note.

MINIMUM DISABILITY RETIREMENT ANNUITY

SEC. 404. (a) Section 8339(g) of title 5, United States Code, is amended by adding at the end thereof the following: "However, if an employee or Member retiring under section 8337 of this title is receiving retired pay or retainer pay for military service (except that specified in section 8332(c) (1) or (2) of this title) or Veterans' Administration pension or compensation in lieu of such retired or retainer pay, the annuity of that employee or Member shall be computed under subsection (a), (b), or (c) of this section, as appropriate, excluding credit for military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in section 5532 of this title, or the Veterans' Administration pension or compensation in lieu of such retired or retainer pay, is less than the smaller of the annuity otherwise payable under paragraph (1) or (2) of this subsection, an amount equal to the difference shall be added to the annuity payable under subsection (a), (b), or (c) of this section, as appropriate.".

5 USC 8337.
5 USC 8332.
5 USC 5532.

(b) Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m) Notwithstanding any other provision of law, for the purpose of ensuring the accuracy of information used in the administration of this chapter, at the request of the Director of the Office of Personnel Management—

"(1) the Secretary of Defense or the Secretary's designee shall provide information on retired or retainer pay provided under title 10; and

10 USC 101.

"(2) the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under title 38.

38 USC 101.

The Director shall request only such information as the Director determines is necessary. The Director, in consultation with the officials from whom information is requested, shall establish, by regulation and otherwise, such safeguards as are necessary to ensure that information made available under this subsection is used only for the purpose authorized.".

Information, safeguards.

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

Effective date.
5 USC 8339 note.

EXEMPTION OF LIFE INSURANCE PREMIUMS FROM STATE TAXATION

SEC. 405. (a) Section 8714 of title 5, United States Code, relating to Employees' Life Insurance Fund, is amended by adding at the end thereof the following new subsection:

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"(c)(1) No tax, fee, or other monetary payment may be imposed or collected by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid under an insurance policy purchased under this chapter.

"(2) Paragraph (1) of this subsection shall not be construed to exempt any company issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that company from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity.".

Effective date.
5 USC 8714 note.

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to premiums paid on or after such date.

Subtitle B—Savings Under the Postal Service Program

AUTHORIZATIONS FOR PUBLIC SERVICE APPROPRIATIONS

SEC. 411. Section 2401(b)(1)(C) of title 39, United States Code, is amended by striking out "an amount equal to 8 percent of such sum for fiscal year 1971" and inserting in lieu thereof "$486,000,000".

CONTINUATION OF SIX-DAY MAIL DELIVERY

SEC. 412. During the period from the date of enactment of this Act until October 1, 1981, the Postal Service shall take no action to reduce or to plan to reduce during that period of time the number of days each week for regular mail delivery.

AUTHORIZATION FOR REVENUE FOREGONE APPROPRIATIONS

SEC. 413. (a) Notwithstanding the provisions of sections 2401(c) and 3626 of title 39, United States Code, the authorization for appropriations for fiscal year 1981 for revenue foregone for mail matter described in former sections 4452 (b) and (c) of title 39, United States Code, shall be $50,000,000 less than would be authorized if this section were not enacted.

(b) The reduction in authorization made by subsection (a) of this section may be deemed a failure of appropriation for the purposes of section 3627 of title 39, United States Code.

RECONCILIATION APPROPRIATIONS

SEC. 414. (a) Section 2401(c) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume.".

(b) The request for a reconciliation appropriation described in subsection (a) of this section which was submitted by the Postal Service for fiscal year 1981 shall be resubmitted for fiscal year 1982.

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EFFECTIVE DATE

59 USC 2401 note.

SEC. 415. The provisions of this subtitle, including the amendments made by this subtitle, shall take effect on the date of the enactment of this Act.

Subtitle C—Savings Under the Federal Employees' Compensation Act

AMENDMENTS

SEC. 421. (a) Subsection (a) of section 8146a of title 5, United States Code, is amended to read as follows:

"(a) Compensation payable on account of disability or death which occurred more than one year before March 1 of each year shall be annually increased on that date by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.".

(b) Section 8101 of title 5, United States Code, is amended by striking out paragraph (19), and by redesignating paragraphs (20) and (21) as paragraphs (19) and (20), respectively.

EFFECTIVE DATE

SEC. 422. The amendments made by section 421 shall take effect on the date of the enactment of this Act with respect to any adjustments which are to be made on or after that date; except that the period specified in such section as extending from December to December shall, with respect to the adjustment to be made on March 1, 1981, extend instead from the last month in which the price index resulted in an adjustment prior to enactment to December of 1980.

5 USC 8101 note.

TITLE V—HIGHWAY, RAIL, AND RELATED PROGRAMS

Subtitle A—Highway Programs

SEC. 501. Notwithstanding any other provision of law, the total of all obligations for "State and Community Highway Safety" (23 U.S.C. 402) for the fiscal year ending September 30, 1981, shall not exceed $150,405,000.

Subtitle B—Other Programs

SEC. 511. If the Senate and the House of Representatives approve a conference report on the bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, which includes an authorization for fiscal year 1981 pursuant to section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 that exceeds $53,800,000, then the Secretary of the Senate is directed to include the following provision in the enrolled copy of such bill: "Of the funds authorized to be appropriated pursuant to section 121 of the National Traffic Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) not more than $53,800,000 is authorized to be appropriated in fiscal year 1981.".

15 USC 1381 note.
15 USC 1901 note.
15 USC 1409.
Appropriation authorization.

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SEC. 512. (a) For provisions of law which reduce spending for fiscal year 1981 under the railroad rehabilitation and improvement financing program established under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 in satisfaction of the reconciliation requirements imposed by sections 3(a)(3) and 3(a)(13) of H. Con. Res. 307 (96th Congress), see the Staggers Rail Act of 1980 (Public Law 96-448).

45 USC 821.
Ante, p. 1895.

(b) For provisions of law which further reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements imposed by sections 3(a)(3) and 3(a)(13) of H. Con. Res. 307 (96th Congress), see the Passenger Railroad Rebuilding Act of 1980 (Public Law 96-254). *Ante*, p. 399.

TITLE VI—AIRPORT AND AIRWAY IMPROVEMENT ACT

SEC. 601. Notwithstanding any other provision of law, the total amount of grants which the Secretary is authorized to make from the Airport and Airway Trust Fund for airport development and airport planning and for grants under section 104(e) of the Airport Safety and Noise Abatement Act of 1979, as amended, for the fiscal year ending September 30, 1981, shall not exceed $725,000,000.

TITLE VII—VETERANS' PROGRAMS

SEC. 701. For provisions of law which reduce spending for fiscal year 1981 in veterans' programs in satisfaction of the reconciliation requirements imposed by sections 3(a)(7) and 3(a)(20) of H. Con. Res. 307 (96th Congress), see section 401 of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96-330), section 504 of the Veterans' Disability Compensation and Housing Benefits Amendments of 1980 (Public Law 96-385), and sections 201, 202, 211, 212, and 802(b), and title VI, of the Veterans' Rehabilitation and Education Amendments of 1980 (Public Law 96-466).

Ante, p. 1051.

Ante, p. 1534.

Ante, pp. 2187-2190, 2217, 2208.

TITLE VIII—SMALL BUSINESS PROGRAMS

SEC. 801. For provisions of law which reduce spending for fiscal 1981 in small business programs in satisfaction of the reconciliation requirements imposed by sections 3(a)(6) and 3(a)(19) of H. Con. Res. 307 (96th Congress), see Public Law 96-302 (the Small Business Development Act of 1980).

Ante, p. 833.

Medicare and Medicaid Amendments of 1980.

TITLE IX—MEDICARE AND MEDICAID RELATED PROVISIONS

SHORT TITLE; TABLE OF CONTENTS OF TITLE

42 USC 1305 note.

SEC. 900. This title may be cited as the "Medicare and Medicaid Amendments of 1980".

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PART A—PROVISIONS RELATING TO MEDICARE AND MEDICAID

Subpart I—Provider Reimbursement Changes

NONPROFIT HOSPITAL PHILANTHROPY

SEC. 901. (a) Part A of title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NONPROFIT HOSPITAL PHILANTHROPY

42 USC 1320b-4.
42 USC 701, 1395, 1396.

"SEC. 1134. For purposes of determining, under titles V, XVIII, and XIX of this Act, the reasonable costs of services provided by nonprofit hospitals, the following items shall not be deducted from the operating costs of such hospitals:

"(1) A grant, gift or endowment, or income therefrom, which is to or for such a hospital and which has not been designated by the donor for paying any specific operating costs.

"(2) A grant or similar payment which is to such a hospital, which was made by a governmental entity, and which is not available under the terms of the grant or payment for use as operating funds.

"(3) Those types of donor designated grants and gifts (including grants and similar payments which are made by a governmental entity), and income therefrom, which the Secretary determines, in the best interests of needed health care, should be encouraged.

"(4) The proceeds from the scale or mortgage of any real estate or other capital asset of such a hospital, which real estate or asset the hospital acquired through gift or grant if such proceeds are not available for use as operating funds under the terms of the gift or grant.

Paragraph (4) shall not apply to the recovery of the appropriate share of depreciation when gains or losses are realized from the disposal of depreciable assets.".

42 USC 1320b-4 note.

(b) The amendment made by subsection (a) shall apply to grants, gifts, and endowments, and income therefrom, made or established after the date of the enactment of this Act.

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REIMBURSEMENT FOR INAPPROPRIATE INPATIENT HOSPITAL SERVICES

42 USC 1395x.

SEC. 902. (a)(1) Section 1861(v)(1) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

42 USC 1301.

"(G)(i) In any case in which a hospital provides inpatient services to an individual that would constitute post-hospital extended care services if provided by a skilled nursing facility and a Professional Standards Review Organization (or, in the absence of such a qualified organization, an organization or agency with review responsibility as is otherwise provided for under part A of title XI) determines that inpatient hospital services for the individual are not medically necessary but post-hospital extended care services for the individual are medically necessary and such extended care services are not otherwise available to the individual (as determined in accordance with criteria established by the Secretary) at the time of such determination, payment for such services provided to the individual shall continue to be made under this title at the payment rate described in clause (ii) during the period in which—

"(I) such post-hospital extended care services for the individual are medically necessary and not otherwise available to the individual (as so determined),

"(II) inpatient hospital services for the individual are not medically necessary, and

"(III) the individual is entitled to have payment made for post-hospital extended care services under this title,

except that if the Secretary determines that the hospital had (during the immediately preceding calendar year) an average daily occupancy rate of 80 percent or more, such payment shall be made (during such period) on the basis of the reasonable cost of inpatient hospital services.

42 USC 1395.

"(ii)(I) Except as provided in subclause (II), the payment rate referred to in clause (i) is a rate equal to the estimated adjusted State-wide average rate per patient-day paid for services provided in skilled nursing facilities under the State plan approved under title XIX for the State in which such hospital is located, or, if the State in which the hospital is located does not have a State plan approved under title

XIX, the estimated adjusted State-wide average allowable costs per patient-day for extended care services under this title in that State.

"(II) If a hospital has a unit which is a skilled nursing facility, the payment rate referred to in clause (i) for the hospital is a rate equal to the lesser of the rate described in subclause (I) or the allowable costs in effect under this title for extended care services provided to patients of such unit.

"(iii) Any day on which an individual receives inpatient services for which payment is made under this subparagraph shall, for purposes of this Act (other than this subparagraph), be deemed to be a day on which the individual received inpatient hospital services.

"(iv) For the purpose of determining the occupancy rate with respect to hospitals under clause (i)— Occupancy rate.

"(I) public hospitals under common ownership may elect (with the approval of the Secretary) to be treated as a single hospital, and

"(II) beginning two years after the date this subparagraph is first applied with respect to a hospital, the Secretary, to the extent feasible, shall not treat as an inpatient an individual with respect to whom payment is made to the hospital only because of this subparagraph or section 1902(h).". 42 USC 1396a.

(2) For amendment to section 1158(a) of the Social Security Act relating to these provisions, see section 931(h) of this title. *Post*, p. 2633.

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(3) Section 1158(d) of such Act is amended by adding at the end the following new sentence: "In the case of disapproval of inpatient hospital services where payment for inpatient services is continued under section 1861(v)(1)(G) or section 1902(h), the previous sentence shall not apply with respect to such disapproval.". 42 USC 1320c.7. *Ante*, p. 2612, *infra*..

(b)(1) Section 1902(a)(13)(D) of such Act is amended— 42 USC 1396a.

(A) by inserting "(i)" after "(D)",

(B) by striking out the semicolon and inserting in lieu thereof a comma, and

(C) by inserting at the end thereof the following new clause:

"(ii) for payment of the reasonable cost of inappropriate inpatient services (described in subsection (h)(1)) for which payment is provided only because of subsection (h) at the rate of payment for such services provided for under such subsection, and". *Infra*.

(2) Section 1902 of such Act is further amended by adding at the end the following new subsection: 42 USC 1396a.

"(h)(1) In any case in which a hospital provides inpatient services to an individual that would constitute skilled nursing facility services if provided by a skilled nursing facility or that would constitute intermediate care facility services if provided by an intermediate care facility and a Professional Standards Review Organization (or, in the absence of such a qualified organization, an organization or agency with review responsibility as is otherwise provided for under part A of title XI) determines that inpatient hospital services for the individual are not medically necessary but skilled nursing facility services or intermediate care facility services, respectively, for the individual are medically necessary and such type of facility services are not otherwise available to the individual (as determined in accordance with criteria established by the Secretary) at the time of such determination, payment for inpatient hospital services shall continue to be made under the State plan approved under this title at the payment rate described in paragraph (2) for such type of services during the period in which— 42 USC 1301.

"(A) such skilled nursing facility services or intermediate care facility services (as the case may be) for the individual are medically necessary and not otherwise available to the individual (as so determined),

"(B) inpatient hospital services for the individual are not medically necessary, and

"(C) the individual is entitled to receive medical assistance with respect to such facility services under the State plan,

except that if the Secretary determines that the hospital had (during the immediately preceding calendar year) an average daily occupancy rate of 80 percent or more, such payment shall be made (during such period) on the same basis as otherwise used under the State's plan for payments for providing inpatient hospital services.

"(2)(A) Except as provided in subparagraph (B), the payment rate referred to in paragraph (1), in the case of skilled nursing facility services or intermediate care facility services, is the estimated adjusted State-wide average rate per patient-day paid for such respective type of services provided under the State plan.

"(B) If a hospital has a unit which is a skilled nursing facility or intermediate care facility, the payment rate referred to in paragraph (1), in the case of inpatient services which constitute skilled nursing facility services or intermediate care facility services, is a rate equal to the lesser of the rate described in subparagraph (A) or the allowable costs in effect under the State plan for such type of inpatient services provided to patients of such unit.

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"(3) Any day on which an individual receives inpatient services for which payment is made under this subsection shall, for purposes of this Act (other than this subsection), be deemed to be a day on which the individual received inpatient hospital services.

"(4) For the purpose of determining the occupancy rate with respect to hospitals under paragraph (2)—

"(A) public hospitals under common ownership may elect (with the approval of the Secretary) to be treated as a single hospital, and

"(B) beginning two years after the date this subsection is first applied with respect to a hospital, the Secretary, to the extent feasible, shall not treat as an inpatient an individual with respect to whom payment is made to the hospital only because of this subsection or section 1861(v)(1)(G).".

Effective date.
42 USC 1320c-7 note.

(c) The amendments made by this section shall become effective on the date of which final regulations, promulgated by the Secretary to implement such amendments, are first issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted.

CONTINUED USE OF DEMONSTRATION PROJECT REIMBURSEMENT SYSTEMS

42 USC 1395f.

SEC. 903. (a) Section 1814(b) of the Social Security Act is amended—

(1) by inserting "except as provided in paragraph (3)," in paragraph (1) before "the lesser",

(2) by striking out "or" at the end of paragraph (1),

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new paragraph:

42 USC 1395b-1, 1395*ll*.
42 USC 1395b-1 and note, 1395*ll*.

"(3) if some or all of the hospitals in a State have been reimbursed for services (for which payment may be made under this part) pursuant to a reimbursement system approved as a demonstration project under section 402 of the Social Security Amendments of 1967 or section 222 of the Social Security Amendments of 1972, if the rate of increase in such hospitals in their costs per hospital inpatient admission of individuals entitled to benefits under this part over the duration of such project was equal to or less than such rate of increase for admissions of such individuals with respect to all hospitals in the United States during such period, and if either the State has legislative authority to operate such system and the State elects to have reimbursement to such hospitals made in accordance with this paragraph or the system is operated through a voluntary agreement of hospitals and such hospitals elect to have reimbursement to those hospitals made in accordance with this paragraph, then the Secretary may provide for continuation of reimbursement to such hospitals under such system until the Secretary determines that—

"(A) a third-party payor reimburses such a hospital on a basis other than under such system, or

"(B) the rate of increase for the previous three-year period in such hospitals in costs per hospital inpatient admission of individuals entitled to benefits under this part is greater than such rate of increase for admissions of such individuals with respect to all hospitals in the United States for such period.

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In the case of any State which has had such a demonstration project reimbursement system in continuous operation since July 1, 1977, the Secretary shall provide under paragraph (3) for continuation of reimbursement to hospitals in the State under such system until the Secretary determines that either of the conditions described in subparagraph (A) or (B) of such paragraph has occurred.".

(b) Section 1902(a)(13)(D)(i) of such Act, as amended by section 902(b)(1) of this title, is amended by inserting after "title XVIII" the following: ", except that in the case of hospitals reimbursed for services under part A of title XVIII in accordance with section 1814(b)(3), the plan must provide for payment of inpatient hospital services provided in such hospitals under the plan in accordance with the reimbursement system used under such section".

42 USC 1396a.

42 USC 1395.
Ante, p. 2614.

(c) Notwithstanding any other provision of law, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") may not provide for more than a total of six Statewide medicare hospital reimbursement demonstration projects under the authority of section 402 of the Social Security Amendments of 1967 or of section 222 of the Social Security Amendments of 1972, including any such projects provided for before the date of the enactment of this Act.

42 USC 1395b-1 note.

42 USC 1395b-1 and note, 1395*ll*.

HOSPITAL PROVIDERS OF LONG-TERM CARE SERVICES ("SWING-BEDS")

SEC. 904. (a)(1) Title XVIII of the Social Security Act is amended by adding after section 1882 the following new section:

"HOSPITAL PROVIDERS OF EXTENDED CARE SERVICES

"SEC. 1883. (a)(1) Any hospital (other than a hospital which has in effect a waiver under subparagraph (A) of the last sentence of section 1861(e)) which has an agreement under section 1866 may (subject to subsection (b)) enter into an agreement with the Secretary under which its inpatient hospital facilities may be used for the furnishing of services of the type which, if furnished by a skilled nursing facility, would constitute extended care services.

42 USC 1395 tt.

Post, p. 2645, 42 USC 1395cc.

"(2)(A) Notwithstanding any other provision of this title, payment to any hospital for services furnished under an agreement entered into under this section shall be based upon the reasonable cost of the services as determined under subparagraph (B).

"(B)(i) The reasonable cost of the services consists of the reasonable cost of routine services (determined under clause (ii)) and the reasonable cost of ancillary services (determined under clause (iii)).

"(ii) The reasonable cost of routine services furnished during any calendar year by a hospital under an agreement under this section is equal to the product of—

"(I) the number of patient-days during the year for which the services were furnished, and

"(II) the average reasonable cost per patient-day, such average reasonable cost per patient-day being the average rate per patient-day paid for routine services during the previous calendar year under the State plan (of the State in which the hospital is located) under title XIX to skilled nursing facilities located in the State and which meet the requirements specified in section 1902(a)(28), or, in the case of a hospital located in a State which does not have such a State plan, the average rate per patient-day paid for routine services during the previous calendar year under this title to skilled nursing facilities in such State.

42 USC 1396.

42 USC 1396a.

94 STAT. 2616

"(iii) The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services.

"(b) The Secretary may not enter into an agreement under this section with any hospital unless—

"(1) except as provided under subsection (g), the hospital is located in a rural area and has less than 50 beds, and

42 USC 300m.

"(2) the hospital has been granted a certificate of need for the provision of long-term care services from the State health planning and development agency (designated under section 1521 of the Public Health Service Act) for the State in which the hospital is located.

42 USC 1395cc.

Post, p. 2645.

"(c) An agreement with a hospital under this section shall, except as otherwise provided under regulations of the Secretary, be of the same duration and subject to termination on the same conditions as are agreements with skilled nursing facilities under section 1866 and shall, where not inconsistent with any provision of this section, impose the same duties, responsibilities, conditions, and limitations, as those imposed under such agreements entered into under section 1866; except that no such agreement with any hospital shall be in effect for any period during which the hospital does not have in effect an agreement under section 1866, or during which there is in effect for the hospital a waiver under subparagraph (A) of the last sentence of section 1861(e). A hospital with respect to which an agreement under this section has been terminated shall not be eligible to enter into a new agreement until a two-year period has elapsed from the termination date.

"(d) Any agreement with a hospital under this section shall provide that payment for services will be made only for services for which payment would be made as post-hospital extended care services if those services had been furnished by a skilled nursing facility under an agreement entered into under section 1866; and any individual who is furnished services, for which payment may be made under an agreement under this section, shall, for purposes of this title (other than this section), be deemed to have received post-hospital extended care services in like manner and to the same extent as if the services furnished to him had been post-hospital extended care services furnished by a skilled nursing facility under an agreement under section 1866.

42 USC 1395, 1396.

"(e) During a period for which a hospital has in effect an agreement under this section, in order to allocate routine costs between hospital and long-term care services for purposes of determining payment for inpatient hospital services, the total reimbursement due for routine services from all classes of long-term care patients (including title XVIII, title XIX, and private pay patients) shall be subtracted from the hospital's total routine costs before calculations are made to determine title XVIII reimbursement for routine hospital services.

42 USC 1395x.

"(f) A hospital which enters into an agreement with the Secretary under this section shall be required to meet those conditions applicable to skilled nursing facilities relating to discharge planning and the social services function (and staffing requirements to satisfy it) which are promulgated by the Secretary under section 1861(j)(15). Services furnished by such a hospital which would otherwise constitute post-hospital extended care services if furnished by a skilled nursing facility shall be subject to the same requirements applicable to such services when furnished by a skilled nursing facility except for those requirements the Secretary determines are inappropriate in the case of these services being furnished by a hospital under this section.

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"(g) The Secretary may enter into an agreement under this section on a demonstration basis with any hospital which does not meet the requirement of subsection (b)(1), if the hospital otherwise meets the requirements of this section.".

(b) Title XIX of such Act is amended by adding after section 1912 the following new section:

"HOSPITAL PROVIDERS OF SKILLED NURSING AND INTERMEDIATE CARE SERVICES

"SEC. 1913. (a) Notwithstanding any other provision of this title, payment may be made, in accordance with this section, under a State plan approved under this title for skilled nursing facility services and intermediate care facility services furnished by a hospital which has in effect an agreement under section 1883. 42 USC 1396*l*.

"(b)(1) Payment to any such hospital, for any skilled nursing or intermediate care facility services furnished pursuant to subsection (a), shall be at a rate equal to the average rate per patient-day paid for routine services during the previous calendar year under the State plan to skilled nursing and intermediate care facilities, respectively, located in the State in which the hospital is located. The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services.

"(2) With respect to any period for which a hospital has an agreement under section 1883, in order to allocate routine costs between hospital and long-term care services, the total reimbursement for routine services due from all classes of long-term care patients (including title XVIII, title XIX, and private pay patients) shall be subtracted from the hospital total routine costs before calculations are made to determine reimbursement for routine hospital services under the State plan.". *Ante*, p. 2615. 42 USC 1395, 1396.

(c) Within three years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report evaluating the programs established by the amendments made by this section and shall include in such report an analysis of— Report to Congress. 42 USC 1395tt note.

(1) the extent and effect of the agreements under such programs on availability and effective and economical provision of long-term care services,

(2) whether such programs should be continued,

(3) the results of any demonstration projects conducted under such programs, and

(4) whether eligibility to participate in such programs should be extended to other hospitals, regardless of bed size or geographic location, where there is a shortage of long-term care beds.

(d) The amendments made by this section shall become effective on the date on which final regulations, promulgated by the Secretary to implement such amendments, are first issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted. 42 USC 1395tt note.

WITHHOLDING OF FEDERAL SHARE OF PAYMENTS TO MEDICAID PROVIDERS TO RECOVER MEDICARE OVERPAYMENTS

SEC. 905. (a) Subparagraphs (D)(i) and (E) of section 1902(a)(13) of the Social Security Act are each amended by inserting "(except where the State agency is subject to an order under section 1914)" after "payment". 42 USC 1396a. *Post*, p. 2650. *Infra*.

(b) Section 1903(a)(1) of such Act is amended by striking out "subject to subsections (g) and (h)" and inserting in lieu thereof "subject to subsections (g), (h), and (j)". 42 USC 1396b.

(c)(1) Section 1903(j) of such Act is amended to read a follows: "(j) Notwithstanding the preceding provisions of this section, the amount determined under subsection (a)(1) for any State for any quarter shall be adjusted in accordance with section 1914.". *Infra*.

(2) Section 1903(n) of such Act is amended by striking out "or is subject to a suspension of payment order issued under subsection (j)".

(d) Title XIX of such Act is amended by adding after section 1913 (added by section 904(b) of this title) the following new section:

"WITHHOLDING OF FEDERAL SHARE OF PAYMENTS FOR CERTAIN MEDICARE PROVIDERS

42 USC 1396m.

"SEC. 1914. (a) The Secretary may adjust, in accordance with this section, the Federal matching payment to a State with respect to expenditures for medical assistance for care or services furnished in any quarter by—

42 USC 1395cc.
42 USC 1395.

"(1) an institution (A) which has or previously had in effect an agreement with the Secretary under section 1866; and (B)(i) from which the Secretary has been unable to recover overpayments made under title XVIII, or (ii) from which the Secretary has been unable to collect the information necessary to enable him to determine the amount (if any) of the overpayments made to such institution under title XVIII; and

42 USC 1395u.

"(2) any person (A) who (i) has previously accepted payment on the basis of an assignment under section 1842(b)(3)(B)(ii), and (ii) during the annual period immediately preceding such quarter submitted no claims for payment under title XVIII, or submitted claims for payment under title XVIII which aggregated less than the amount of overpayments made to him, and (B)(i) from whom the Secretary has been unable to recover overpayments received in violation of the terms of such assignment, or (ii) from whom the Secretary has been unable to collect the information necessary to enable him to determine the amount (if any) of the overpayments made to such person under title XVIII.

"(b) The Secretary may (subject to the remaining provisions of this section) reduce payment to a State under this title for any quarter by an amount equal to the lesser of the Federal matching share of payments to any institution or person specified in subsection (a), or the total overpayments to such institution or person under title XVIII, and may require the State to reduce its payment to such institution or person by such amount.

Notice.

"(c) The Secretary shall not make any adjustment in the payment to a State, nor require any adjustment in the payment to an institution or person, pursuant to subsection (b) until after he has provided adequate notice (which shall be not less than 60 days) to the State agency and the institution or person.

Implementation procedures.

"(d) The Secretary shall by regulation provide procedures for implementation of this section, which procedures shall (1) determine the amount of the Federal payment to which the institution or person would otherwise be entitled under this section which shall be treated as a setoff against overpayments under title XVIII, and (2) assure the restoration to the institution or person of amounts withheld under this section which are ultimately determined to be in excess of overpayments under title XVIII and to which the institution or person would otherwise be entitled under this title.

42 USC 1395.

"(e) The Secretary shall restore to the trust funds established under sections 1817 and 1841, as appropriate, amounts recovered under this section as setoffs against overpayments under title XVIII.

42 USC 1395i, 1395t.

"(f) Notwithstanding any other provision of this title, an institution or person shall not be entitled to recover from any State any amount in payment for medical care and services under this title which is withheld by the State agency pursuant to an order by the Secretary under subsection (b).".

Subpart II—Other Administrative Provisions

QUALITY ASSURANCE PROGRAMS FOR CLINICAL LABORATORIES

42 USC 1320a-2.

SEC. 911. Section 1123(a) of the Social Security Act is amended by striking out "1977" and inserting in lieu thereof "1981".

REQUIREMENTS CONCERNING REPORTING OF FINANCIAL INTEREST

42 USC 1320a-3.

SEC. 912. (a) Section 1124(a)(3)(A)(ii) of the Social Security Act is amended to read as follows:

"(ii) is the owner of a whole or part interest in any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the entity or any of the property or assets thereof, which whole or part interest is equal to or exceeds $25,000 or 5 per centum of the total property and assets of the entity; or".

(b) Section 1902(a)(35) of such Act is amended to read as follows: 42 USC 1396a.

"(35) provide that any disclosing entity (as defined in section 1124(a)(2)) receiving payments under such plan complies with the requirements of section 1124;". 42 USC 1320a-3.

EXCLUSION OF HEALTH CARE PROFESSIONALS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES

SEC. 913. (a) Part A of title XI of the Social Security Act is amended by inserting after section 1127 the following new section:

"EXCLUSION OF CERTAIN INDIVIDUALS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES

"SEC. 1128. (a) Whenever the Secretary determines that a physician or other individual has been convicted (on or after October 25, 1977, or within such period prior to that date as the Secretary shall specify in regulations) of a criminal offense related to such individual's participation in the delivery of medical care or services under title XVIII, XIX, or XX, the Secretary— 42 USC 1320a-7. 42 USC 1395, 1396, 1397.

"(1) shall bar from participation in the program under title XVIII, for such period as he may deem appropriate, each such individual otherwise eligible to participate in such program;

"(2)(A) shall promptly notify each appropriate State agency administering or supervising the administration of a State plan approved under title XIX or title XX, of the fact and circumstances of such determination, and (except as provided in subparagraph (B)) require each such agency to bar such individual from participation in such plan for such period as he shall specify, which in the case of an individual specified in paragraph (1) shall be the period established pursuant to paragraph (1); Notice.

94 STAT. 2620

"(B) may waive the requirement under subparagraph (A) to bar an individual from participation in a State plan under title XIX or title XX, where he receives and approves a request for such a waiver with respect to that individual from the State agency administering or supervising the administration of such plan; and Waiver. 42 USC 1396, 1397.

"(3) shall promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of such individual of the fact and circumstances of such determination, request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and request that such State or local agency or authority keep the Secretary and the Inspector General of the Department of Health and Human Services fully and currently informed with respect to any actions taken in response to such request. Notice.

"(b) A determination made by the Secretary under this section shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of inpatient hospital services, post-hospital extended care services, and home health services furnished under title XVIII, such determination shall be effective in the manner provided in paragraphs (3) and (4) of section 1866(b) with respect to terminations of agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur. 42 USC 1395. 42 USC 1395cc.

"(c) Any person who is the subject of an adverse determination made by the Secretary under subsection (a) shall be entitled to reasonable notice and opportunity for a hearing thereon by the Notice and hearing.

42 USC 405.

Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).".

42 USC 1395y.

(b) Section 1862(e) of such Act is amended to read as follows:

Ante, p. 2619.

"(e) No payment may be made under this title with respect to any item or service furnished by a physician or other individual during the period when he is barred pursuant to section 1128 from participation in the program under this title.".

42 USC 1396a.

(c) Section 1902(a)(39) of such Act is amended to read as follows:

"(39) provide that the State agency shall bar any specified individual from participation in the program under the State plan for the period specified by the Secretary, when required by him to do so pursuant to section 1128, and provide that no payment may be made under the plan with respect to any item or service furnished by such individual during such period;".

Repeal.
42 USC 1396a.

(d) Section 1902(g) of such Act is repealed.

42 USC 1397b.

(e) Section 2003(d)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (I),

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and", and

(3) by inserting after subparagraph (J) the following new subparagraph:

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Ante, p. 2619.

"(K) provides that the State will bar any specified individual from participation in the program for the period specified by the Secretary when required by him to do so pursuant to section 1128, and provides that no payment may be made under the program with respect to any item or service furnished by such individual during such period.".

COORDINATED AUDITS UNDER THE SOCIAL SECURITY ACT

SEC. 914. (a) Title XI of the Social Security Act is amended by inserting after section 1128 (added by section 913(a) of this title the following new section:

"COORDINATED AUDITS

42 USC 1320a-8.
42 USC 701, 1396.
42 USC 1395.

"SEC. 1129. (a) If an entity provides services reimbursable on a cost-related basis under title V or XIX, as well as services reimbursable on such a basis under title XVIII, the Secretary shall require, as a condition for payment to any State under title V or XIX with respect to administrative costs incurred in the performance of audits of the books, accounts, and records of that entity, that these audits be coordinated through common audit procedures with audits performed with respect to the entity for purposes of title XVIII. The Secretary shall specify by regulation such methods as he finds feasible and equitable for the apportionment of the cost of coordinated audits between the program established under title V or XIX and the program established under title XVIII. Where the Secretary finds that a State has declined to participate in such a common audit with respect to title V or XIX, he shall reduce the payments otherwise due such State under such title by an amount which he estimates to be in excess of the amount that would have been apportioned to the State under the title (for the expenses of the Sate incurred in the common audit) if it had participated in the common audit.

Demonstration projects.

"(b)(1) In the case of entities which have audits coordinated under subsection (a), the Secretary shall establish one or more projects to demonstrate the feasibility of creating a single coordinated appeal hearing to adjudicate those administrative cost items which are determined under such a coordinated audit and which such entities dispute and appeal.

Waiver.

"(2) In the case of a demonstration project under this subsection, the Secretary may waive such requirements of title V, XVIII, or XIX as would prevent carrying out the project or would require duplicative activity or otherwise create unnecessary administrative burdens in carrying out the project.

Report to Congress.

"(3) The Secretary shall report to Congress not later than December 31, 1982, with respect to demonstration projects conducted under this subsection, including the reaction of the entities involved and estimates of any savings effected through reduction of duplication of appeal hearings, and shall include in such report recommendations for such legislation as the Secretary deems appropriate to insure the maximum feasible coordination of such appeal hearings.

Review, report to Congress.

"(4) The Secretary shall also provide for the review of the feasibility of establishing a single coordinated process for the collection of overpayments established in a coordinated audit under subsection (a). The Secretary shall report to Congress not later than December 31, 1981, on such review and on such recommendations for changes in legislation as the Secretary deems appropriate.".

42 USC 1396a.

(b)(1) Section 1902(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (40);

(B) by striking out the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (41) the following new paragraph:

"(42) provide (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for such entities also providing services under title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such part, and (C) for payment of such proportion of costs of each such common audit as is determined under methods specified by the Secretary under section 1129(a).".

42 USC 1395.

Ante, p. 2621.

42 USC 1396a note.

(2)(A) The amendments made by paragraph (1) shall (except as provided under subparagraph (B)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

42 USC 1396.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

42 USC 705.

(c)(1) Section 505(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (14);

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (15) the following new paragraph:

"(16) provides (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for entities also providing services under title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such part, and (C) for payment of such proportion of costs of each such common audit as is determined under methods specified by the Secretary under section 1129(a).".

42 USC 1395.

42 USC 705 note.

(2) The amendments made by paragraph (1) shall apply to services provided, under a State plan approved under title V of the Social Security Act, on and after the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

42 USC 701.

Report to Congress.
42 USC 1320a-8 note.
42 USC 701, 1395, 1396.

(d) The Secretary shall report to the Congress, not later than December 31, 1981, on actions the Secretary has taken (1) to coordinate the conduct of institutional audits and inspections which are required under the programs funded under title V, XVIII, or XIX of the Social Security Act, and (2) to coordinate such audits and inspections with those conducted by other cost payers, and he shall include in such report recommendations for such legislation as he

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deems appropriate to assure the maximum feasible coordination of such institutional audits and inspections.

LIFE SAFETY CODE REQUIREMENTS

42 USC 1395x.

SEC. 915. (a) Section 1861(j)(13) of the Social Security Act is amended by striking out "the Life Safety Code of the National Fire Protection Association (23d edition, 1973)" and inserting in lieu thereof "such edition (as is specified by the Secretary in regulations) of the Life Safety Code of the National Fire Protection Association".

42 USC 1395x note.
42 USC 1395, 1396.

(b) Any institution (or part of an institution) which complied with the requirements of section 1861(j)(13) of the Social Security Act on the day before the date of the enactment of this Act shall, so long as such compliance is maintained (either by meeting the applicable provisions of the Life Safety Code (21st edition, 1967, or 23d edition, 1973), with or without waivers of specific provisions, or by meeting the applicable provisions of a fire and safety code imposed by State law as provided for in such section 1861(j)(13)), be considered (for purposes of titles XVIII or XIX of such Act) to be in compliance with the requirements of such section 1861(j)(13), as it is amended by subsection (a) of this section.

ALTERNATIVE TO DECERTIFICATION OF LONG-TERM CARE FACILITIES OUT OF COMPLIANCE WITH CONDITIONS OF PARTICIPATION; LOOK BEHIND AUTHORITY

42 USC 1395cc.

SEC. 916. (a) Section 1866 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 1396.
42 USC 1395x.

"(f)(1) Where the Secretary determines that a skilled nursing facility which has filed an agreement pursuant to subsection (a)(1) or which has been certified for participation in a plan approved under title XIX no longer substantially meets the provisions of section 1861(j), and further determines that the facility's deficiencies—

"(A) immediately jeopardize the health and safety of its patients, the Secretary shall provide for the termination of the agreement or of the certification of the facility and shall provide, or

"(B) do not immediately jeopardize the health and safety of its patients, the Secretary may, in lieu of terminating the agreement or certification of the facility, provide

42 USC 1396a.

that no payment shall be made under this title (and order a State agency established or designated pursuant to section 1902(a)(5) of this Act to administer or supervise the administration of the State plan under title XIX of this Act to deny payment under such title XIX) with respect to any individual admitted to such facility after a date specified by him.

Notice and hearing.

"(2) The Secretary shall not make such a decision with respect to a facility until such facility has had a reasonable opportunity, following the initial determination that it no longer substantially meets the provisions of section 1861(j), to correct its deficiencies, and, following this period, has been given reasonable notice and opportunity for a hearing.

Notice.

"(3) The Secretary's decision to deny payment may be made effective only after such notice to the public and to the facility as may be prescribed in regulations, and its effectiveness shall terminate (A) when the Secretary finds that the facility is in substantial compliance (or is making good faith efforts to achieve substantial compliance) with the provisions of section 1861(j), or (B) in the case described in

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paragraph (1)(B), with the end of the eleventh month following the month such decision is made effective, whichever occurs first. If a facility to which clause (B) of the previous sentence applies still fails to substantially meet the provisions of section 1861(j) on the date specified in such clause, the Secretary shall terminate such facility's agreement or provide for termination of such facility's certification, notwithstanding the provisions of paragraph (2) of subsection (b), effective with the first day of the first month following the month specified in such clause.".

42 USC 1395x.

42 USC 1396a.

(b)(1)(A) Section 1902 of such Act is amended by adding after subsection (h) (added by section 902(b)(2) of this title) the following new subsection:

"(i)(1) In addition to any other authority under State law, where a State determines that a skilled nursing facility or intermediate care facility which is certified for participation under its plan no longer substantially meets the provisions of section 1861(j) or section 1905(c), respectively, and further determines that the facility's deficiencies—

42 USC 1396d.

"(A) immediately jeopardize the health and safety of its patients, the State shall provide for the termination of the facility's certification for participation under the plan and may provide, or

"(B) do not immediately jeopardize the health and safety of its patients, the State may, in lieu of providing for terminating the facility's certification for participation under the plan, provide

that no payment will be made under the State plan with respect to any individual admitted to such facility after a date specified by the State.

Notice and hearing.

"(2) The State shall not make such a decision with respect to a facility until the facility has had a reasonable opportunity, following the initial determination that it no longer substantially meets the provisions of section 1861(j) or section 1905(c) (as the case may be), to correct its deficiencies, and, following this period, has been given reasonable notice and opportunity for a hearing.

"(3) The State's decision to deny payment may be made effective only after such notice to the public and to the facility as may be provided for by the State, and its effectiveness shall terminate (A) when the State finds that the facility is in substantial compliance (or is making good faith efforts to achieve substantial compliance) with the provisions of section 1861(j) or section 1905(c) (as the case may be), or (B) in the case described in paragraph (1)(B), with the end of the eleventh month following the month such decision is made effective, whichever occurs first. If a facility to which clause (B) of the previous sentence applies still fails to substantially meet the provisions of the respective section on the date specified in such clause, the State shall terminate such facility's certification for participation under the plan effective with the first day of the first month following the month specified in such clause.".

(B) Such section is further amended by inserting before the semicolon at the end of subsection (a)(33)(B) the following: ", except that, if the Secretary has cause to question the adequacy of such determinations, the Secretary is authorized to validate State determinations and, on that basis, make independent and binding determinations concerning the extent to which individual institutions and agencies meet the requirements for participation".

42 USC 1396i.

(2) Section 1910 of such Act is amended by adding at the end thereof the following new subsection:

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"(c)(1) The Secretary may cancel approval of any skilled nursing or intermediate care facility at any time if he finds on the basis of a determination made by him as provided in section 1902(a)(33)(B) that a facility fails to meet the requirements contained in section 1902(a)(28) or section 1905(c), or if he finds grounds for termination of his agreement with the facility pursuant to section 1866(b). In that event the Secretary shall notify the State agency and the skilled nursing facility or intermediate care facility that approval of eligibility of the facility to participate in the programs established by this title and title XVIII shall be terminated at a time specified by the

42 USC 1396a.

SC 1396d.

42 USC 1395cc.

42 USC 1395.

Secretary. The approval of eligibility of any such facility to participate in such programs may not be reinstated unless the Secretary finds that the reason for termination has been removed and there is reasonable assurance that it will not recur.

Hearing and judicial review.

42 USC 405.

"(2) Any skilled nursing facility or intermediate care facility which is dissatisfied with a determination by the Secretary that it no longer qualifies as a skilled nursing facility or intermediate care facility for purposes of this title, shall be entitled to a hearing by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Any agreement between such facility and the State agency shall remain in effect until the period for filing a request for a hearing has expired or, if a request has been filed, until a decision has been made by the Secretary; except that the agreement shall not be extended if the Secretary makes a written determination, specifying the reasons therefor, that the continuation of provider status constitutes an immediate and serious threat to the health and safety of patients, and the Secretary certifies that the facility has been notified of its deficiencies and has failed to correct them.".

CRIMINAL STANDARDS FOR CERTAIN MEDICARE- AND MEDICAID-RELATED CRIMES

42 USC 1395nn, 1396h.

SEC. 917. Paragraphs (1) and (2) of section 1877(b) of the Social Security Act and of section 1909(b) of such Act are each amended by inserting "knowingly and willfully" after "Whoever".

REIMBURSEMENT OF CLINICAL LABORATORIES

42 USC 1395u.

SEC. 918. (a)(1) Section 1842 of the Social Security Act is amended by inserting at the end the following new subsection:

"(h) If a physician's bill or request for payment for a physician's services includes a charge to a patient for a laboratory test for which payment may be made under this part, the amount payable with respect to the test shall be determined as follows:

"(1) If the bill or request for payment indicates that the physician who submitted the bill or for whose services the request for payment was made personally performed or supervised the performance of the test or that another physician with whom the physician shares his practice personally performed or supervised the test, the payment shall be the reasonable charge for the test (less the applicable deductible and coinsurance amounts).

"(2) If the bill or request for payment indicates that the test was performed by a laboratory, identifies the laboratory, and indicates the amount the laboratory charged the physician who submitted the bill or for whose services the request for payment was made, payment for the test shall be the lower of—

"(A) the laboratory's reasonable charge to individuals enrolled under this part for the test, or

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"(B) the amount the laboratory charged the physician for the test,

plus a nominal fee (where the physician bills for such a service) to cover the physician's costs in collecting and handling the sample on which the test was performed (less the applicable deductible and coinsurance amounts).

"(3) If the bill or request for payment (A) does not indicate who performed the test, or (B) indicates that the test was performed by a laboratory but does not identify the laboratory or include the amount charged by the laboratory, payment shall be the lowest charged at which the carrier estimates the test could have been secured by a physician from a laboratory serving the locality (less the applicable deductible and coinsurance amounts).".

(2) The amendment made by paragraph (1) shall apply to bills submitted and requests for payment made on or after such date (not later than April 1, 1981) as the Secretary of Health and Human Services prescribes by a notice published in the Federal Register.

Publication in Federal Register.
42 USC 1395u note.

(3) Not later than 24 months after the effective date specified in paragraph (2), the Secretary shall report to the Congress—

Report to Congress.
42 USC 1395u note.

(A) the proportion of bills and requests for payment submitted (during the 18-month period beginning on such effective date) under title XVIII of the Social Security Act for laboratory tests which did not identify who performed the tests,

42 USC 1801.

(B) the proportion of bills and requests for payment submitted during such period for laboratory tests with respect to which the amount paid under such title was less than the amount that would otherwise have been payable in the absence of section 1842(h) of such Act,

Ante, p. 2625.

(C) with respect to requests for payment described in subparagraph (B) which were submitted by patients, the average additional cost per laboratory test to patients resulting from reductions in payment that would otherwise have been made for such tests in the absence of such section 1842(h), and

(D) with respect to bills described in subparagraph (B) which were submitted by physicians, the average reduction in payment per laboratory test to physicians resulting from the application of such section 1842(h).

(4) Section 1833(a)(1)(D) of the Social Security Act is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (h)".

42 USC 1395*l*.

(b)(1) Section 1902(a) of the Social Security Act (as amended by section 914(b)(1) of this Act) is further amended—

42 USC 1396a.

(A) by striking out "and" at the end of paragraph (41);

(B) by striking out the period at the end of paragraph (42) and inserting in lieu thereof "; and"; and

(C) by adding after paragraph (42) the following new paragraph:

"(43) if the State plan makes provision for payment to a physician for laboratory services the performance of which such physician (or any other physician with whom he shares his practice) did not personally perform or supervise, include provision to insure that payment under the State plan for such laboratory services not exceed the payment authorized for such services by section 1842(h).".

(2)(A) The amendments made by paragraph (1) shall (except as otherwise provided in subparagraph (B)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after the first day of the first calendar quarter that begins more than six months after the date of the enactment of this Act.

42 USC 1396a note.
42 USC 1396.

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(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

STUDY OF NEED FOR DUAL PARTICIPATION OF SKILLED NURSING FACILITIES

SEC. 919. (a)(1) The Secretary of Health and Human Services shall conduct a study of the availability and need for skilled nursing facility services covered under part A of title XVIII of the Social Security Act and under State plans approved under title XIX of such Act.

42 USC 1395b-1 note.
42 USC 1395.
42 USC 1396.

(2) Such study shall include—

Contents.

(A) an investigation of the desirability and feasibility of imposing a requirement that skilled nursing facilities (i) which furnish services to patients covered under State plans approved under title XIX of the Social Security Act also furnish such services to patients covered under part A of title XVIII of such Act, and (ii) which furnish services to patients covered under such title XVIII also furnish such services to patients covered under such State plans,

(B) an evaluation of the impact of existing laws and regulations on skilled nursing facilities and individuals covered under such State plans and under part A of such title XVIII, and an evaluation of the extent to which existing laws and regulations encourage skilled nursing facilities to accept only title XVIII beneficiaries or title XIX recipients, and

(C) an investigation of possible changes in regulations and legislation which would result in encouraging a greater availability of skilled nursing facility services.

Consultation.

(3) In developing such study, the Secretary shall consult with professional organizations, health experts, private insurers, nursing home providers, and consumers of skilled nursing facility services.

Report to Congress.

(b) Within one year after the date of the enactment of this Act, the Secretary shall complete such study and shall submit to the Congress a full and complete report thereon, together with recommendations with respect to the matters covered by such study (including any recommendations for administrative or legislative changes).

Subpart III—Provisions Relating to Professional Standards Review Organizations (PSROs)

EXPANDED MEMBERSHIP OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

42 USC 1320c-1.

SEC. 921. Section 1152(b)(1)(A) of the Social Security Act is amended—

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(1) by inserting "and, if the organization so elects, of other health care practitioners engaged in the practice of their professions in such area who hold independent hospital admitting privileges," after the comma at the end of clause (ii); and

42 USC 1320c-4.

(2) by inserting "(except as otherwise provided under section 1155(c))" after "does not" in clause (vi).

REGISTERED NURSE AND DENTIST MEMBERSHIP ON STATEWIDE COUNCIL ADVISORY GROUP

42 USC 1320c-11.

SEC. 922. (a) Section 1162(e)(1) of the Social Security Act is amended by inserting "(including at least one registered professional nurse and at least one doctor of dental surgery or of dental medicine)" after "representatives".

Effective date. 42 USC 1320c-11 note.

(b) The amendment made by this section shall become effective 180 days after the date of the enactment of this Act.

NONPHYSICIAN MEMBERSHIP ON NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

42 USC 1320c-12.

42 USC 1395x.

SEC. 923. (a) Section 1163(a)(1) of the Social Security Act is amended by inserting "one doctor of dental surgery or of dental medicine, one registered professional nurse, and one other health practitioner (other than a physician as defined in section 1861(r)(1))," after "physicians,".

(b) Section 1163(a)(2) of such Act is amended by striking out "four members" and inserting in lieu thereof "five members".

(c) Section 1163(a)(3) of such Act is amended by inserting "physician" before "members".

(d) Section 1163(b) of such Act is amended by striking out "Members" and inserting in lieu thereof "Physician members".

(e) Section 1173 of such Act is amended by striking out "(except sections 1155(c) and 1163)" and inserting in lieu thereof "(except section 1155(c))".

42 USC 1320c-22.

(f) The amendments made by this section shall become effective 180 days after the date of the enactment of this Act.

42 USC 1320c-4, 1320c-12.
42 USC 1320c-12 note.

REQUIRED ACTIVITIES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

SEC. 924. (a)(1) Subsection (b) of section 1154 of the Social Security Act is amended—

42 USC 1320c-3.

(A) by striking out "in addition to review of health care services provided by or in institutions, only such of the duties and functions required under this part of Professional Standards Review Organization as he determines such organization to be capable of performing" in the first sentence and inserting in lieu thereof "in addition to review of health care services (other than ancillary, ambulatory care, and long-term care services) provided by or in hospitals and to review of alcohol detoxification facility services, only such of the duties and functions as he requires the organization to perform under subsection (f)(2) or subsection (f)(4) and which the organization is capable of performing"; and

(B) by striking out "only if the Secretary finds that it is substantially carrying out in a satisfactory manner, the activities and functions required of Professional Standards Review Organizations under this part with respect to the review of health care services provided by or in institutions (including ancillary services) and, in addition, review of such other health care services as the Secretary may require" in the second sentence and inserting in lieu thereof "only if the Secretary finds that it is substantially carrying out in a satisfactory manner the activities and functions required of that Professional Standards Review Organization under this part".

(2) Subsection (c) of such section is amended by inserting "of that organization" after "required under this part".

(3) Such section if further amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall establish a program (hereinafter in this subsection referred to as the 'program') for the evaluation of the cost-effectiveness of review of particular health care services by Professional Standards Review Organizations.

Review program.

"(2) In order to demonstrate the cost-effectiveness of requiring review of particular health care services before such review is generally required, the program shall be designed in a manner so that the Secretary will require particular Professional Standards Review Organizations, chosen by a statistically valid method that will permit a valid evaluation of the cost-effectiveness of such review, to review particular health care services.

"(3) The program shall provide for the evaluation of cost-effectiveness of the review of particular health care services under the program, particularly in comparison with areas in which such review was not required or performed.

"(4) Based upon such evaluation, or upon an evaluation of comparable statistical validity, and a finding that review of particular health care services is cost-effective or yields other significant benefits, the Secretary shall specify such particular health care services which Professional Standards Review Organizations (either generally or under such conditions and circumstances as the Secretary may specify) have the duty and function of reviewing under this part.

"(5) For purposes of this subsection, the term 'particular health care services' does not include health care services (other than ancillary, ambulatory care, and long-term care services) provided by or in hospitals or alcohol detoxification facility services.".

"Particular health care services."

(b) Section 1155(a) of such Act is amended—

42 USC 1320c-4.

(1) by striking out "at the earliest date practicable" in para-

graph (1) and inserting in lieu thereof "to the extent and at the time specified by the Secretary under section 1154(f)";

Ante, p. 2628.

(2) by inserting ", consistent with section 1154(f)," in paragraph (7)(A) after "only"; and

(3) by inserting "(consistent with section 1154(f))" in paragraph (7)(B) after "to the extent".

Repeal.

(c) Subsection (g) of section 1155 of such Act is repealed.

42 USC 1320c-4.

(d) Section 1155 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 1320c-3.

"(h) If the Secretary has designated an organization (other than under section 1154) as a Professional Standards Review Organization, but that organization has not assumed responsibility for the review of particular activities in its area included in subsection (a)(1), the Secretary may designate another qualified Professional Standards Review Organization (in reasonable proximity to the providers and practitioners whose services are to be reviewed) to assume the responsibility for the review of some or all of those particular activities.".

94 STAT. 2630

EFFICIENCY IN DELEGATED REVIEW

42 USC 1320c-4.

SEC. 925. Section 1155(e) of the Social Security Act is amended by striking out "effectively and in timely fashion" and inserting in lieu thereof "effectively, efficiently, and in timely fashion".

REVIEW OF ROUTINE HOSPITAL ADMISSION SERVICES AND PREOPERATIVE HOSPITAL STAYS BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

42 USC 1320c-4.

SEC. 926. Section 1155(a)(2) of the Social Security Act is amended to read as follows:

"(2) Each Professional Standards Review Organization shall have the authority to determine, in advance, in the case of—

"(A) any elective admission to a hospital or other health care facility (including admissions occurring on weekends), and

"(B) any routine diagnostic services furnished in connection with such an admission,

Ante, p. 2628.

whether such service, if provided, or if provided by a particular health care practitioner or by a particular hospital or other health care facility, organization, or agency, would meet the criteria specified in subparagraphs (A) and (C) of paragraph (1). Each such Organization may be directed by the Secretary to excercise such authority where the Secretary finds (consistent with section 1154(f)) that such determinations can be made on a timely basis by the Organization and appropriate procedures will be applied to assure prompt notification of such determinations to providers, physicians, practitioners, and persons on whose behalf payment may be made under this Act for services and items.".

CONSULTATION BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS WITH HEALTH CARE PRACTITIONERS

42 USC 1320c-4.

SEC. 927. (a) Section 1155(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

42 USC 1395x.

"(8) Each Professional Standards Review Organization shall consult (with such frequency and in such manner as may be prescribed by the Secretary) with representatives of health care practitioners (other than physicians described in section 1861(r)(1)) and of institutional and noninstitutional providers of health care services, in relation to the Professional Standards Review Organization's responsibility for the review under paragraph (1) of the professional activities of such practitioners and providers.".

42 USC 1320c-11.

(b) Section 1162(e) of such Act is amended by striking out the first parenthetical material in paragraph (1) and the parenthetical material in paragraph (2).

Effective date.
42 USC 1320c-4 note.

(c) The amendments made by this section shall become effective 180 days after the date of the enactment of this Act.

RESPONSE OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS TO FREEDOM OF INFORMATION ACT REQUESTS

42 USC 1320c-15 note.

42 USC 1320c.

SEC. 928. No Professional Standards Review Organization designated (conditionally or otherwise) under part B of title XI of the Social Security Act shall be required to make available any records pursuant to a request made under section 552 of title 5, United States Code, until the later of (1) one year after the date of entry of a final court order requiring that such records be made available, or (2) the last date of the Congress during which the court order was entered.

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STUDY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS NORMS, STANDARDS, AND CRITERIA

42 USC 1320c note.

SEC. 929. The Secretary of Health and Human Services shall, in consultation with the National Professional Standards Review Council, conduct a nationwide study of the differences in medical criteria and length-of-stay norms utilized by Professional Standards Review Organizations in the various regions of the country. The study shall include an assessment of the rationale that contributes to these regional differences. The Secretary shall report the findings and conclusions made with respect to the study to the Congress within one year after the date of the enactment of this Act.

Report to Congress.

PART B—PROVISIONS RELATING TO MEDICARE

Subpart I—Changes in Services or Benefits

HOME HEALTH SERVICES

42 USC 1395c.

SEC. 930. (a) Section 1811 of the Social Security Act is amended by striking out "and related post-hospital services" and inserting in lieu thereof ", related post-hospital, and home health services".

42 USC 1395d.

(b) Section 1812(a)(3) of such Act is amended to read as follows:

"(3) home health services.".

Repeal.

(c) Section 1812(d) of such Act is repealed.

(d) Section 1812(e) of such Act is amended—

(1) by striking out "(b), (c), and (d)" and inserting in lieu thereof "(b) and (c)"; and

(2) by striking out "post-hospital extended care services, and post-hospital home health services" and inserting in lieu thereof "and post-hospital extended care services".

Regulations. 42 USC 1395f, 1395n.

(e) Sections 1814(a) and 1835(a) of such Act are amended by adding the following new sentence at the end of each such section: "With respect to the physician certification required by paragraph (2) for home health services furnished to any individual by a home health agency (other than an agency which is a governmental entity) and with respect to the establishment and review of a plan for such services, the Secretary shall prescribe regulations which shall become effective no later than July 1, 1981, and which prohibit a physician who has a significant ownership interest in, or a significant financial or contractural relationship with, such home health agency from performing such certification and from establishing or reviewing such plan.".

42 USC 1395f.

(f) Section 1814(a)(2)(D) of such Act is amended—

(1) by striking out "post-hospital home health services" and inserting in lieu thereof "home health services";

(2) by inserting ", occupational," after "or physical"; and

(3) by striking out ", for any of the conditions" and all that follows through "extended care services".

42 USC 1395k.

(g) Section 1832(a)(2)(A) of such Act is amended by striking out "for up to 100 visits during a calendar year".

42 USC 1395*l*.

(h) Section 1833(b) of such Act is amended—

(1) by striking out "and" at the end of clause (1) in the first sentence; and

(2) by inserting before the period at the end of the first sentence

the following: ", (3) such deductible shall not apply with respect to home health services".

Repeal.
42 USC 1395m.

(i) Section 1834 of such Act is repealed.

42 USC 1395m.

(j) Section 1835(a)(2)(A) of such Act is amended by inserting ", occupational," after "or physical".

42 USC 1395x.

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(k) Section 1861(e) of such Act is amended—

(1) by striking out "subsections (i) and (n)" in the material preceding paragraph (1) and inserting in lieu thereof "subsection (i)", and

(2) by striking out "subsections (i) and (n)" in the third sentence and inserting in lieu thereof "subsection (i)".

(l) Section 1861(m)(4) of such Act is amended by inserting the following before the semicolon: "who has successfully completed a training program approved by the Secretary".

Repeal.

(m) Section 1861(n) of such Act is repealed.

(n) Section 1861(o) of such Act is amended—

(1) by striking out "and" at the end of paragraph (5), by inserting "and" at the end of paragraph (6), and by adding the following new paragraph after paragraph (6):

"(7) meets such additional requirements (including conditions relating to bonding or establishing of escrow accounts as the Secretary finds necessary for the financial security of the program) as the Secretary finds necessary for the effective and efficient operation of the program;"; and

(2) by striking out "except that" the first place it appears in the material following paragraph (6) and all that follows through "regulations; and"

42 USC 1395h.

(o) Section 1816(e) of such Act is amended—

(1) by inserting "(subject to the provisions of paragraph (4))" after "the Secretary may" in paragraph (2); and

(2) by adding the following new paragraph at the end thereof:

"(4) Notwithstanding subsections (a) and (d) and paragraphs (1), (2), and (3) of this subsection, the Secretary shall designate regional agencies or organizations which have entered into an agreement with him under this section to perform functions under such agreement with respect to home health agencies (as defined in section 1861(o)) in the region, except that in assigning such agencies to such designated regional agencies or organizations the Secretary shall assign a home health agency which is a subdivision of a hospital (and such agency and hospital are affiliated or under common control) only if, after applying such criteria relating to administrative efficiency and effectiveness as he shall promulgate, he determines that such assignment would result in the more effective and efficient administration of this title.".

42 USC 1395x.

(p) Section 1861(v)(1) of such Act is amended by adding after subparagraph (G) (as added by section 902(a)(1) of this title) the following new subparagraph:

Reasonable costs, determination.

"(H) In determining such reasonable cost with respect to home health agencies, the Secretary may not include—

"(i) any costs incurred in connection with bonding or establishing an escrow account by any such agency as a result of the financial security requirement described in subsection (o)(7);

"(ii) in the case of home health agencies to which the financial security requirement described in subsection (o)(7) applies, any costs attributed to interest charged such an agency in connection with amounts borrowed by the agency to repay overpayments made under this title to the agency, except that such costs may be included in reasonable cost if the Secretary determines that the agency was acting in good faith in borrowing the amounts;

"(iii) in the case of contracts entered into by a home health agency after the date of the enactment of this subparagraph for the purpose of having services furnished for or on behalf of such agency, any cost incurred by such agency pursuant to any such contract (I) which is entered into for a period exceeding five years, or (II) which determines the amount payable by the home health agency on the basis of a percentage of the agency's

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reimbursement or claim for reimbursement for services furnished by the agency; and

"(iv) in the case of contracts entered into by a home health agency before the date of the enactment of this subparagraph for the purpose of having services furnished for or on behalf of such agency, any cost incurred by such agency pursuant to any such contract, which determines the amount payable by the home health agency on the basis of a percentage of the agency's reimbursement or claim for reimbursement for services furnished by the agency, to the extent that such cost exceeds the reasonable value of the services furnished on behalf of such agency.".

42 USC 426.

(q) Section 226(c)(1) of such Act is amended—

(1) by striking out "and post-hospital home health services" and inserting in lieu thereof "and home health services"; and

(2) by striking out "or post-hospital home health services" in clause (B).

45 USC 231f.

(r) Section 7(d)(1) of the Railroad Retirement Act of 1974 is amended by striking out "posthospital home health services" and inserting in lieu thereof "home health services".

42 USC 1395x note.

(s)(1) the amendments made by this section shall become effective with respect to services furnished on or after July 1, 1981, except that the amendments made by subsections (n)(1) and (o) shall become effective on the date of the enactment of this Act.

(2) The Secretary of Health and Human Services shall take administrative action to assure that improvements, in accordance with the amendment made by subsection (n)(1), will be made not later than June 30, 1981.

ALCOHOL DETOXIFICATION FACILITY SERVICES

42 USC 1395d.

SEC. 931. (a) Section 1812(a) of the Social Security Act is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by adding after paragraph (3) the following new paragraph:

"(4) alcohol detoxification facility services.".

42 USC 1395f.

(b) Section 1814(a)(2) of such Act is amended by striking out "or" at the end of subparagraph (D), by inserting "or" at the end of subparagraph (E), and by adding after subparagraph (E) the following new subparagraph:

"(F) in the case of alcohol detoxification facility services, such services are required on an inpatient basis (based upon an examination by such certifying physician made prior to initiation of alcohol detoxification);".

42 USC 1395x.

(c) Section 1861(u) of such Act is amended by inserting "detoxification facility," after "home health agency,".

(d) Section 1861 of such Act is further amended by adding after subsection (aa) the following new subsection:

"Alcohol Detoxification Facility Services

"(bb)(1) The term 'alcohol detoxification facility services' means services provided by a detoxification facility in order to reduce or eliminate the amount of alcohol in the body, but only to the extent that such services would be covered under subsection (b) if furnished as inpatient services by a hospital, or are physicians' services covered under subsection (s).

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"(2) The term 'detoxification facility' means a public or voluntary community-based nonprofit facility, other than a hospital, which—

"(A) is engaged in furnishing to inpatients the services described in paragraph (1);

"(B) is accredited by the Joint Commission on the Accreditation of Hospitals as meeting the Accreditation Program for Psychiatric Facilities standards (1979 edition), or is found by the Secretary to meet such standards;

42 USC 1395cc.

"(C) has arrangements with one or more hospitals, having agreements in effect under section 1866, for the referral and admission of patients requiring services not available at the facility; and

"(D) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by the facility.".

Effective date.
42 USC 1395d note.

(e) The amendments made by subsections (a) through (d) of this section shall become effective on April 1, 1981.

Study.
42 USC 1395 *ll* note.

(f) The Secretary of Health and Human Services shall conduct a study and make recommendations, within 18 months after the date of the enactment of this Act, concerning the appropriateness of extending medicare coverage to drug detoxification, postdetoxification rehabilitation, and to outpatient detoxification and concerning incentives for the use of lower-cost detoxification facilities.

42 USC 1320c-4.

(g) Section 1155 of the Social Security Act is amended by adding after subsection (h) (added by section 924(d) of this title) the following new subsection:

"(i) Any Professional Standards Review Organization which has assumed responsibility under this section for review of inpatient hospital services in an area shall also assume responsibility in such area for review of detoxification facility services.".

42 USC 1320c-7.

(h) Section 1158 of such Act is amended—

(1) by striking out "section 1159 and subsection (d)" in subsection (a) and inserting in lieu thereof "subsections (d) and (e) of this section and in sections 1159, 1861(v)(1)(G), and 1902(h)", and

(2) by adding after subsection (d) the following new subsection:

42 USC 1320c-4.

"(e) Subsection (a) of this section shall not apply to a determination by a Professional Standards Review Organization under section 1155(a)(1)(C) that detoxification services provided or proposed to be provided in a hospital on an inpatient basis could be more economically provided in a detoxification facility.".

PREADMISSION DIAGNOSTIC TESTING

42 USC 1395*l*.

SEC. 932. (a)(1) Section 1833(a)(1) of the Social Security Act is amended—

(A) by striking out "and (E)" and inserting in lieu thereof "(E)", and

42 USC 1395u.

(B) by inserting the following after "section 1881," at the end of clause (E): "(F) with respect to expenses incurred for physicians' services (furnished by a physician who has an agreement in effect with the Secretary by which the physician agrees to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all physicians' services which are preadmission diagnostic services furnished by the physician to individuals enrolled under this part) which are preadmission diagnostic services for which payment may be made under this part and which are furnished (i) in the outpatient department of a hospital within seven days of such individual's admission to the same hospital as an inpatient or, to the extent practicable as determined by regulations prescribed by the Secretary, to another hospital, or (ii) to the extent practicable as determined by regulations prescribed by the Secretary, in a physician's office within seven days of such individual's admission to a hospital as an inpatient, the amounts paid shall be equal to the reasonable charges for such services,".

94 STAT. 2635

(2) For amendment to section 1833(a) of the Social Security Act, with respect to the amount of payment for hospital outpatient preadmission diagnostic services, see section 942 of this title.

Report to Congress.
42 USC 1395*l* note.

(b) The Secretary of Health and Human Services shall transmit to the Congress, no later than one year after the date of the enactment of this Act, a report describing the policy which has been developed and is being or will be implemented with respect to the amendments made by subsection (a)(1) of this section and by section 942 of this title as they concern expenses incurred for preadmission diagnostic testing furnished to an individual at a hospital within seven days of an individual's admission to another hospital.

COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY SERVICES

SEC. 933. (a) Section 1832(a)(2) of the Social Security Act is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon, and by adding the following new subparagraph at the end thereof: 42 USC 1395k.

"(E) comprehensive outpatient rehabilitation facility services; and".

(b) Section 1835(a)(2) of such Act is amended by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon, and by inserting the following new subparagraph after subparagraph (D): 42 USC 1395m.

"(E) in the case of comprehensive outpatient rehabilitation facility services, (i) such services are or were required because the individual needed skilled rehabilitation services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician; and".

(c) Section 1861(u) of such Act is amended by inserting "comprehensive outpatient rehabilitation facility," immediately after "skilled nursing facility,". 42 USC 1395x.

(d) Section 1861(z) of such Act is amended by striking out "extended care facility," and inserting in lieu thereof "skilled nursing facility, comprehensive outpatient rehabilitation facility,".

(e) Section 1861 of such Act is amended by adding after subsection (bb) (added by section 931(d) of this title) the following new subsection:

"Comprehensive Outpatient Rehabilitation Facility Services

"(cc)(1) The term 'comprehensive outpatient rehabilitation facility services' means the following items and services furnished by a physician or other qualified professional personnel (as defined in regulations by the Secretary) to an individual who is an outpatient of a comprehensive outpatient rehabilitation facility under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician—

"(A) physicians' services;

"(B) physical therapy, occupational therapy, speech pathology services, and respiratory therapy;

"(C) prosthetic and orthotic devices, including testing, fitting, or training in the use of prosthetic and orthotic devices;

"(D) social and psychological services;

"(E) nursing care provided by or under the supervision of a registered professional nurse;

"(F) drugs and biologicals which cannot, as determined in accordance with regulations, be self administered;

"(G) supplies, appliances, and equipment, including the purchase or rental of equipment; and

"(H) such other items and services as are medically necessary for the rehabilitation of the patient and are ordinarily furnished by comprehensive outpatient rehabilitation facilities,

excluding, however, any item or service if it would not be included under subsection (b) if furnished to an outpatient of a hospital.

"(2) The term 'comprehensive outpatient rehabilitation facility' means a facility which—

"(A) is primarily engaged in providing (by or under the supervision of physicians) diagnostic, therapeutic, and restorative services to outpatients for the rehabilitation of injured, disabled, or sick persons;

"(B) provides at least the following comprehensive outpatient rehabilitation services: (i) physicians' services (rendered by physicians, as defined in section 1861(r)(1), who are available at the 42 USC 1395x.

facility on a full- or part-time basis); (ii) physical therapy; and (iii) social or psychological services;

"(C) maintains clinical records on all patients;

"(D) has policies established by a group of professional personnel (associated with the facility), including one or more physicians defined in subsection (r)(1) to govern the comprehensive outpatient rehabilitation services it furnishes, and provides for the carrying out of such policies by a full- or part-time physician referred to in subparagraph (B)(i);

"(E) has a requirement that every patient must be under the care of a physician;

"(F) in the case of a facility in any State in which State or applicable local law provides for the licensing of facilities of this nature (i) is licensed pursuant to such law, or (ii) is approved by the agency of such State or locality, responsible for licensing facilities of this nature, as meeting the standard establishment for such licensing;

"(G) has in effect a utilization review plan in accordance with regulations prescribed by the Secretary;

"(H) has in effect an overall plan and budget that meets the requirements of subsection (z); and

"(I) meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such facility, including conditions concerning qualifications of personnel in these facilities."

42 USC 1395z. (f) Section 1863 of such Act is amended by striking out "and (o)(6)" in the first sentence and inserting in lieu thereof "(o)(6), and (cc)(2)(I)"

42 USC 1395aa. (g) Section 1864(a) of such Act is amended—

Ante, p. 2635. (1) by inserting "or a comprehensive outpatient rehabilitation facility as defined in section 1861(cc)(2)" after "section 1861(aa)(2)" in the first sentence; and

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(2) by inserting "comprehensive outpatient rehabilitation facility," after "rural health clinic," each place it appears in the second and fifth sentences.

42 USC 1395k note. (h) The amendments made by this section shall become effective with respect to a comprehensive outpatient rehabilitation facility's first accounting period which begins on or after July 1, 1981.

OUTPATIENT SURGERY

42 USC 1395k. SEC. 934. (a) Section 1832(a)(2) of the Social Security Act is amended by adding after subparagraph (E) (added by section 933(a) of this title) the following new subparagraph:

"(F) facility services furnished in connnection with surgical procedures specified by the Secretary—

Infra. "(i) pursuant to section 1833(i)(1)(A) and performed in an ambulatory surgical center (which meets health, safety, and other standards specified by the Secretary in regulations) if the center has an agreement in effect with the Secretary by which the center agrees to accept the amount determined under section 1833(i)(2)(A) as full payment for such services and to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all such services furnished by the center to individuals enrolled under this part, or

42 USC 1395u.

Infra. "(ii) pursuant to section 1833(i)(1)(B) and performed by a physician, described in section 1861(r)(1), in his office, if the Secretary has determined that—

42 USC 1395x.

42 USC 1320c. "(I) a Professional Standards Review Organization (designated, conditionally or otherwise, under part B of title XI of this Act) is willing, able, and has agreed to carry out a review (on a sample or other reasonable basis) of the physician's performing such procedures in the physician's office,

"(II) the particular physician involved has agreed to make available to such Organization such records as the Secretary determines to be necessary to carry out the review, and

"(III) the physician is authorized to perform the procedure in a hospital located in the area in which the office is located,

and if the physician agrees to accept the amount determined under section 1833(i)(2)(B) as full payment for such services and to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all services (including all pre- and post-operative services) described in paragraphs (1) and (2)(A) of section 1861(s) and furnished in connection with such surgical procedure to individuals enrolled under this part.".

Infra.

42 USC 1395u.

42 USC 1395x.

(b) Section 1833 of such Act is amended by adding at the end the following new subsection:

42 USC 1395*l*.

"(i)(1) The Secretary shall, in consultation with the National Professional Standards Review Council and appropriate medical organizations—

"(A) specify those surgical procedures which are appropriately (when considered in terms of the proper utilization of hospital inpatient facilities) performed on an inpatient basis in a hospital but which also can be performed safely on an ambulatory basis in an ambulatory surgical center (meeting the standards specified under section 1832(a)(2)(F)(i)) or hospital outpatient department, and

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Ante, p. 2637.

"(B) specify those surgical procedures which are appropriately (when considered in terms of the proper utilization of hospital inpatient facilities) performed on an inpatient basis in a hospital but which also can be performed safely on an ambulatory basis in a physician's office.

"(2)(A) The amount of payment to be made for facility services furnished in connection with a surgical procedure specified pursuant to paragraph (1)(A) and furnished to an individual in an ambulatory surgical center described in such paragraph shall be equal to a standard overhead amount established by the Secretary (with respect to each such procedure) on the basis of the Secretary's estimate of a fair fee which—

"(i) takes into account the costs incurred by such centers, or classes of centers, generally in providing services furnished in connection with the performance of such procedure, and

"(ii) takes such costs into account in such a manner as will assure that the performance of the procedure in such a center will result in substantially less amounts paid under this title than would have been paid if the procedure had been performed on an inpatient basis in a hospital.

Each amount so established shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.

"(B) The amount of payment to be made under this part for facility services furnished, in connection with a surgical procedure specified pursuant to paragraph (1)(B), in a physician's office shall be equal to a standard overhead amount established by the Secretary (with respect to each such procedure) on the basis of the Secretary's estimate of a fair fee which—

"(i) takes into account additional costs, not usually included in the professional fee, incurred by physicians in securing, maintaining, and staffing the facilities and ancillary services appropriate for the performance of such procedure in the physician's office, and

"(ii) takes such items into account in such a manner which will assure that the performance of such procedure in the physician's office will result in substantially less amounts paid under this title than would have been paid if the services had been furnished on an inpatient basis in a hospital.

Each amount so established shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.

"(3) In the case of services (including all pre- and post-operative services) described in paragraphs (1) and (2)(A) of section 1861(s) and furnished in connection with surgical procedures (specified pursuant to paragraph (1) of this subsection) in a physician's office, an ambulatory surgical center described in such paragraph, or a hospital outpatient department, payment for such services shall be determined in accordance with subsection (a)(1)(G) if the physician accepts an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for such services. 42 USC 1395x. 42 USC 1395u.

94 STAT. 2639

"(4)(A) The Secretary is authorized to provide by regulations that in the case of a surgical procedure, specified by the Secretary pursuant to paragraph (1)(A), performed in an ambulatory surgical center described in such paragraph, there shall be paid (in lieu of any amounts otherwise payable under this part) with respect to the facility services furnished by such center and with respect to all related services (including physicians' services, laboratory, X-ray, and diagnostic services) a single all-inclusive fee established pursuant to subparagraph (B), if all parties furnishing all such services agree to accept such fee (to be divided among the parties involved in such manner as they shall have previously agreed upon) as full payment for the services furnished.

"(B) In implementing this paragraph, the Secretary shall establish with respect to each surgical procedure specified pursuant to paragraph (1)(A) the amount of the all-inclusive fee for such procedure, taking into account such factors as may be appropriate. The amount so established with respect to any surgical procedure shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.".

42 USC 1395z. (c)(1) Section 1863 of the Social Security Act is amended by inserting "or by ambulatory surgical centers under section 1832(a)(2)(F)(i)," after "section 1861,". *Ante*, p. 2637, 42 USC 1395x.

42 USC 1395aa. (2) Section 1864(a) of such Act is amended—

(A) by inserting before the period at the end of the first sentence the following: ", or whether an ambulatory surgical center meets the standards specified under section 1832(a)(2)(F)(i)"; and *Ante*, p. 2637.

(B) by inserting "ambulatory surgical center," in the fifth sentence after "health care facility," each place it appears.

42 USC 1395*l*. (d)(1) Section 1833(a)(1) of such Act, as amended by section 932(a)(1) of this title, is further amended by inserting after the comma at the end of clause (F) the following new clause: "and (G) with respect to expenses incurred for services described in subsection (i)(3) under the conditions specified in such subsection, the amounts paid shall be the reasonable charge for such services,".

(2) For an additional amendment to section 1833(a) of the Social Security Act with respect to the amount of payment for outpatient surgical procedures, see section 942 of this title.

(3) The first sentence of section 1833(b) of such Act, as amended by section 930(h) of this title, is further amended by adding before the period at the end the following: ", and (4) such total amount shall not include expenses incurred for services the amount of payment for which is determined under subsection (a)(1)(G) or under subsection (i)(2) or (i)(4)".

OUTPATIENT PHYSICAL THERAPY SERVICES

42 USC 1395*l*. SEC. 935. (a) Section 1833(g) of the Social Security Act is amended by striking out "$100" and inserting in lieu thereof "$500".

42 USC 1395*l* note. (b) The amendment made by subsection (a) shall apply to expenses incurred in calendar years beginning with calendar year 1982.

DENTISTS' SERVICES

SEC. 936. (a) Clause (2) of the first sentence of section 1861(r) of the Social Security Act is amended to read as follows: "(2) a doctor of dental surgery or of dental medicine who is legally authorized to practice dentistry by the State in which he performs such function and who is acting within the scope of his license when he performs such functions,".

42 USC 1395x.

94 STAT. 2640

(b) Section 1814(a)(2)(E) of such Act is amended to read as follows:

42 USC 1395f.

> "(E) in the case of inpatient hospital services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth, the individual, because of his underlying medical condition and clinical status or because of the severity of the dental procedure, requires hospitalization in connection with the provision of such services; or".

(c) Section 1862(a)(12) of such Act is amended by inserting "or because of the severity of the dental procedure," after "clinical status".

42 USC 1395y.

(d) The amendments made by this section shall apply with respect to services provided on or after July 1, 1981.

42 USC 1395f note.

OPTOMETRISTS' SERVICES

SEC. 937. (a) Clause (4) of the first sentence of section 1861(r) of the Social Security Act is amended by striking out "but only with respect to establishing the necessity for prosthetic lenses," and inserting in lieu thereof "but only with respect to services related to the condition of aphakia,".

42 USC 1395x.

Recommendations, submittal to Congress.

(b) The Secretary of Health and Human Services shall submit to the Congress by January 1, 1982, legislative recommendations with respect to reimbursement under title XVIII of the Social Security Act for services furnished by optometrists in connection with cataracts and such other services which they are legally authorized to perform.

42 USC 1395ll note.

42 USC 1395.

(c) The amendment made by subsection (a) shall apply to services furnished on on after July 1, 1981.

42 USC 1395x note.

ANTIGENS

SEC. 938 (a). Section 1861(s)(2) of the Social Security Act is amended by striking out "and" at the end of subparagraph (E), by adding "and" after the semicolon at the end of subparagraph (F), and by inserting the following new subparagraph after subparagraph (F):

42 USC 1395x.

> "(G) antigens (subject to quantity limitations prescribed in regulations by the Secretary) prepared by a physician, as defined in section 1861(r)(1), for a particular patient, including antigens so prepared which are forwarded to another qualified person (including a rural health clinic) for administration to such patient, from time to time, by or under the supervision of another such physician;".

(b) The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1981.

42 USC 1395x note.

TREATMENT OF PLANTAR WARTS

SEC. 939. (a) Section 1862(a)(13)(C) of the Social Security Act is amended by striking out ", warts,".

42 USC 1395y.

(b) The amendment made by subsection (a) shall apply with respect to services furnished on or after July 1, 1981.

42 USC 1395y note.

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Subpart II—Administrative Changes and Miscellaneous Provisions

PRESUMED COVERAGE PROVISIONS

42 USC 1395f.

SEC. 941. (a) Section 1814 of the Social Security Act is amended by striking out subsections (h) and (i) and by redesignating subsection (j) as subsection (h).

42 USC 1395f note.

(b) Section 1814(c) of such Act is amended by striking out "subsection (j)" and inserting in lieu thereof "subsection (h)".

(c) The amendments made by this section shall take effect on January 1, 1981.

PAYMENT TO PROVIDERS OF SERVICES

42 USC 1395*l*.

SEC. 942. Section 1833(a) of such Act is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

42 USC 1395k.
42 USC 1395rr.

"(2) in the case of services described in section 1832(a)(2) (except those services described in subparagraphs (D), (E), and (F) of such section and in paragraph (5) of this subsection and unless otherwise specified in section 1881)—

42 USC 1395x.

"(A) with respect to home health services, the reasonable cost of such services, as determined under section 1861(v);

42 USC 1395cc.

"(B) with respect to other services (except those described in subparagraph (C) of this paragraph), the reasonable costs of such services, as so determined, less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such other services exceed 80 percent of such costs; and

42 USC 1395x.

"(C) with respect to services described in the second sentence of section 1861(p), 80 percent of the reasonable charges for such services;

42 USC 1395k.
42 USC 1395x.
42 USC 1395cc.

"(3) in the case of services described in subparagraphs (D) and (E) of section 1832(a)(2), the costs which are reasonable and related to the cost of furnishing such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services exceed 80 percent of such costs;

42 USC 1395k.
Ante, p. 2637.

"(4) in the case of facility services described in subparagraph (F) of section 1832(a)(2), the applicable amount described in paragraph (2) of section 1833(i); and

42 USC 1395x.

"(5) in the case of preadmission diagnostic services described in section 1861(s)(2)(C) which are furnished to an individual by the outpatient department of a hospital within 7 days of such individual's admission to the same hospital as an inpatient or (to the extent practicable as determined by regulations prescribed by the Secretary) to another hospital, the reasonable costs for such services.".

LIMITATION ON PAYMENTS TO RADIOLOGISTS AND PATHOLOGISTS

42 USC 1395*l*.
42 USC 1395u.

SEC. 943. (a) Subsections (a)(1)(B) and (b)(2) of section 1833 of the Social Security Act are each amended by inserting after "pathology" the following: "who has in effect an agreement with the Secretary by which the physician agrees to accept an assignment (as provided for in section 1842(b)(3)(B)(ii)) for all physicians' services furnished by him to hospital inpatients enrolled under this part".

42 USC 1395*l*.

(b) The amendments made by subsection (a) shall apply to services

94 STAT. 2642

furnished after the sixth calendar month beginning after the date of the enactment of this Act.

PHYSICIAN TREATMENT PLAN FOR SPEECH PATHOLOGY

42 USC 1395n.

SEC. 944. (a) Section 1835(a)(2)(D)(ii) of the Social Security Act is amended by inserting after "established" the following: "by a physician or by the speech pathologist providing such services".

(b) The amendment made by subsection (a) shall apply to plans for furnishing services established on or after January 1, 1981. 42 USC 1395n note.

REENROLLMENT AND OPEN ENROLLMENT IN PART B

SEC. 945. (a) Subsection (b) of section 1837 of the Social Security Act is repealed. Repeal. 42 USC 1395p.

(b)(1) Subsection (e) of such section is amended to read as follows: "(e) There shall be a general enrollment period which is any period after the period described in subsection (d).".

(2) Subsection (g)(3) of such section is amended by striking out "the earlier of the then current" and all that follows through "subsection (e) of this section)" and inserting in lieu thereof "the month in which the individual files an application establishing such entitlement".

(c)(1) Section 1838(a)(2)(E) of such Act is amended by striking out "the July 1" and inserting in lieu thereof "the first day of the third month". 42 USC 1395q.

(2) The second sentence of subsection (d) of section 1839 of such Act is amended by striking out "who enrolls for the second time) (2)" and all that follows through "in which he enrolled for the second time" and inserting in lieu therof "who reenrolls) (2) the months which elapsed between the date of termination of a previous coverage period and the month after the month in which he reenrolled". 42 USC 1395r.

(d) The amendments made by subsections (a), (b), and (c) shall apply to enrollments occurring on or after April 1, 1981. 42 USC 1395p note.

(e) Section 1843 of the Social Security Act is amended by inserting "or during 1981," in subsections (a), (g)(1), and (h)(1) after "January 1, 1970," each place it appears. 42 USC 1395v.

DETERMINATION OF REASONABLE CHARGE

SEC. 946. (a) The third sentence of section 1842(b)(3) of the Social Security Act is amended by striking out "in which the bill is submitted or the request for payment is made" and inserting in lieu thereof "in which the service is rendered". 42 USC 1395u.

(b) Such section is further amended by striking out "and" at the end of subparagraph (D), by inserting "and" after the semicolon at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

> "(F) will take such action as may be necessary to assure that where payment under this part for a service rendered is on a charge basis, such payment shall be determined on the basis of the charge that is determined in accordance with this section on the basis of customary and prevailing charge levels in effect at the time the service was rendered or, in the case of services rendered more than 12 months before the year (ending on June 30) in which the bill is submitted or request for payment is made, on the basis of such levels in effect for the 12-month period preceding such year;".

(c) The amendments made by subsections (a) and (b) shall become effective with respect to bills submitted or requests for payment made on or after July 1, 1981. 42 USC 1395u note.

94 STAT. 2643

SHORTENED PART B TERMINATION PERIOD FOR CERTAIN INDIVIDUALS WHOSE PREMIUMS MEDICAID HAS CEASED TO PAY

SEC. 947. (a) Section 1843(e) of the Social Security Act is amended by adding at the end thereof the following: "The coverage period under this part of any such individual who (in the last month of his coverage period attributable to the State agreement or in any of the following six months) files notice that he no longer wishes to participate in the insurance program established by this part, shall terminate at the close of the month in which the notice is filed.". 42 USC 1395v.

(b) The second sentence of section 1838(b) of such Act is amended by inserting "(except as otherwise provided in section 1843(e))" after "shall". 42 USC 1395q.

(c) Section 1843(g)(2) of such Act is amended— 42 USC 1395v.

(1) by adding "and" at the end of clause (A);

(2) by striking out ", and" at the end of clause (B) and inserting in lieu thereof a period; and

(3) by striking out clause (C).

42 USC 1395v note.

(d) The amendments made by this section apply to notices filed after the third calendar month beginning after the date of the enactment of this Act.

42 USC 1395v note.
42 USC 1395j.
42 USC 1395v.
42 USC 1395j.
42 USC 1395q.

(e) The coverage period under part B of title XVIII of the Social Security Act of an individual whose coverage period attributable to a State agreement under section 1843 of such Act is terminated and who has filed notice before the end of the third calendar month beginning after the date of the enactment of this Act that he no longer wishes to participate in the insurance program established by part B of title XVIII shall terminate on the earlier of (1) the day specified in section 1838 without the amendments made by this section, or (2) (unless the individual files notice before the day specified in this clause that he wishes his coverage period to terminate as provided in clause (1)) the day on which his coverage period would terminate if the individual filed notice in the fourth calendar month beginning after the date of the enactment of this Act.

REIMBURSEMENT OF PHYSICIANS' SERVICES IN TEACHING HOSPITALS

42 USC 1395x.

SEC. 948. (a)(1) Paragraph (7) of section 1861(b) of the Social Security Act is amended to read as follows:

"(7) a physician where the hospital has a teaching program approved as specified in paragraph (6), if (A) the hospital elects to receive any payment due under this title for reasonable costs of such services, and (B) all physicians in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title.".

42 USC 1395k.

(2) Section 1832(a)(2)(B)(i)(II) of such Act is amended by striking out ", unless either clause (A) or (B) of paragraph (7) of such section is met" and inserting in lieu thereof "where the conditions specified in paragraph (7) of such section are met".

42 USC 1395u.

(b) Section 1842(b) of the Social Security Act is amended by adding at the end the following new paragraph:

42 USC 1395x.
Ante, p. 2643.

94 STAT. 2644

"(6)(A) In the case of physicians' services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(7), the carrier shall not provide (except on the basis described in subparagraph (C)) for payment for such services under this part—

"(i) unless—

"(I) the physician renders sufficient personal and identifiable physicians' services to the patient to exercise full, personal control over the management of the portion of the case for which the payment is sought,

"(II) the services are of the same character as the services the physician furnishes to patients not entitled to benefits under this title, and

"(III) at least 25 percent of the hospital's patients (during a representative past period, as determined by the Secretary) who were not entitled to benefits under this title and who were furnished services described in subclauses (I) and (II) paid all or a substantial part of charges (other than nominal charges) imposed for such services; and

"(ii) to the extent that the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B)).

"(B) The customary charge for such services in a hospital shall be determined in accordance with regulations issued by the Secretary and taking into account the following factors:

"(i) In the case of a physician who has a substantial practice outside the teaching setting, the carrier shall take into account the amounts the physician charges for similar services in the physician's outside practice.

"(ii) In the case of a physician who does not have a practice described in clause (i), if the hospital, its physicians, or other appropriate billing entity has established one or more schedules of charges which are collected for medical and surgical services, the carrier shall base payment under this title on the greater of—

"(I) the charges (other than nominal charges) which are most frequently collected in full or substantial part with respect to patients who were not entitled to benefits under this title and who were furnished services described in subclauses (I) and (II) of subparagraph (A)(i), or

"(II) the mean of the charges (other than nominal charges) which were collected in full or substantial part with respect to such patients.

"(C) In the case of physicians' services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(7), if the conditions described in subclauses (I) and (II) of subparagraph (A)(i) are met and if the physician elects payment to be determined under this subparagraph, the carrier shall provide for payment for such services under this part on the basis of regulations of the Secretary governing reimbursement for the services of hospital-based physicians (and not on any other basis).".

(c)(1) The amendments made by subsection (a) shall apply with respect to cost accounting periods beginning on or after October 1, 1978. A hospital's election under section 1861(b)(7)(A) of the Social Security Act (as administered in accordance with section 15 of Public Law 93-233) as of September 30, 1978, shall constitute such hospital's election under such section (as amended by subsection (a)(1)) on and after October 1, 1978, until otherwise provided by the hospital.

42 USC 1395x note.

Ante, p. 2643.
42 USC 1395k, 1395x and note.

(2) The amendment made by subsection (b) shall apply with respect to cost accounting periods beginning on or after January 1, 1981.

42 USC 1395u note.

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FLEXIBILITY IN APPLICATION OF STANDARDS TO RURAL HOSPITALS

SEC. 949. Section 1861(e) of the Social Security Act is amended by adding the following new sentence at the end thereof: "The term 'hospital' also includes a facility of fifty beds or less which is located in an area determined by the Secretary to meet the definition relating to a rural area described in subparagraph (A) of paragraph (5) of this subsection and which meets the other requirements of this subsection, except that—

42 USC 1395x.

"(A) with respect to the requirements for nursing services applicable after December 31, 1978, such requirements shall provide for temporary waiver of the requirements, for such period as the Secretary deems appropriate, where (i) the facility's failure to fully comply with the requirements is attributable to a temporary shortage of qualified nursing personnel in the area in which the facility is located, (ii) a registered professional nurse is present on the premises to render or supervise the nursing service provided during at least the regular daytime shift, and (iii) the Secretary determines that the employment of such nursing personnel as are available to the facility during such temporary period will not adversely affect the health and safety of patients;

"(B) with respect to the health and safety requirements promulgated under paragraph (9), such requirements shall be applied by the Secretary to a facility herein defined in such manner as to assure that personnel requirements take into account the availability of technical personnel and the educational opportunities for technical personnel in the area in which such facility is located, and the scope of services rendered by such facility; and the Secretary, by regulations, shall provide for the continued participation of such a facility where such personnel requirements are not fully met, for such period as the Secretary determines that (i) the facility is making good faith efforts to fully comply with the personnel requirements, (ii) the employment by the facility of such personnel as are available to the facility will not adversely affect the health and safety of patients, and (iii) if the Secretary has determined that because of the facility's waiver under this subparagraph the facility should limit its scope of services in order not to adversely affect the health and safety of the facility's patients, the facility is so limiting the scope of services it provides; and

"(C) with respect to the fire and safety requirements promulgated under paragraph (9), the Secretary may (i), waive, for such period as he deems appropriate, specific provisions of such requirements which if rigidly applied would result in unreasonable hardship for such a facility and which, if not applied, would not jeopardize the health and safety of patients, and (ii) may accept a facility's compliance with all applicable State codes relating to fire and safety in lieu of compliance with the fire and safety requirements promulgated under paragraph (9), if he determines that such State has in effect fire and safety codes, imposed by State law, which adequately protect patients.".

HOSPITAL TRANSFER REQUIREMENT FOR SKILLED NURSING FACILITY COVERAGE

42 USC 1395x.

SEC. 950. Section 1861(i) of the Social Security Act is amended—

(1) by striking out "14 days" each place it appears and inserting in lieu thereof "30 days"; and

(2) by striking out ", or (B) within 28 days" and all that follows through "he resides, or (C)" and inserting in lieu thereof ", or (B)".

CERTIFICATION AND UTILIZATION REVIEW BY PODIATRISTS

42 USC 1395x.

SEC. 951. (a) Section 1861(r)(3) of the Social Security Act is amended to read as follows: "(3) a doctor of podiatric medicine for the purposes of subsection (s) of this section but only with respect to functions which he is legally authorized to perform as such by the State in which he performs them; and for the purposes of subsections (k) and (m) of this section and sections 1814(a) and 1835 but only if his performance of functions under subsections (k) and (m) and sections 1814(a) and 1835 is consistent with the policy of the institution or agency with respect to which he performs them and with the functions which he is legally authorized to perform,".

Ante, p. 2631, 42 USC 1395n.

42 USC 1395x.

(b) Section 1861(k)(2)(A) of such Act is amended by inserting after "two or more physicians" the following: "(of which at least two must be physicians described in subsection (r)(1) of this section)".

Effective date.
42 USC 1395x note.

(c) The amendments made by this section shall take effect on January 1, 1981.

ACCESS TO BOOKS AND RECORDS OF SUBCONTRACTORS

42 USC 1395x.

SEC. 952. Section 1861(v)(1) of the Social Security Act is amended by adding after subparagraph (H) (added by section 930(p) of this title) the following new subparagraph:

"(I) In determining such reasonable cost, the Secretary may not include any costs incurred by a provider with respect to any services furnished in connection with matters for which payment may be made under this title and furnished pursuant to a contract between the provider and any of its subcontractors which is entered into after the date of the enactment of this subparagraph and the value or cost of which is $10,000 or more over a twelve-month period unless the contract contains a clause to the effect that—

"(i) until the expiration of four years after the furnishing of such services pursuant to such contract, the subcontractor shall make available, upon written request to the Secretary, or upon request to the Comptroller General, or any of their duly authorized representatives, the contract, and books, documents and records of such subcontractor that are necessary to certify the nature and extent of such costs, and

"(ii) if the subcontractor carries out any of the duties of the contract through a subcontract, with a value or cost of $10,000 or more over a twelve-month period, with a related organization, such subcontract shall contain a clause to the effect that until the expiration of four years after the furnishing of such services pursuant to such subcontract, the related organization shall make available, upon written request to the Secretary, or upon request to the Comptroller General, or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs.

The Secretary shall prescribe in regulation criteria and procedures which the Secretary shall use in obtaining access to books, documents, and records under clauses required in contracts and subcontracts under this subparagraph.".

MEDICARE LIABILITY SECONDARY WHERE PAYMENT CAN BE MADE UNDER LIABILITY OR NO FAULT INSURANCE

SEC. 953. Section 1862(b) of the Social Security Act is amended— 42 USC 1395y.

(1) by inserting "or under an automobile or liability insurance policy or plan (including a self-insured plan) or under no fault insurance" before the period at the end of the first sentence;

(2) by inserting ", policy, plan, or insurance" before the period at the end of the second sentence; and

(3) by adding at the end the following new sentence: "The Secretary may waive the provisions of this subsection in the case of an individual claim if he determines that the probability of recovery or amount involved in such claim does not warrant the pursuing of the claim.".

PAYMENT FOR PHYSICIANS' SERVICES WHERE BENEFICIARY HAS DIED

SEC. 954. (a) Section 1870(f) of the Social Security Act is amended to read as follows: 42 USC 1395gg.

"(f) If an individual who received medical and other health services for which payment may be made under section 1832(a)(1) dies, and no assignment of the right to payment for such services was made by such individual before his death, and payment for such services has not been made— 42 USC 1395k.

"(1) if the person or persons who furnished the services agree that the reasonable charge is the full charge for the services, payment for such services shall be made to such person or persons, and

"(2) if the person or persons who furnished the services do not agree that the reasonable charge is the full charge for the services, payment for such services shall be made on the basis of an itemized bill to the person who has agreed to assume the legal obligation to make payment for such services and files a request for payment (with such accompanying evidence of such legal obligation as may be required in regulations),

but only in such amount and subject to such conditions as would be applicable if the individual who received the services had not died.".

(b) The amendment made by this section shall apply only to claims filed on or after January 1, 1981. 42 USC 1395gg note.

PROVIDER REIMBURSEMENT REVIEW BOARD

SEC. 955. Section 1878(f)(1) of the Social Security Act is amended by inserting the following after the second sentence thereof: "Providers 42 USC 1395oo.

shall also have the right to obtain judicial review of any action of the fiscal intermediary which involves a question of law or regulations relevant to the matters in controversy whenever the Board determines (on its own motion or at the request of a provider of services as described in the following sentence) that it is without authority to decide the question, by a civil action commenced within sixty days of the date on which such determination is rendered. If a provider of services may obtain a hearing under subsection (a) and has filed a request for such a hearing, such provider may file a request for a determination by the Board of its authority to decide the question of law or regulations relevant to the matters in controversy (accompanied by such documents and materials as the Board shall require for purposes of rendering such determination). The Board shall render such determination in writing within thirty days after the Board receives the request and such accompanying documents and materials, and the determination shall be considered a final decision and not subject to review by the Secretary. If the Board fails to render such determination within such period, the provider may bring a civil action (within sixty days of the end of such period) with respect to the matter in controversy contained in such request for a hearing.".

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PAYMENT WHERE BENEFICIARY NOT AT FAULT

42 USC 1395pp.

SEC. 956. (a) Section 1879 of the Social Security Act is amended by adding the following new subsection at the end thereof:

"(e) Where payment for inpatient hospital services or extended care services may not be made under part A of this title on behalf of an individual entitled to benefits under such part solely because of an unintentional, inadvertent, or erroneous action with respect to the transfer of such individual from a hospital or skilled nursing facility that meets the requirements of section 1861 (e) or (j) by such a provider of services acting in good faith in accordance with the advice of a utilization review committee, professional standards review organization, or fiscal intermediary, or on the basis of a clearly erroneous administrative decision by a provider of services, the Secretary shall take such action with respect to the payment of such benefits as he determines may be necessary to correct the effects of such unintentional, inadvertent, or erroneous action.".

Effective date.
42 USC 1395pp note.

(b) The amendment made by subsection (a) shall take effect on January 1, 1981.

TECHNICAL RENAL DISEASE AMENDMENTS

42 USC 1395rr.

SEC. 957. (a) Section 1881(e) of the Social Security Act is amended—

(1) by striking out "and" the first place it appears in paragraph (1) and inserting a comma in lieu thereof;

(2) by inserting "and nonprofit entities which the Secretary finds can furnish equipment economically and efficiently," after "renal dialysis facilities," in paragraph (1);

(3) by striking out "such providers and facilities" and inserting in lieu thereof "such providers, facilities, and nonprofit entities"; and

(4) by striking out "or facility will—" in paragraph (2) and inserting in lieu thereof ", facility, or other entity will—".

42 USC 1395rr.

(b) Section 1881(g) of such Act is amended by striking out "April" each place it appears and inserting in lieu thereof "July".

STUDIES AND DEMONSTRATION PROJECTS

42 USC 1395*ll* note.

SEC. 958. (a) The Secretary of Health and Human Services shall develop and carry out a demonstration project to determine (1) the extent to which the commencement of nutritional therapy in early renal failure, utilizing (but not limited to) controlled protein substances, can retard or arrest the progression of the disease with a resultant substantive deferment of dialysis, and (2) the administra-

94 STAT. 2649

tive, financial, and other aspects of making such nutritional therapy generally available as part of the benefits received under title XVIII of the Social Security Act.

42 USC 1395.

Report to Congress.

(b) The Secretary shall submit, to the Congress, within one year after the date of the enactment of this Act, a report on the demonstration projects being conducted by the Secretary with respect to waiving the applicable cost sharing amounts which beneficiaries under title XVIII of the Social Security Act have to pay for obtaining a second opinion on having surgery performed. Such report shall include any recommendations for legislative changes in such title which the Secretary finds desirable as a result of such demonstration projects.

(c) The Secretary shall conduct a study of the circumstances and conditions under which services furnished by registered dietitians should be covered as a home health benefit under title XVIII of the Social Security Act.

(d) The Secretary shall develop and carry out demonstration projects to determine the administrative, financial, and other aspects of making the services of clinical social workers more generally available as part of the benefits received under title XVIII of the Social Security Act.

42 USC 1395j.

Report to Congress.

(e) The Secretary shall, in consultation with appropriate professional organizations, conduct a comprehensive study of methods for providing coverage under part B of title XVIII of the Social Security Act for orthopedic shoes for individuals with disabling or deforming conditions who require special fitting considerations to help protect against increasing disability or serious medical complications or who require special shoes in conjunction with the use of an orthosis or foot support. The Secretary shall submit to the Congress, no later than July 1, 1981, a report on the findings of this study and such specific legislative recommendations as is appropriate with respect to the utilization, cost control, quality of care, and equitable and efficient administration of such an extension of coverage.

(f) The Secretary shall conduct a study of the circumstances and conditions under which services furnished with respect to respiratory therapy should be covered as a home health benefit under title XVIII of the Social Security Act.

(g) The Secretary shall conduct a study involving a comprehensive analysis of the cost effects of alternative approaches to improving coverage under title XVIII of the Social Security Act for the treatment of various types of foot conditions.

Report.

(h) The Secretary shall submit a report on each of the demonstration projects and studies described in subsections (a), (c), (d), (f), and (g). Each such report shall be submitted within twenty-four months of the date of the enactment of this Act and shall contain any recommendations for legislative changes which the Secretary finds desirable as a result of conducting the demonstration project or study with respect to which the report is submitted.

(i) Where any study or demonstration project conducted under this section relates to payments with respect to services furnished by independent practitioners, such study or project shall include an evaluation of the effect of such payments on coordination of care, cost, quality, and the organization in the provision of services and the utilization of services.

42 USC 1395i.

42 USC 1395t.

94 STAT. 2650

(j) Grants, payments under contracts, and other expenditures made for studies and demonstration projects under this section shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds shall be determined by the

Secretary, giving due regard to the purposes of the experiment or project involved.

TEMPORARY DELAY IN PERIODIC INTERIM PAYMENTS

42 USC 1395g note.

Sec. 959. Notwithstanding section 1815(a) of the Social Security Act, in the case of a hospital which is paid periodic interim payments under such section, the Secretary of Health and Human Services shall provide that with respect to the last twenty-one days for which such payments would otherwise be made during fiscal year 1981, such payments shall be deferred until fiscal year 1982.

Part C—Provisions Relating to Medicaid

DISPUTED MEDICAID CLAIMS

42 USC 1396b.

Sec. 961. (a) Section 1903(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

42 USC 1316.

"(5) In any case in which the Secretary estimates that there has been an overpayment under this section to a State on the basis of a claim by such State that has been disallowed by the Secretary under section 1116(d), and such State disputes such disallowance, the amount of the Federal payment in controversy shall, at the option of the State, be retained by such State or recovered by the Secretary pending a final determination with respect to such payment amount. If such final determination is to the effect that any amount was properly disallowed, and the State chose to retain payment of the amount in controversy, the Secretary shall offset, from any subsequent payments made to such State under this title, an amount equal to the proper amount of the disallowance plus interest on such amount disallowed for the period beginning on the date such amount was disallowed and ending on the date of such final determination (but not to exceed a period of twelve months with respect to disallowances made prior to October 1, 1981, or six months with respect to disallowances made thereafter) at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly 90-day treasury bill auction rates during such period.".

42 USC 1396b note.

(b) The amendment made by subsection (a) shall be effective with respect to expenditures for services furnished on or after October 1, 1980.

REIMBURSEMENT RATES UNDER MEDICAID FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

42 USC 1396a.

Sec. 962. (a) Section 1902(a)(13)(E) of the Social Security Act is amended to read as follows:

"(E) for payment of the skilled nursing facility and intermediate care facility services provided under the plan through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards; and such State makes further assurances, satisfactory to the Secretary, for the filing of uniform cost reports by each skilled nursing or intermediate care facility and periodic audits by the State of such reports; and".

94 STAT. 2651

42 USC 1396a note.

(b) The amendment made by subsection (a) shall become effective on October 1, 1980.

EXTENSION OF INCREASED FUNDING FOR STATE MEDICAID FRAUD CONTROL UNITS

42 USC 1396b.

Sec. 963. Section 1903(a)(6) of the Social Security Act is amended by striking out "an amount equal to" and all that follows through "with respect to costs incurred" and inserting in lieu thereof the following:

"an amount equal to—

"(A) 90 per centum of the sums expended during such a quarter within the twelve-quarter period beginning with the first quarter in which a payment is made to the State pursuant to this paragraph, and

"(B) 75 per centum of the sums expended during each succeeding calendar quarter,

with respect to costs incurred".

CHANGE IN CALENDAR QUARTER FOR WHICH SATISFACTORY UTILIZATION REVIEW MUST BE SHOWN TO RECEIVE WAIVER OF MEDICAID REDUCTION

42 USC 1396b.

SEC. 964. Section 1903(g)(3)(B) of the Social Security Act is amended—

(1) by striking out "October 1, 1977" and inserting in lieu thereof "January 1, 1978"; and

(2) by striking out "the calendar quarter ending on December 31, 1977" and inserting in lieu thereof "any calendar quarter ending on or before December 31, 1978".

REIMBURSEMENT UNDER MEDICAID FOR SERVICES FURNISHED BY NURSE-MIDWIVES

42 USC 1396d.

SEC. 965. (a)(1) Subsection (a) of section 1905 of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (16);

(B) by redesignating paragraph (17) as paragraph (18); and

(C) by inserting after paragraph (16) the following new paragraph:

"(17) services furnished by a nurse-midwife (as defined in subsection (m)) which he is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not he is under the supervision of, or associated with, a physician or other health care provider; and".

(2) Such section is further amended by adding at the end thereof the following new subsection:

"Nurse-midwife."

"(m) The term 'nurse-midwife' means a registered nurse who has successfully completed a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary, and performs services in the area of management of the care of mothers and babies (throughout the maternity cycle) which he is legally authorized to perform in the State in which he performs such services.".

94 STAT. 2652

42 USC 1396a.

(b) Section 1902(a) of such Act is amended—

(1) by striking out "clauses (1) through (5)" in paragraph (13)(B) and inserting in lieu thereof "paragraphs (1) through (5) and (17)";

(2) by striking out "clauses (1) through (5)" in paragraph (13)(C)(i) and inserting in lieu thereof "paragraphs (1) through (5) and (17)";

(3) by striking out "clauses numbered (1) through (16)" in paragraph (13)(C)(ii) and inserting in lieu thereof "paragraphs numbered (1) through (17)"; and

(4) by striking out "clauses (1) through (5) and (7)" in paragraph (14)(A)(i) and inserting in lieu thereof "paragraphs (1) through (5), (7), and (17)".

42 USC 1396a note.

42 USC 1396.

(c)(1) The amendments made by this section shall (except as provided under paragraph (2)) be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than one hundred and twenty days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to

meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

DEMONSTRATION PROJECTS RELATING TO THE TRAINING OF AFDC RECIPIENTS AS HOME HEALTH AIDES

42 USC 632a.

SEC. 966. (a) The Secretary of Health and Human Services shall enter into agreements with States, selected at his discretion, for the purpose of conducting demonstration projects for the training and employment of eligible participants as homemakers or home health aides, who shall provide authorized services to elderly or disabled individuals, or other individuals in need of such services, to whom such services, are not otherwise reasonably and actually available or provided, and who would, without the availability of such services, be reasonably anticipated to require institutional care.

"Eligible participant."

(b) For purposes of this section, the term "eligible participant" means an individual who has voluntarily applied for participation and who, at the time such individual enters the project established under this section, has been certified by the appropriate agency of State or local government as being eligible for financial assistance under a State plan approved under part A of title IV of the Social Security Act and as having continuously received such financial assistance during the ninety-day period which immediately precedes the date on which such individual enters such project and who, within such ninety-day period, had not been employed as a homemaker or home health aide.

(c)(1) The Secretary shall enter into agreements under this section with no more than twelve States. Priority shall be given to States which have demonstrated interest in providing services of the type authorized under this section.

94 STAT. 2653

(2) A State may apply to enter into an agreement under this section in such manner and at such time as the Secretary may prescribe.

(3) Any State entering into an agreement with the Secretary under this section must—

(A) provide that the demonstration project shall be administered by a State health services agency designated for this purpose by the Governor (which may be the State agency administering or responsible for the administration of the State plan for medical assistance under title XIX of the Social Security Act);

42 USC 1396.

(B) provide that the agency designated pursuant to subparagraph (A) shall, to the maximum extent feasible, arrange for coordinating its activities under the agreement with activities of other State agencies having related responsibilities;

(C) establish a formal training program, which meets such standards as the Secretary may establish to assure the adequacy of such program, to prepare eligible participants to provide part-time and intermittent homemaker services or home health aide services to individuals who are elderly, disabled, or otherwise in need of such services;

(D) provide for the full-time employment of those eligible participants who successfully complete the training program with one or more public agencies (or, by contract, with private bona fide nonprofit agencies) as homemakers or home health aides, rendering authorized services, under the supervision of persons determined by the State to be qualified to supervise the performance of such services, to individuals described in subsection (a) at wage levels comparable to the prevailing wage levels in the area for similar work;

(E) provide that such services provided under subparagraph (D) shall be made available without regard to income of the individual requiring such services, but that a reasonable fee will be charged (on a sliding scale basis) for such services provided to individuals who have income in excess of 200 percent of the needs standard in such State under the State plan approved under part A of title IV of the Social Security Act for a household of the same size as such individual's household; 42 USC 601.

(F) provide for a system of continuing independent professional review by an appropriate panel, which is not affiliated with the entity providing the services involved, to assure that services are provided only to individuals reasonably determined to be in need of such supportive services;

(G) provide for evaluation of the project and review of all agencies providing services under the project;

(H) submit periodic reports to the Secretary as he may require; and

(I) meet such other requirements as the Secretary may establish for the proper and efficient implementation of the project.

(4) The number of participants in any project shall not exceed that number which the Secretary determines to be reasonable, based upon the capability of the agencies involved to train, employ, and properly utilize eligible participants. Such number may be appropriately modified, subsequently, with the approval of the Secretary.

(5) Any contract with a private bona fide nonprofit agency entered into pursuant to paragraph (3)(D) shall provide for reasonable reimbursement of such agencies for services on a basis proportionate to the amount of time allocated to individuals eligible to receive such

services under this section (and, in case such agency is an institution, the amount of the reimbursement shall not exceed the amount of reimbursement which would have been payable if the services involved had been provided by a free-standing agency).

(6) For purposes of this section, a facility of the Veterans' Administration shall, at the request of the Administrator of Veterans' Affairs, be considered to be a public agency. In the case of any such facility which is so considered to be a public agency, of the costs determined under this section which are attributable to such facility, 90 percent shall be paid by the State and 10 percent by the Veterans' Administration.

(d)(1) For purposes of this section, authorized homemaker and home health aide services include part-time or intermittent—

(A) personal care, such as bathing, grooming, and toilet care;
(B) assisting patients having limited mobility;
(C) feeding and diet assistance;
(D) home management, housekeeping, and shopping;
(E) health-oriented recordkeeping;
(F) family planning services; and
(G) simple procedures for identifying potential health problems.

(2) Such authorized services do not include any services performed in an institution, or any services provided under circumstances where institutionalization would be substantially more efficient as a means of providing such services.

(e)(1) Agreements shall be entered into under this section between the Secretary and the State agency designated by the Governor. Under such agreement the Secretary shall pay to the State, as an additional payment under section 1903 of the Social Security Act for each quarter, an amount equal to 90 percent of the reasonable costs incurred (less the Federal share of any related fees collected) by such State during such quarter in carrying out a demonstration project under this section, including reasonable wages and other employment costs of eligible participants employed full time under such project (and, for purposes of determining the amount of such additional payment, the 10 percent referred to in subsection (c)(6), paid by the Veterans' Administration, shall be deemed to be a cost incurred by the State in carrying out such a project). 42 USC 1396b.

(2) Demonstration projects under this section shall be of a maximum duration of four years, plus an additional time period of up to

six months for planning and development, and up to six months for final evaluation and reporting. Federal funding under this subsection shall not be available for the employment of any eligible participant under the project after such participant has been employed for a period of three years.

42 USC 601. (f) For purposes of title IV of the Social Security Act, any eligible participant taking part in a training program under a project authorized under this section shall be deemed to be participating in a 42 USC 630. work incentive program established by part C of such title.

(g) For the first year (and such additional immediately succeeding period as the State may specify) during which an eligible participant is employed under the project established under this section, such participant shall, notwithstanding any other provision of law, retain any eligibility for medical assistance under a State plan approved 42 USC 1396. under title XIX of the Social Security Act, and any eligibility for social and supportive services provided under the State plan approved 42 USC 601. under part A of title IV of such Act, which such participant had at the time such participant entered the training program established under this section.

(h) The Secretary shall submit annual reports to the Congress evaluating the demonstration projects carried out under this section, and shall submit a final report to the Congress not more than six months after he has received the final reports from all States participating in such projects.

(i) The Secretary shall, and is hereby authorized to, waive such requirements, including formal solicitation and approval requirements, as will further expeditious and effective implementation of this section.

TITLE X—OTHER SOCIAL SECURITY ACT PROGRAMS; UNEMPLOYMENT COMPENSATION

Subtitle A—Public Assistance

FEDERAL DAY CARE REGULATIONS

42 USC 1397a. SEC. 1001. (a) Section 2002(a)(9) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(D) The requirements imposed by this paragraph or by any regulations promulgated by the Department of Health and Human Services to carry out this paragraph shall be inapplicable to child day care services provided after June 30, 1980, and prior to July 1, 1981, which meet applicable standards of State and local law.".

42 USC 1397a note. (b) The provisions of section 3(f) of Public Law 93-647 shall not apply with respect to child day care services provided after June 30, 1980, and prior to July 1, 1981, which meet applicable standards of State and local law.

(c) The Department of Health and Human Services shall assist each State in conducting a systematic assessment of current practices in 42 USC 1397. day care programs funded under title XX of the Social Security Act. Upon completion of such assessments, but not later than June 1, 1981, the Secretary shall provide a summary report of the results of such assessments to the Congress.

ADDITIONAL SAVINGS

SEC. 1002. For provisions of law which reduce spending for fiscal year 1981 under public assistance programs under the Social Security Act in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res. 307 (96th Congress), see the Social *Ante*, p. 441. Security Disability Amendments of 1980 (Public Law 96-265) and the Adoption Assistance and Child Welfare Act of 1980 (Public Law *Ante*, p. 500. 96-272).

Subtitle B—Old-Age, Survivors, and Disability Insurance Program

LIMIT ON RETROACTIVE BENEFITS

42 USC 402.

SEC. 1011. (a) The first sentence of section 202(j)(1) of the Social Security Act is amended by striking out "prior to the end of the twelfth month immediately succeeding such month." and inserting in lieu thereof the following: "prior to—

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"(A) the end of the twelfth month immediately succeeding such month in any case where the individual (i) is filing application for a benefit under subsection (e) or (f), and satisfies paragraph (1)(B) of such subsection by reason of clause (ii) thereof, or (ii) is filing application for a benefit under subsection (b), (c), or (d) on the basis of the wages and self-employment income of a person entitled to disability insurance benefits, or

"(B) the end of the sixth month immediately succeeding such month in any case where subparagraph (A) does not apply.".

42 USC 402 note.

(b) The amendment made by subsection (a) shall be effective with respect to applications filed on or after the first day of the first month which begins 60 days or more after the date of the enactment of this Act.

ADDITIONAL SAVINGS

SEC. 1012. For provisions of law which reduce spending for fiscal year 1981 under the old-age, survivors, and disability insurance program in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res. 307 (96th Congress), see section 5 of Public Law 96-473, and the Social Security Disability Amendments of 1980 (Public Law 96-265).

Ante, p. 2264.
Ante, p. 441.

Subtitle C—Unemployment Compensation Provisions

TERMINATION OF PROVISIONS PROVIDING REIMBURSEMENT FOR UNEMPLOYMENT BENEFITS PAID ON THE BASIS OF PUBLIC SERVICE EMPLOYMENT

SEC. 1021. Part B of title II of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new section:

"TERMINATION

"Public service wages."
26 USC 3304 note.

"SEC. 224. Notwithstanding any other provision of this part, the term 'public service wages' shall not include remuneration for services performed in weeks which begin after the date of the enactment of this section."

WAITING PERIOD FOR BENEFITS

26 USC 3304 note.

SEC. 1022. (a) Section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended—

(1) by inserting "(A)" after "compensation", and

(2) by inserting immediately before the period the following: ", or (B) paid for the first week in an individual's eligibility period for which extended compensation or sharable regular compensation is paid, if the State law of such State provides for payment (at any time or under any circumstances) of regular compensation to an individual for his first week of otherwise compensable unemployment".

26 USC 3304 note.

(b)(1) Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid to individuals during eligibility periods beginning on or after the date of the enactment of this Act.

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(2) In the case of a State with respect to which the Secretary of Labor has determined that State legislation is required in order to

eliminate its current policy of paying regular compensation to an individual for his first week of otherwise compensable unemployment, the amendments made by this section shall apply in the case of compensation paid to individuals during eligibility periods beginning after the end of the first regularly scheduled session of the State legislature ending more than thirty days after the date of the enactment of this Act.

BENEFITS ON ACCOUNT OF FEDERAL SERVICE TO BE PAID BY EMPLOYING FEDERAL AGENCY

SEC. 1023. (a) Title IX of the Social Security Act is amended by adding at the end thereof the following new section:

"FEDERAL EMPLOYEES COMPENSATION ACCOUNT

42 USC 1109. "SEC. 909. There is hereby established in the Unemployment Trust Fund a Federal Employees Compensation Account which shall be used for the purposes specified in section 8509 of title 5, United States Code. For the purposes provided for in section 904(e), such account shall be maintained as a separate book account.".

(b) Subchapter I of chapter 85, title 5, United States Code, is amended by adding at the end thereof the following new section:

5 USC 8509. **"§ 8509. Federal Employees Compensation Account**

Supra. "(a) The Federal Employees Compensation Account (as established by section 909 of the Social Security Act, and hereafter in this section referred to as the 'Account') in the Unemployment Trust Fund (as established by section 904 of such Act) shall consist of—

"(1) funds appropriated to or transferred thereto, and

"(2) amounts deposited therein pursuant to subsection (c).

"(b) Moneys in the Account shall be available only for the purpose of making payments to States pursuant to agreements entered into under this subchapter and making payments of compensation under this subchapter in States which do not have in effect such an agreement.

"(c)(1) Each employing agency shall deposit into the Account amounts equal to the expenditures incurred under this subchapter on account of Federal service performed by employees and former employees of that agency.

"(2) Deposits required by paragraph (1) shall be made during each calendar quarter and the amount of the deposit to be made by any employing agency during any quarter shall be based on a determination by the Secretary of Labor as to the amounts of payments, made prior to such quarter from the Account based on Federal service performed by employees of such agency after December 31, 1980, with respect to which deposit has not previously been made. The amount to be deposited by any employing agency during any calendar quarter shall be adjusted to take account of any overpayment or underpayment of deposit during any previous quarter for which adjustment has not already been made.

"(d) The Secretary of Labor shall certify to the Secretary of the Treasury the amount of the deposit which each employing agency is required to make to the Account during any calendar quarter, and the Secretary of the Treasury shall notify the Secretary of Labor as to the date and amount of any deposit made to such Account by any such agency.

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"(e) Prior to the beginning of each fiscal year (commencing with the fiscal year which begins October 1, 1981) the Secretary of Labor shall estimate—

"(1) the amount of expenditures which will be made from the Account during such year, and

"(2) the amount of funds which will be available during such year for the making of such expenditures,

and if, on the basis of such estimate, he determines that the amount described in paragraph (2) is in excess of the amount necessary—

"(3) to meet the expenditures described in paragraph (1), and

"(4) to provide a reasonable contingency fund so as to assure that there will, during all times in such year, be sufficient sums available in the Account to meet the expenditures described in paragraph (1),

he shall certify the amount of such excess to the Secretary of the Treasury and the Secretary of the Treasury shall transfer, from the Account to the general fund of the Treasury, an amount equal to such excess.

"(f) The Secretary of Labor is authorized to establish such rules and regulations as may be necessary or appropriate to carry out the provisions of this section.

"(g) Any funds appropriated after the establishment of the Account, for the making of payments for which expenditures are authorized to be made from moneys in the Account, shall be made to the Account; and there are hereby authorized to be appropriated to the Account, from time to time, such sums as may be necessary to assure that there will, at all times, be sufficient sums available in the Account to meet the expenditures authorized to be made from moneys therein.".

5 USC 8509 note.

5 USC 8501.

Ante, p. 2657.

(c) All funds appropriated which are available for the making of payments to States after December 31, 1980, pursuant to agreements entered into under subchapter I of chapter 85 of title 5, United States Code, or for the making of payments after such date of compensation under such subchapter in States which do not have in effect such an agreement, shall be transferred on January 1, 1981, to the Federal Employees Compensation Account established by section 909 of the Social Security Act. On and after such date, all payments described in the preceding sentence shall be made from such Account as provided by section 8509 of title 5, United States Code.

LIMITATION ON EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

26 USC 3304 note.

SEC. 1024. (a) Section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new paragraphs:

"(3)(A) Notwithstanding the provisions of paragraph (2), payment of extended compensation under this Act shall not be made to any individual for any week of unemployment in his eligibility period—

"(i) during which he fails to accept any offer of suitable work (as defined in subparagraph (c)) or fails to apply for any suitable work to which he was referred by the State agency; or

"(ii) during which he fails to actively engage in seeking work.

"(B) If any individual is ineligible for extended compensation for any week by reason of a failure described in clause (i) or (ii) of subparagraph (A), the individual shall be ineligible to receive extended compensation for any week which begins during a period which—

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"(i) begins with the week following the week in which such failure occurs, and

"(ii) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount (as determined for purposes of subsection (b)(1)(c)) for his benefit year.

"Suitable work."

"(C) For purposes of this paragraph, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

"(D) Extended compensation shall not be denied under clause (i) of subparagraph (A) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

"(i) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

"(I) the individual's average weekly benefit amount (as determined for purposes of subsection (b)(1)(C)) for his benefit year, plus

"(II) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week; 26 USC 501.

"(ii) if the position was not offered to such individual in writing and was not listed with the State employment service;

"(iii) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of subparagraphs (C) and (E); or

"(iv) if the position pays wages less than the higher of—

"(I) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or 29 USC 206.

"(II) any applicable State or local minimum wage.

"(E) For purposes of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if—

"(i) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(ii) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

"(F) For purposes of section 3304(a)(11) of the Internal Revenue Code of 1954, a State law shall provide for referring applicants for benefits under this Act to any suitable work to which clauses (i), (ii), (iii), and (iv) of subparagraph (D) would not apply. 26 USC 3304.

"(4) No provision of State law which terminates a disqualification for voluntarily leaving employment, being discharged for misconduct, or refusing suitable employment shall apply for purposes of determining eligiblity for extended compensation unless such termination is based upon employment subsequent to the date of such disqualification.

"(5) No payment shall be made under this Act to any State in respect of any sharable regular compensation paid to any individual for any week if, under the rules of paragraphs (3) and (4), extended compensation would not have been payable to such individual for such week.".

26 USC 3304 note. (b) The amendment made by this section shall apply with respect to weeks of unemployment beginning after March 31, 1981.

CERTIFICATION OF STATE UNEMPLOYMENT LAWS

26 USC 3304 note. 26 USC 3304. SEC. 1025. On October 31 of any taxable year after 1980, the Secretary of Labor shall not certify any State, as provided in section 3304(c) of the Internal Revenue Code of 1954, which, after reasonable notice and opportunity for a hearing to the State agency, the Secretary of Labor finds has failed to amend its law so that it contains each of the provisions required by reason of the enactment of the preceding provisions of this subtitle to be included therein, or has with respect to the 12-month period ending on such October 31, failed to comply substantially with any such provision.

ADDITIONAL SAVINGS

SEC. 1026. For provisions of law which reduce spending for fiscal year 1981 under the unemployment compensation program in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res. 307 (96th Congress), see sections 415 and 416 of the Multiemployer Pension Plan Amendments Act of 1980 (Public Law 96-364). *Ante*, p. 1310.

TITLE XI—REVENUE MEASURES

Revenue Adjustments Act of 1980.

SEC. 1100. SHORT TITLE.

26 USC 1 note.

This title may be cited as the "Revenue Adjustments Act of 1980".

Subtitle A—Housing Bonds

Mortgage Subsidy Bond Tax Act of 1980.

SEC. 1101. SHORT TITLE.

26 USC 1 note.

This subtitle may be cited as the "Mortgage Subsidy Bond Tax Act of 1980".

SEC. 1102. MORTGAGE SUBSIDY BONDS.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 103 the following new section:

"SEC. 103A. MORTGAGE SUBSIDY BONDS.

26 USC 103A.

"(a) General Rule.—Except as otherwise provided in this section, any mortgage subsidy bond shall be treated as an obligation not described in subsection (a)(1) or (2) of section 103.

26 USC 103.

"(b) Mortgage Subsidy Bond Defined.—

"(1) In general.—For purposes of this title, the term 'mortgage subsidy bond' means any obligation which is issued as part of an issue a significant portion of the proceeds of which are to be used directly or indirectly for mortgages on owner-occupied residences.

"(2) Exceptions.—The following shall not be treated as mortgage subsidy bonds:

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"(A) any qualified mortgage bond; and

"(B) any qualified veterans' mortgage bond.

"(c) Qualified Mortgage Bond; Qualified Mortgage Issue; Qualified Veterans' Mortgage Bond.—

"(1) Qualified mortgage bond defined.—

"(A) In general.—For purposes of this title, the term 'qualified mortgage bond' means an obligation which is issued as part of a qualified mortgage issue.

"(B) Termination December 31, 1983.—No obligation issued after December 31, 1983, may be treated as a qualified mortgage bond.

"(2) Qualified mortgage issue defined.—

"(A) Definition.—For purposes of this title, the term 'qualified mortgage issue' means an issue by a State or political subdivision thereof of 1 or more obligations, but only if—

"(i) all proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are to be used to finance owner-occupied residences, and

"(ii) such issue meets the requirements of subsections (d), (e), (f), (g), (h), (i), and (j).

"(B) Good faith effort to comply with mortgage eligibility requirements.—An issue which fails to meet 1 or more of the requirements of subsections (d), (e), and (f) and paragraphs (2) and (3) of subsection (j) shall be treated as meeting such requirements if—

"(i) the issuer in good faith attempted to meet all such requirements before the mortgages were executed,

"(ii) 95 percent or more of the proceeds devoted to owner-financing was devoted to residences with respect to which (at the time the mortgages were executed) all such requirements were met, and

"(iii) any failure to meet the requirements of such subsections and paragraphs is corrected within a reasonable period after such failure is first discovered.

"(C) Good faith effort to comply with other require-

MENTS.—An issue which fails to meet 1 or more of the requirements of subsections (g), (h), and (i), and paragraph (1) of subsection (j) shall be treated as meeting such requirements if—

"(i) the issuer in good faith attempted to meet all such requirements, and

"(ii) any failure to meet such requirements is due to inadvertent error after taking reasonable steps to comply with such requirements.

"(3) QUALIFIED VETERANS' MORTGAGE BOND DEFINED.—For purposes of this section, the term 'qualified veterans' mortgage bond' means any obligation—

"(A) which is issued in registered form as part of an issue substantially all of the proceeds of which are to be used to provide residences for veterans,

"(B) the payment of the principal and interest on which is secured by the general obligation of a State, and

"(C) which is part of an issue which meets the requirements of subsection (j)(2).

"(d) RESIDENCE REQUIREMENTS.—

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"(1) FOR A RESIDENCE.—A residence meets the requirements of this subsection only if—

"(A) it is a single-family residence which can reasonably be expected to become the principal residence of the mortgagor within a reasonable time after the financing is provided, and

"(B) it is located within the jurisdiction of the authority issuing the obligation.

"(2) FOR AN ISSUE.—An issue meets the requirements of this subsection only if all of the residences for which owner-financing is provided under the issue meet the requirements of paragraph (1).

"(e) 3-YEAR REQUIREMENT.—

"(1) IN GENERAL.—An issue meets the requirements of this subsection only if each mortgagor to whom financing is provided under the issue had a present ownership interest in a principal residence of such mortgagor at no time during the 3-year period ending on the date the mortgage is executed. For purposes of the preceding sentence, the mortgagor's interest in the residence with respect to which the financing is being provided shall not be taken into account.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to—

"(A) any financing provided with respect to a targeted area residence,

"(B) any qualified home improvement loan, and

"(C) any qualified rehabilitation loan.

"(f) PURCHASE PRICE REQUIREMENT.—

"(1) IN GENERAL.—An issue meets the requirements of this subsection only if the acquisition cost of each residence the owner-financing of which is to be provided under the issue does not exceed 90 percent of the average area purchase price applicable to such residence.

"(2) AVERAGE AREA PURCHASE PRICE.—For purposes of paragraph (1), the term 'average area purchase price' means, with respect to any residence, the average purchase price of single family residences (in the statistical area in which the residence is located) which were purchased during the most recent 12-month period for which sufficient statistical information is available. The determination under the preceding sentence shall be made as of the date on which the commitment to provide the financing is made (or, if earlier, the date of the purchase of the residence).

"(3) SEPARATE APPLICATION TO NEW RESIDENCES AND OLD RESIDENCES.—For purposes of this subsection, the determination of average area purchase price shall be made separately with respect to—

"(A) residences which have not been previously occupied, and

"(B) residences which have been previously occupied.

"(4) SPECIAL RULE FOR 2 TO 4 FAMILY RESIDENCES.—For purposes of this subsection, to the extent provided in regulations, the average area purchase price shall be made separately with respect to 1 family, 2 family, 3 family, and 4 family residences.

"(5) SPECIAL RULE FOR TARGETED AREA RESIDENCES.—In the case of a targeted area residence, paragraph (1) shall be applied by substituting '110 percent' for '90 percent'.

"(6) EXCEPTION FOR QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan.

"(g) LIMITATION ON AGGREGATE AMOUNT OF QUALIFIED MORTGAGE BONDS ISSUED DURING ANY CALENDAR YEAR.—

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"(1) IN GENERAL.—An issue meets the requirements of this subsection only if the aggregate amount of bonds issued pursuant thereto, when added to the aggregate amount of qualified mortgage bonds previously issued by the issuing authority during the calendar year, does not exceed the applicable limit for such authority for such calendar year.

"(2) APPLICABLE LIMIT FOR STATE HOUSING AGENCY.—For purposes of this subsection—

"(A) IN GENERAL.—The applicable limit for any State housing finance agency for any calendar year shall be 50 percent of the State ceiling for such year.

"(B) SPECIAL RULE WHERE MORE THAN 1 AGENCY.—If any State has more than 1 State housing finance agency, all such agencies shall be treated as a single agency.

"(3) APPLICABLE LIMIT FOR OTHER ISSUERS.—For purposes of this subsection—

"(A) IN GENERAL.—The applicable limit for any issuing authority (other than a State housing finance agency) for any calendar year is an amount which bears the same ratio to 50 percent of the State ceiling for such year as—

"(i) the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences located within the jurisdiction of such issuing authority, bears to

"(ii) an average determined in the same way for the entire State.

"(B) OVERLAPPING JURISDICTIONS.—For purposes of subparagraph (A)(i), if an area is within the jurisdiction of 2 or more governmental units, such area shall be treated as only within the jurisdiction of the unit having jurisdiction over the smallest geographical area unless such unit agrees to surrender all or part of such jurisdiction for such calendar year to the unit with overlapping jurisdiction which has the next smallest geographical area.

"(4) STATE CEILING.—For purposes of this subsection, the State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) 9 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences located within the jurisdiction of such State, or

"(B) $200,000,000.

"(5) SPECIAL RULE FOR STATES WITH CONSTITUTIONAL HOME RULE CITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The applicable limit for any constitutional home rule city for any calendar year shall be determined under subparagraph (A) of paragraph (3) by substituting '100 percent' for '50 percent'.

"(B) COORDINATION WITH PARAGRAPHS (2) AND (3).—In the case of any State which contains 1 or more constitutional home rule cities, for purposes of applying paragraphs (2) and

(3) with respect to issuing authorities in such State other than constitutional home rule cities, the State ceiling for any calendar year shall be reduced by the aggregate applicable

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limits determined for such year for all constitutional home rule cities in such State.

"(C) Constitutional home rule city.—For purposes of this subsection, the term 'constitutional home rule city' means, with respect to any calendar year, any political subdivision of a State which, under a State constitution which was adopted in 1970 and effective on July 1, 1971, had home rule powers on the first day of the calendar year.

"(6) State may provide for different allocation.—

"(A) In general.—Except as provided in subparagraph (C), a State may, by law enacted after the date of the enactment of this section, provide a different formula for allocating the State ceiling among the governmental units in such State having authority to issue qualified mortgage bonds.

"(B) Interim authority for governor.—

"(i) In general.—Except as otherwise provided in subparagraph (C), the Governor of any State may proclaim a different formula for allocating the State ceiling among the governmental units in such State having authority to issue qualified mortgage bonds.

"(ii) Termination of authority.—The authority provided in clause (i) shall not apply after the earlier of—

"(I) the first day of the first calendar year beginning after the first calendar year after 1980 during which the legislature of the State met in regular session, or

"(II) the effective date of any State legislation with respect to the allocation of the State ceiling enacted after the date of the enactment of this section.

"(C) State may not alter allocation to constitutional home rule cities.—Except as otherwise provided in a State constitutional amendment (or law changing the home rule provision adopted in the manner provided by the State constitution), the authority provided in this paragraph shall not apply to that portion of the State ceiling which is allocated to any constitutional home rule city in the State unless such city agrees to such different allocation.

"(7) Transitional rules.—In applying this subsection to any calendar year, there shall not be taken into account any bond which, by reason of section 1104 of the Mortgage Subsidy Bond Tax Act of 1980, receives the same tax treatment as bonds issued on or before April 24, 1979.

Ante, p. 2660.

"(h) Portion of Loans Required To Be Placed in Targeted Areas.—

"(1) In general.—An issue meets the requirements of this subsection only if at least 20 percent of the proceeds of the issue which are devoted to providing owner-financing is made available (with reasonable diligence) for owner-financing of targeted area residences for at least 1 year after the date on which owner-financing is first made available with respect to targeted area residences.

"(2) Limitation.—Nothing in paragraph (1) shall be treated as requiring the making available of an amount which exceeds 40 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences

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located in targeted areas within the jurisdiction of the issuing authority.

"(i) Requirements Related to Arbitrage.—

"(1) In general.—An issue meets the requirements of this subsection only if such issue meets the requirements of paragraphs (2), (3), and (4) of this subsection. Such requirements shall be in addition to the requirements of section 103(c). 26 USC 103.

"(2) EFFECTIVE RATE OF MORTGAGE INTEREST CANNOT EXCEED BOND YIELD BY MORE THAN 1 PERCENTAGE POINT.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph only if the excess of—

"(i) the effective rate of interest on the mortgages provided under the issue, over

"(ii) the yield on the issue,

is not greater than 1 percentage point.

"(B) EFFECTIVE RATE OF MORTGAGE INTEREST.—

"(i) IN GENERAL.—In determining the effective rate of interest on any mortgage for purposes of this paragraph, there shall be taken into account all fees, charges, and other amounts borne by the mortgagor which are attributable to the mortgage or to the bond issue.

"(ii) SPECIFICATION OF SOME OF THE AMOUNTS TO BE TREATED AS BORNE BY THE MORTGAGOR.—For purposes of clause (i), the following items (among others) shall be treated as borne by the mortgagor:

"(I) all points or similar charges paid by the seller of the property, and

"(II) the excess of the amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable acquisition costs of a person acquiring like property where owner-financing is not provided through the use of qualified mortgage bonds.

"(iii) SPECIFICATION OF SOME OF THE AMOUNTS TO BE TREATED AS NOT BORNE BY THE MORTGAGOR.—For purposes of clause (i), the following items shall not be taken into account:

"(I) any expected rebate of arbitrage profits, and

"(II) any application fee, survey fee, credit report fee, insurance charge, or similar amount to the extent such amount does not exceed amounts charged in such area in cases where owner-financing is not provided through the use of qualified mortgage bonds.

Subclause (II) shall not apply to origination fees, points, or similar amounts.

"(iv) PREPAYMENT ASSUMPTION.—In determining the effective rate of interest, it shall be assumed that the mortgage prepayment rate will be the rate set forth in the most recent mortgage maturity experience table published by the Federal Housing Administration for the State (or, if available, the area within the State) in which the residences are located.

"(C) YIELD ON THE ISSUE.—For purposes of this subsection, the yield on the issue shall be determined on the basis of—

"(i) the issue price (within the meaning of section 1232(b)(2)), and 26 USC 1232.

"(ii) an expected maturity for the bonds which is consistent with the assumption required under subparagraph (B)(iv).

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"(3) NON-MORTGAGE INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—An issue meets the requirements of this paragraph only if—

"(i) at no time during any bond year may the amount invested in non-mortgage investments with a yield higher than the yield on the issue exceed 150 percent of the debt service on the issue for the bond year, and

"(ii) the aggregate amount invested as provided in clause (i) is promptly and appropriately reduced as mortgages are repaid.

"(B) Exception for temporary periods.—Subparagraph (A) shall not apply to—

"(i) proceeds of the issue invested for an initial temporary period until such proceeds are needed for mortgages, and

"(ii) temporary investment periods related to debt service.

"(C) Debt service defined.—For purposes of subparagraph (A), the debt service on the issue for any bond year is the scheduled amount of interest and amortization of principal payable for such year with respect to such issue. For purposes of the preceding sentence, there shall not be taken into account amounts scheduled with respect to any bond which has been retired before the beginning of the bond year.

"(4) Arbitrage and investment gains to be used to reduce costs of owner-financing.—

"(A) In general.—An issue shall be treated as meeting the requirements of this paragraph only if an amount equal to the sum of—

"(i) the excess of—

"(I) the amount earned on all non-mortgage investments (other than investments attributable to an excess described in this clause), over

"(II) the amount which would have been earned if the investments were invested at a rate equal to the yield on the issue, plus

"(ii) any income attributable to the excess described in clause (i),

shall be paid or credited to the mortgagors as rapidly as may be practicable.

"(B) Investment gains and losses.—For purposes of subparagraph (A), in determining the amount earned on all non-mortgage investments, any gain or loss on the disposition of such investments shall be taken into account.

"(j) Other Requirements.—

"(1) Obligations must be registered.—An issue meets the requirements of this subsection only if each obligation issued pursuant to such issue is in registered form.

"(2) Mortgages must be new mortgages.—

"(A) In general.—An issue meets the requirements of this subsection only if no part of the proceeds of such issue is to be used to acquire or replace existing mortgages.

"(B) Exceptions.—Under regulations prescribed by the Secretary, the replacement of—

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"(i) construction period loans,

"(ii) bridge loans or similar temporary initial financing, and

"(iii) in the case of a qualified rehabilitation, an existing mortgage,

shall not be treated as the acquisition or replacement of an existing mortgage for purposes of subparagraph (A).

"(3) Certain requirements must be met where mortgage is assumed.—An issue meets the requirements of this subsection only if a mortgage with respect to which owner-financing has been provided under such issue may be assumed only if the requirements of subsections (d), (e), and (f), are met with respect to such assumption.

"(k) Targeted Area Residences.—

"(1) In general.—For purposes of this section, the term 'targeted area residence' means a residence in an area which is either—

"(A) a qualified census tract, or

"(B) an area of chronic economic distress.

"(2) Qualified census tract.—

"(A) In general.—For purposes of paragraph (1), the term 'qualified census tract' means a census tract in which 70 percent or more of the families have income which is 80 percent or less of the statewide median family income.

"(B) DATA USED.—The determination under subparagraph (A) shall be made on the basis of the most recent decennial census for which data are available.

"(3) AREA OF CHRONIC ECONOMIC DISTRESS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'area of chronic economic distress' means an area of chronic economic distress—

"(i) designated by the State as meeting the standards established by the State for purposes of this subsection, and

"(ii) the designation of which has been approved by the Secretary and the Secretary of Housing and Urban Development.

"(B) CRITERIA TO BE USED IN APPROVING STATE DESIGNATIONS.—The criteria used by the Secretary and the Secretary of Housing and Urban Development in evaluating any proposed designation of an area for purposes of this subsection shall be—

"(i) the condition of the housing stock, including the age of the housing and the number of abandoned and substandard residential units,

"(ii) the need of area residents for owner-financing under this section, as indicated by low per capita income, a high percentage of families in poverty, a high number of welfare recipients, and high unemployment rates,

"(iii) the potential for use of owner-financing under this section to improve housing conditions in the area, and

"(iv) the existence of a housing assistance plan which provides a displacement program and a public improvements and services program.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MORTGAGE.—The term 'mortgage' includes any other owner-financing. 94 STAT. 2668

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes a possession of the United States and the District of Columbia.

"(4) STATISTICAL AREA.—

"(A) IN GENERAL.—The term 'statistical area' means—

"(i) a standard metropolitan statistical area, and

"(ii) any county (or the portion thereof) which is not within a standard metropolitan statistical area.

"(B) STANDARD METROPOLITAN STATISTICAL AREA.—The term 'standard metropolitan statistical area' means the area in and around a city of 50,000 inhabitants or more (or equivalent area) as defined by the Secretary of Commerce.

"(C) DESIGNATION WHERE ADEQUATE STATISTICAL INFORMATION NOT AVAILABLE.—For purposes of this paragraph, if there is insufficient recent statistical information with respect to a county (or portion thereof) described in subparagraph (A)(ii), the Secretary may substitute for such county (or portion thereof) another area for which there is sufficient recent statistical information.

"(D) DESIGNATION WHERE NO COUNTY.—In the case of any portion of a State which is not within a county, subparagraphs (A)(ii) and (C) shall be applied by substituting for 'county' an area designated by the Secretary which is the equivalent of a county.

"(5) ACQUISITION COST.—

"(A) IN GENERAL.—The term 'acquisition cost' means the cost of acquiring the residence as a completed residential unit.

"(B) Exceptions.—The term 'acquisition cost' does not include—

"(i) usual and reasonable settlement or financing costs,

"(ii) the value of services performed by the mortgagor or members of his family in completing the residence, and

"(iii) the cost of land which has been owned by the mortgagor for at least 2 years before the date on which construction of the residence begins.

"(C) Special rule for qualified rehabilitation loans.—In the case of a qualified rehabilitation loan, for purposes of subsection (f), the term 'acquisition cost' includes the cost of the rehabilitation.

"(6) Qualified home improvement loan.—The term 'qualified home improvement loan' means the financing (in an amount which does not exceed $15,000)—

"(A) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

"(B) only of such items as substantially protect or improve the basic livability or energy efficiency of the property.

"(7) Qualified rehabilitation loan.—

"(A) In general.—The term 'qualified rehabilitation loan' means any owner-financing provided in connection with—

"(i) a qualified rehabilitation, or

"(ii) the acquisition of a residence with respect to which there has been a qualified rehabilitation.

94 STAT. 2669 but only if the mortgagor to whom such financing is provided is the first resident of the residence after the completion of the rehabilitation.

"(B) Qualified rehabilitation.—For purposes of subparagraph (A), the term 'qualified rehabilitation' means any rehabilitation of a building if—

"(i) there is a period of at least 20 years between the date on which the building was first used and the date on which the physical work on such rehabilitation begins,

"(ii) 75 percent or more of the existing external walls of such building are retained in place as external walls in the rehabilitation process, and

"(iii) the expenditures for such rehabilitation are 25 percent or more of the mortgagor's adjusted basis in the residence.

For purposes of clause (iii), the mortgagor's adjusted basis shall be determined as of the completion of the rehabilitation or, if later, the date on which the mortgagor acquires the residence.

"(8) Determinations on actuarial basis.—All determinations of yield, effective interest rates, and amounts required to be paid or credited to mortgagors under subsection (i)(4)(A) shall be made on an actuarial basis taking into account the present value of money.

"(9) Single-family and owner-occupied residences include certain residences with 2 to 4 units.—Except for purposes of subsections (g) and (h)(2), the terms 'single-family' and 'owner-occupied', when used with respect to residences, include 2, 3, or 4 family residences—

"(A) one unit of which is occupied by the owner of the units, and

"(B) which were first occupied at least 5 years before the mortgage is executed.

"(m) Special Rule for Issue Used for Owner-Occupied Housing and Rental Housing.—In the case of an issue—

"(1) part of the proceeds of which are to be used for mortgages on owner-occupied residences in a manner which meets the requirements of this section, and

"(2) part of the proceeds of which are to be used for rental housing which meets the requirements of section 103(b)(4)(A), under regulations prescribed by the Secretary, each such part shall be treated as a separate issue.

"(n) ADVANCE REFUNDING OF MORTGAGE SUBSIDY BONDS NOT PERMITTED.—On and after the date of the enactment of this section, no obligation may be issued for the advance refunding of a mortgage subsidy bond (determined without regard to subsection (b)(2))."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 103 the following new item:

"Sec. 103A. Mortgage subsidy bonds."

SEC. 1103. INDUSTRIAL DEVELOPMENT BONDS FOR HOUSING PURPOSES LIMITED TO LOW- OR MODERATE-INCOME RENTAL HOUSING.

26 USC 103.

(a) IN GENERAL.—Subparagraph (A) of paragraph (4) of section 103(b) of the Internal Revenue Code of 1954 (relating to industrial development bonds) is amended to read as follows:

"(A) projects for residential rental property if each obliga-

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tion issued pursuant to the issue is in registered form and if—

"(i) 15 percent or more in the case of targeted area projects, or

"(ii) 20 percent or more in the case of any other project,

of the units in each project are to be occupied by individuals of low or moderate income (within the meaning of section 167(k)(3)(B)),".

26 USC 167.

26 USC 103.

(b) TARGETED AREA PROJECT DEFINED.—Paragraph (4) of section 103(b) of such Code is amended by inserting before the last sentence the following new sentence:

Ante, p. 2669.

"For purposes of subparagraph (A), the term 'targeted area project' means a project located in a qualified census tract (within the meaning of section 103A(k)(2)) or an area of chronic economic distress (within the meaning of section 103A(k)(3))."

26 USC 103.

(c) TECHNICAL AMENDMENT.—Paragraph (6) of section 103(b) of such Code (relating to exemption for certain small issues) is amended by adding at the end thereof the following new subparagraph:

"(J) ISSUES FOR RESIDENTIAL PURPOSES.—This paragraph shall not apply to any obligation which is issued as a part of an issue a significant portion of the proceeds of which are to be used directly or indirectly to provide residential real property for family units."

SEC. 1104. EFFECTIVE DATES FOR BOND PROVISIONS.

26 USC 103A note.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by sections 1102 and 1103 shall apply to obligations issued after April 24, 1979.

(2) EXCEPTIONS FOR CERTAIN OBLIGATIONS ISSUED BEFORE JANUARY 1, 1981.—The amendments made by sections 1102 and 1103 shall not apply to obligations issued before January 1, 1981, if such obligations are part of an issue substantially all the proceeds of which (exclusive of issuance costs and a reasonably required reserve) are, before the date which is 1 year after the date of issue of the obligations, committed—

(A) except as provided in subparagraph (B), by firm commitment letters (similar to those used in financing not provided with tax-exempt bonds), and

(B) in the case of rental housing, by the commencement of construction of the project or by the acquisition of the project.

(b) EXCEPTION FOR OFFICIAL ACTION TAKEN BEFORE APRIL 25, 1979.—

(1) IN GENERAL.—The amendments made by sections 1102 and 1103 shall not apply to obligations if official action before April 25, 1979, of the governing body of the unit having authority to issue such obligations indicated an intent to issue such obligations.

(2) ACTION BY STAFF OF HOUSING AUTHORITY TREATED AS ACTION OF AUTHORITY IN CERTAIN CASES.—For purposes of paragraph (1), if, before April 25, 1979—

(A) the permanent professional staff of a State or local housing authority performed substantial work on a bond issue, and

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(B) it was reasonable to expect that the bond issue, as developed by the staff, would be promptly approved by the governing body of the housing authority,

then such action by such staff shall be treated as the official action of such governing body.

(3) SPECIAL RULES RELATING TO SIZE OF ISSUE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an issue does not qualify for the exception provided by paragraph (1) if the issue size exceeds the intended issue size.

(B) EXCEPTION.—In the case of an issue to provide owner-financing for residences for which as of April 24, 1979, there was no documentation relating to intended issue size, paragraph (1) shall not apply unless—

(i) substantially all of the proceeds of the issue (exclusive of issuance costs and a reasonably required reserve) are to be used to provide owner-financing for one to four family residences (one unit of which is owner occupied) and not to acquire or replace existing mortgages (within the meaning of section 103A(j)(2) of the Internal Revenue Code of 1954), and

Ante, p. 2660.

(ii) substantially all of the proceeds referred to in clause (i) are committed by firm commitment letters (similar to those used in owner-financing not provided with tax-exempt bonds) to such owner-financing before the day which is 9 months after the date of issue of the obligations.

(C) ISSUE SIZE DEFINED.—For purposes of this paragraph, the term "issue size" means the aggregate face amount of obligations issued pursuant to the issue.

(D) INTENDED ISSUE SIZE.—For purposes of this paragraph, the term "intended issue size" means the aggregate face amount of obligations which a reasonable individual would reasonably conclude from the documentation before April 25, 1979, was the issue size which the governing body of the issuing authority intended to issue.

(4) LOCAL REFERENDUM HELD BEFORE JUNE 13, 1979.—

(A) IN GENERAL.—For purposes of paragraph (1), if—

(i) on April 25, 1979, legislation was pending in a State legislature,

(ii) on April 27, 1979, such legislation was amended to authorize local governmental units to issue tax-exempt obligations,

(iii) before June 13, 1979, such legislation was enacted and a local governmental unit in such State held a referendum with respect to the issuance of obligations to finance owner-occupied residences, and

(iv) any action with respect to the issuance of such obligations by the governing body of such local governmental unit would have met the requirements of paragraph (1) if such legislation had been in effect, and such referendum had been held, when that action was taken,

then such legislation shall be treated as in effect, and such referendum shall be treated as having been held, at the time when such action was taken.

(B) DOLLAR LIMIT FOR LOCAL GOVERNMENTAL UNITS.—The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of subparagraph (A) 94 STAT. 2672
may not exceed—

(i) $35,000,000, reduced by

(ii) the aggregate amount of obligations which are issued (before, on, or after the issue under this paragraph) by local governmental units with respect to such area after April 24, 1979, and to which the amendments made by this subtitle do not apply solely by reason of this subsection (determined without regard to the application of subparagraph (A) of this paragraph).

(C) MORTGAGE REQUIREMENTS.—Subparagraph (A) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3)(A) of subsection (c).

(5) CERTAIN LOCAL ACTION PURSUANT TO LEGISLATION ENACTED BEFORE SEPTEMBER 29, 1979.—

(A) IN GENERAL.—For purposes of paragraph (1), if—

(i) on April 25, 1979, legislation was pending in a State legislature authorizing a local governmental unit to issue tax-exempt obligations for owner-occupied residences,

(ii) before September 29, 1979, such legislation was enacted, and

(iii) any action with respect to the issuance of such obligations by the local governing body would have met the requirements of paragraph (1) if such legislation had been in effect when that action was taken,

then such legislation shall be treated as in effect at the time when such action was taken.

(B) DOLLAR LIMIT FOR LOCAL GOVERNMENTAL UNITS.—The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of subparagraph (A) may not exceed the lesser of—

(i) the aggregate amount authorized by the legislation referred to in subparagraph (A), or

(ii) $150,000,000.

(C) MORTGAGE REQUIREMENTS.—Subparagraph (A) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3)(A) of subsection (c).

(c) $150,000,000 EXCEPTION FOR STATE HOUSING FINANCE AGENCIES.—

(1) IN GENERAL.—To the extent of the limit set forth in paragraph (2), the amendments made by this subtitle shall not apply to obligations issued by a State housing finance agency.

(2) DOLLAR LIMIT FOR STATE HOUSING FINANCE AGENCIES.—The aggregate amount of obligations which may be issued by State housing finance agencies with respect to any State by reason of paragraph (1) may not exceed—

(A) $150,000,000, reduced by

(B) the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by the housing finance agencies of such State after April 24, 1979, to finance owner-occupied residences and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(3) COMMITMENTS.—Paragraph (1) shall not apply with respect to any issue unless substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve)—

(A) are to be used to provide owner-financing for 1 to 4 94 STAT. 2673
family residences (1 unit of which is owner-occupied) and not to acquire or replace existing mortgages (within the meaning

Ante, p. 2660.

of section 103A(j)(2) of the Internal Revenue Code of 1954), and

(B) are committed by firm commitment letters (similar to those used in owner-financing not provided by tax-exempt bonds) to owner-financing before January 1, 1981.

(4) SPECIAL RULE FOR ACTION IN 1978 PURSUANT TO MORTGAGE PROGRAM ESTABLISHED IN 1970.—

(A) IN GENERAL.—If—

(i) in 1970 State legislation established a program to issue tax-exempt obligations to finance the purchase of existing mortgages from financial institutions,

(ii) in August 1978, as a step toward issuing obligations under such program, the governing body of the housing agency administering the program made a finding that there was a shortage of mortgage funds within the State,

(iii) moneys received by any financial institution on the purchase of mortgages will be reinvested within 90 days in new mortgages, and

(iv) the issue meets the requirements of subparagraphs (B) and (C),

then paragraph (3) shall not apply with respect to an issue of obligations pursuant to the program referred to in clause (i) and the finding referred to in clause (ii).

(B) DOWNPAYMENT REQUIREMENT.—An issue meets the requirements of this subparagraph only if 75 percent or more of the financing provided under the issue is financing for residences where such financing constitutes 95 percent or more of the acquisition cost of the residences.

(C) TARGETED AREA REQUIREMENT.—An issue meets the requirements of this subparagraph only if at least 20 percent of the financing provided under the issue is owner-financing of targeted area residences. For purposes of the preceding sentence, the term "targeted area residence" means a residence in an area which is a census tract in which 70 percent or more of the families have income which is 80 percent or less of the statewide median family income (determined on the basis of the most recent decennial census for which data are available).

(D) DOLLAR LIMIT.—The aggregate amount of obligations which may be issued by a State housing authority by reason of subparagraph (A) may not exceed $125,000,000.

(d) SPECIAL RULES.—

(1) COURT ACTION WAS PENDING TO DETERMINE SCOPE OF AUTHORIZING LEGISLATION.—

(A) IN GENERAL.—If—

(i) before April 25, 1979, a State had enacted a law under which counties were authorized to establish public trusts to issue tax-exempt obligations for public purposes,

(ii) on such date the question of whether or not that law authorized the issuance of obligations to finance certain owner-occupied residences was being litigated in a court of competent jurisdiction,

(iii) before July 31, 1979, the Supreme Court of such State held that the counties were so authorized, and

(iv) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of a county in such State had taken action indicating an intent to issue (or to establish a program for issuing) tax-exempt obligations to finance owner-occupied residences,

then the amendments made by section 1102 shall not apply to obligations issued by the public trust for such county.

(B) DOLLAR LIMIT.—The aggregate amount of obligations which may be issued with respect to any county by reason of subparagraph (A) may not exceed $50,000,000.

(2) STATE LEGISLATION ENACTED BEFORE JUNE 8, 1979, WHERE LOCALITY HAD ESTABLISHED INCOME LIMITATIONS BEFORE APRIL 25, 1979.—

(A) IN GENERAL.—If—

(i) on April 25, 1979, legislation was pending in a State legislature authorizing a local governmental unit to issue tax-exempt obligations for owner-occupied residences,

(ii) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of the local governmental unit had taken action indicating to its delegation to the State legislature what the income limitation would be for individuals who would be eligible for mortgages under the program, and

(iii) before June 8, 1979, the legislation referred to in clause (i) was enacted,

then the amendments made by section 1102 shall not apply to obligations issued by the local governmental unit.

(B) DOLLAR LIMIT.—The aggregate amount of obligations which may be issued with respect to any local governmental area by reason of subparagraph (A) may not exceed $150,000,000.

(3) RESOLUTIONS BEFORE CITY COUNCIL BEFORE ENACTMENT OF STATE AUTHORIZING LEGISLATION.—

(A) IN GENERAL.—If—

(i) before April 25, 1979, 2 resolutions were submitted to a city council the first of which would create an urban residential finance authority and the second of which would authorize the appointment of the members of such authority,

(ii) at the time such resolutions were submitted, State authorizing legislation had not been enacted,

(iii) before April 25, 1979, the State authorizing legislation was enacted, and

(iv) after April 24, 1979, and before May 17, 1979, a resolution was adopted by the city council which created an urban residential finance authority and which authorized the appointment of members of the authority,

then the amendments made by section 1102 shall not apply with respect to obligations issued on behalf of such city.

(B) DOLLAR LIMIT.—The aggregate amount of obligations which may be issued with respect to any city by reason of subparagraph (A) may not exceed $50,000,000.

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(4) SPECIAL RULE WHERE CITY POSTPONED SECOND HALF OF AUTHORIZED ISSUE TO SAVE INTEREST.—If—

(A) on March 28, 1979, the council of a city adopted a resolution authorizing the issuance of not to exceed $30,000,000 of mortgage revenue bonds,

(B) on or about August 1, 1979, approximately one-half of the obligations authorized by such resolution were issued, and

(C) the reason why the remaining obligations were not issued at that time was to save interest payments until the money was actually needed,

then the amendments made by section 1102 shall not apply with respect to the issuance of the remaining obligations which were authorized by such March 28, 1979, resolution.

(5) STATE WAS IN PROCESS OF PERMITTING LOCALITIES TO ESTABLISH NONPROFIT CORPORATIONS.—

(A) IN GENERAL.—If—

(i) a State law enacted after April 24, 1979, and before June 16, 1979, provides that local governments may establish nonprofit corporations to issue tax-exempt obligations to finance owner-occupied residences,

(ii) pursuant to such State law, a local government establishes such a nonprofit corporation and designates it for purposes of this subsection, and

(iii) on November 7 or 14, 1979, an amount was specified by or for the local government as the maximum amount of obligations which the local government expected the nonprofit corporation to issue with respect to the area under any transitional authority provided by this subtitle,

then the amendments made by section 1102 shall not apply to obligations issued by the nonprofit corporation with respect to the area for which such local government has jurisdiction.

(B) Dollar limits.—The aggregate amount of obligations which may be issued with respect to any area by reason of subparagraph (A) may not exceed the amount referred to in subparagraph (A)(iii) which was specified on November 7 or 14, 1979, by or for the local government.

(C) Substitution of housing authorities, etc.—For purposes of applying so much of paragraph (7) as relates to subparagraph (A)—

(i) if the local housing authority had the intent referred to in paragraph (7), such local housing authority shall be substituted for the local government, and

(ii) if the governing body of the local government is a commissioners court, the county judge who was on April 24, 1979, the presiding officer of such court shall be treated as the governing body of such government.

(6) Obligations issued under this subsection must meet the requirements of subsection (c)(3).—No obligation may be issued under this subsection unless the issue meets the requirements of subsection (c)(3).

(7) Governing body must file affidavits showing intent on April 24, 1979.—No obligation may be issued under this subsection with respect to any area unless a majority of the members of the governing body of the local governmental unit having jurisdiction over that area file affidavits with the Secretary of the Treasury (or his delegate) indicating that it was their intent on April 24, 1979, either that tax-exempt obligations be issued to provide financing for owner-occupied residences or that a program be established to issue such obligations.

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(8) Limitations reduced by certain other issues.—Any limitation on the amount of obligations which may be issued by any issuer by reason of any paragraph of this subsection shall be reduced by the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by local governmental units with respect to the area within the jurisdiction of such issuer after April 24, 1979, and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(e) Ongoing Local Programs for Rehabilitation Loans.—

(1) In general.—If before April 25, 1979, a local governmental unit had a qualified rehabilitation loan program, then the amendments made by this subtitle shall not apply to obligations issued by such governmental unit for qualified loans if substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are committed by firm commitment letters (similar to those used in owner financing not provided by tax-exempt bonds) to qualified loans before January 1, 1981.

(2) Limitation.—The aggregate amount of obligations which may be issued by reason of paragraph (1) by local governmental units with respect to the area comprising any local governmental area may not exceed the lesser of—

(A) $10,000,000, or

(B) the aggregate amount of loans made with respect to that area under the qualified rehabilitation loan program during the period beginning on January 1, 1977, and ending on April 24, 1979.

The limitation established by the preceding sentence shall be reduced by the aggregate amount of obligations (if any) which are issued (before, on, or after the issue under this subsection) under the qualified rehabilitation loan program after April 24, 1979, with respect to the same local governmental area and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(3) QUALIFIED REHABILITATION LOAN PROGRAM.—For purposes of this subsection, the term "qualified rehabilitation loan program" means a program for the financing—

(A) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

(B) only of such items as substantially protect or improve the basic livability of the property.

(4) QUALIFIED LOAN.—For purposes of this subsection, the term "qualified loan" means the financing—

(A) of alterations, repairs, and improvements on or in connection with an existing 1 to 4 family residence (1 unit of which is owner-occupied) by the owner thereof, but

(B) only of such items as substantially protect or improve the basic livability of the property.

(5) DOLLAR LIMIT ON QUALIFIED LOANS.—For purposes of this subsection, a loan shall not be treated as a qualified loan if the financing is in an amount which exceeds $20,000 plus $2,500 for each unit in excess of 1.

(f) $50 PER CAPITA EXCEPTION FOR LOCAL GOVERNMENTS.— 94 STAT. 2677

(1) IN GENERAL.—To the extent of the limit set forth in paragraph (2), the amendments made by section 1102 shall not apply to mortgage subsidy bonds issued by local governmental units after April 24, 1979.

(2) LIMIT.—

(A) IN GENERAL.—The aggregate amount of obligations issued with respect to any area by reason of paragraph (1) shall not exceed—

(i) the amount equal to the product of $50 and the population of that area, reduced by

(ii) the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by local governmental units after April 24, 1979, with respect to that area and to which the amendments made by this subtitle do not apply solely by reason of subsections (b), (d), and (e).

(B) DETERMINATION OF POPULATION.—For purposes of subparagraph (A), the population of any area shall be the population as of July 1, 1976, as determined for purposes of the State and Local Fiscal Assistance Act of 1972. 31 USC 1221 note.

(3) UNIT MUST ESTABLISH THAT ACTION WAS TAKEN BEFORE APRIL 25, 1979.—Paragraph (1) shall not apply with respect to any obligation issued by any local governmental unit unless—

(A) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of such local governmental unit had taken action indicating an intent to issue (or to establish a program for issuing) tax-exempt obligations to finance owner-occupied residences,

(B) on October 30, 1979, such local governmental unit had authority to issue obligations to finance owner-occupied residences, and

(C) a majority of the members of the governing body of the local governmental unit file with the Secretary of the Treasury (or his delegate) affidavits that the requirement of such subparagraph (A) is met.

For purposes of subparagraph (A), action of the governing body of a second local governmental unit with respect to the same area shall be treated as action of the issuing governmental unit.

(4) Commitments.—Paragraph (1) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3) of subsection (c).

(5) Overlapping jurisdictions.—For purposes of this subsection, if 2 or more local governmental units meet the requirements of paragraph (3) and have authority to issue mortgage subsidy bonds with respect to residences in the same area, only the unit having jurisdiction over the smallest geographical area shall be treated as having issuing authority with respect to such area unless such unit agrees to surrender part or all of the amount permitted under this subsection to the local governmental unit with overlapping jurisdiction which has the next smallest geographical area.

(g) Rollover of Existing Tax-Exempt Obligations.—

(1) In general.—The amendments made by sections 1102 and 1103 shall not apply to the issuance of obligations to refinance for the same purpose tax-exempt indebtedness which was outstand-

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ing on April 24, 1979 (or indebtedness which had previously been refinanced pursuant to this subsection), but only if—

(A) on April 24, 1979, there was an agreed on period for the maturity of the mortgages or other financing, and

(B) the new obligations have a maturity date which does not exceed by more than 2 years the agreed on period referred to in subparagraph (A).

(2) Amounts for reserves, issue costs, etc.—An issue which otherwise meets the requirements of paragraph (1) shall not be treated as failing to meet such requirements solely because the amount of the new indebtedness exceeds the amount of the old indebtedness by such amount as is reasonably necessary to cover construction period interest, reserves, and the costs of issuing the new indebtedness.

(h) Special Rules for Projects Under Development.—

(1) Rental housing.—The amendment made by section 1103 shall not apply to a project which was in the development stage on April 24, 1979, if—

(A) a plan specifying the number and location of rental units was approved on or before such date by a governing body of a State or local government or by a State or local housing agency or similar agency, and

(B) substantial expenditures for site improvement for the project had been incurred on or before such date.

(2) Rental housing projects approved by secretary of HUD.—The amendment made by section 1103 shall not apply to a project which was in the development stage on April 24, 1979, if—

(A) a plan specifying the number and location of rental units was preliminarily approved by the Secretary of Housing and Urban Development pursuant to section 221(d)(4) or section 232 of the National Housing Act on or before such date, and

12 USC 1715*l*, 1715w.

(B) fees for processing the project with the Department of Housing and Urban Development and other expenditures for the project had been incurred on or before such date.

(3) Owner-occupied housing.—The amendments made by section 1102 shall not apply to a project which was in the development stage on April 24, 1979, if on or before such date—

(A) substantial expenditures had been made for detailed plans and specifications, and

(B) either tax-exempt construction financing had been issued with respect to the project or there is written evidence that a governmental unit intended to issue tax-exempt obligations to finance the acquisition of the units by home buyers.

The amendment made by section 1103 shall not apply to construction or other initial temporary financing issued with respect to a project which meets the requirements of the preceding sentence if substantially all of the dwelling units in such project are to be owner-occupied residences.

(4) Certain redevelopment mortgage bond financing projects.—Subparagraph (B) of paragraph (3) shall be treated as satisfied if, before April 25, 1979—

(A) the developer of a project acquired the land for such project,

(B) there was approval by the mayor's advisory committee of a city of a comprehensive proposal (under a State law authorizing tax-exempt obligations for use only in redevelopment areas) for such project, subject to revisions to be made, and

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(C) a revised proposal was submitted to the redevelopment agency and city council containing the revisions.

The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of this paragraph may not exceed $20,000,000.

(i) Registration Requirements.—

(1) In general.—Notwithstanding any other provision of this section, the amendments made by sections 1102 and 1103, insofar as they require obligations to be in registered form, shall apply to obligations issued after December 31, 1981.

(2) Bonds under transitional rules.—Any obligation issued after December 31, 1981, by reason of this section shall be in registered form.

(j) Advance Refunding.—Notwithstanding any other provision of this section—

(1) subsection (n) of section 103A of the Internal Revenue Code of 1954 (as added by section 1102) shall apply to obligations issued after the date of the enactment of this Act to refund obligations issued before, on, or after such date of enactment, and

(2) this section shall not apply to obligations issued after such date of enactment for the advance refunding of obligations issued before, on, or after such date of enactment.

(k) Transitional Rule for Low- and Moderate-Income Requirement.—In the case of obligations issued after April 24, 1979, and before January 1, 1984, the period for which the low- and moderate-income requirements of section 103(b)(4)(A) of the Internal Revenue Code of 1954 (as amended by section 1103 of this subtitle) is required to be met shall be 20 years.

(l) Substitution of Governmental Instrumentality for City.—

(1) In general.—If—

(A) a corporation was created on June 17, 1971, pursuant to State law to provide financing for the construction and rehabilitation of low-income housing,

(B) pursuant to a State law enacted in 1955 a city has made loans to housing developers from the proceeds of short-term bonds and notes issued by the city, and has secured 50-year mortgages from the developers, and

(C) the corporation agrees to acquire from the city certain of the loans referred to in subparagraph (B) by issuing obligations which will be secured by mortgages referred to in subparagraph (B) on 12 projects (11 of which projects are subsidized with interest-reduction subsidies under section 236 of the National Housing Act),

12 USC 1715z-1

then the amendments made by this subtitle shall not apply to obligations issued by the corporation to acquire the loans (and mortgages) referred to in subparagraph (C).

(2) Dollar limit.—The aggregate amount of obligations to which paragraph (1) applies shall not exceed $135,000,000.

(3) Time limit.—Paragraph (1) shall not apply to any obligation issued after December 31, 1980.

(m) State Legislation Was Pending on April 1, 1979, and Enacted on April 26, 1979, Where Locality Had Taken Action To Undertake a Study of Local Mortgage Market.—

(1) In general.—If—

94 STAT. 2680 (A) on April 1, 1979, legislation was pending in a State legislature limiting the authority of local governments within such State to issue tax-exempt obligations for owner-occupied residence under existing home rule authority, and such legislation was enacted on April 26, 1979,

(B) there is written evidence (which was in existence before April 25, 1979) that not earlier than June 1, 1978, but before April 25, 1979, the governing body of a local government in such State had taken action authorizing the undertaking of a demographic or related study of the local mortgage market, which study was intended to serve as a basis for issuance of tax exempt obligations for owner-occupied residences,

(C) on December 20, 1979, an amount was specified by or for the local government as the range of obligations which it expected to issue with respect to the area under any transitional authority provided by the Act, and

(D) a majority of the members of the governing body of the local government certify that the city or county was waiting enactment of the legislation described in subparagraph (A) prior to determining to proceed towards the issuance of tax-exempt obligations for owner-occupied residences.

then the amendments made by section 1102 shall not apply to obligations issued by such city or county.

(2) Dollar limits.—The aggregate amount of obligations which may be issued with respect to any area by reason of paragraph (1) may not exceed the maximum amount referred to in paragraph (1)(C) which was specified on December 20, 1979, by or for such local government.

(3) Time limits.—Paragraph (1) shall not apply with respect to any issue unless substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are committed by firm commitment letters (similar to those used in owner-financing not provided by tax-exempt bonds) to owner-financing before January 1, 1982.

(n) Certain Additional Transitional Authority.—

(1) In general.—The amendments made by sections 1102 and 1103 shall not apply to issues described in the following table:

City or county	Ceiling amount	Purpose of issue
Baltimore, Maryland	$100,000,000	Financing owner-occupied residences.
Port Arthur, Texas	175,000,000	For financing on New Town In Town project.
Minneapolis, Minnesota	25,000,000	Financing owner-occupied residences.
Minneapolis-St. Paul, Minnesota.	235,000,000	Joint program for financing owner-occupied residences involving some UDAG grants and private financing.
Detroit, Michigan	50,000,000	To issue obligations maturing before 1986 for construction on the Riverfront West project.
Brevard County, Florida	150,000,000	Financing owner-occupied residences.
Chicago, Illinois	235,000,000	For financing on the Presidential Towers project.

94 STAT. 2681 (2) Issuing authority.—The authority granted by this subsection with respect to any city or county may be used only by the appropriate issuing authority for that city or county.

(3) Ceiling amount.—The ceiling amount specified in paragraph (1) with respect to any item shall be the maximum aggregate amount of obligations which may be issued by the appropriate issuing authority under the authority granted by such item.

(4) Purpose.—The authority under any item may be used to issue obligations only for the purpose set forth in paragraph (1) for such item.

(o) Special Rule for Loans to Lenders Program.—

(1) In general.—In the case of any obligations issued during 1981 or 1982 pursuant to a qualified loans to lender program—

(A) the amendments made by section 1103 shall not apply,

(B) subsection (i) of section 103A of the Internal Revenue Code of 1954 (other than the last sentence of paragraph (1) of such subsection) shall not apply, and *Ante*, p. 2660.

(C) the determination of whether the requirements of subsections (d), (e), (f), (h), (j)(2), and (j)(3) of such section 103A are met with respect to such issue shall be made by taking into account the loans made by the financial institutions with the funds provided by the issue (in lieu of the mortgages acquired from the financial institutions with the proceeds of the issue).

(2) Qualified loans to lender program.—For purposes of paragraph (1), the term "qualified loans to lender program" means any program established pursuant to legislation enacted by New York State in 1970 which finances the purchase of existing mortgages from financial institutions and requires any money received by a financial institution on the purchase of a mortgage to be reinvested within 90 days in new mortgages.

Subtitle B—Cash Management

SEC. 1111. ESTIMATED INCOME TAX PAYMENTS BY CORPORATIONS.

(a) General Rule.—Section 6655 of the Internal Revenue Code of 1954 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end thereof the following new subsection: 26 USC 6655.

"(h) Large Corporations Required To Pay at Least 60 Percent of Current Year Tax.—

"(1) In general.—In the case of a large corporation, the amount treated as the estimated tax for the taxable year under paragraphs (1) and (2) of subsection (d) shall in no event be less than 60 percent of—

"(A) the tax shown on the return for the taxable year, or

"(B) if no return was filed, the tax for such year.

"(2) Large corporation.—For purposes of this subsection, the term 'large corporation' means any corporation if such corporation (or any predecessor corporation) had taxable income of $1,000,000 or more for any taxable year during the testing period.

"(3) Rules for applying paragraph (2).—

"(A) Testing period.—For purposes of this subsection, the term 'testing period' means the 3 taxable years immediately preceding the taxable year involved.

"(B) Members of controlled groups.—For purposes of applying paragraph (2) to any taxable year in the testing period with respect to corporations which are component members of a controlled group of corporations for such taxable year, the $1,000,000 amount specified in paragraph (2) shall be divided among such members under rules similar to the rules of section 1561." 94 STAT. 2682

(b) Technical Amendment.—Subsection (e) of section 6655 of such Code is amended by striking out "subsections (b) and (d)" and inserting in lieu thereof "subsections (b), (d), and (h)". 26 USC 6655.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980. 26 USC 6655 note.

Foreign Investment in Real Property Tax Act of 1980.

Subtitle C—Taxation of Foreign Investment in United States Real Property

26 USC 1 note.

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the "Foreign Investment in Real Property Tax Act of 1980".

SEC. 1122. TAX ON DISPOSITION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY.

(a) IN GENERAL.—Subpart C of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions with respect to nonresident aliens and foreign corporations) is amended by adding at the end thereof the following new section:

26 USC 897.

"SEC. 897. DISPOSITION OF INVESTMENT IN UNITED STATES REAL PROPERTY.

"(a) GENERAL RULE.—

"(1) TREATMENT AS EFFECTIVELY CONNECTED WITH UNITED STATES TRADE OR BUSINESS.—For purposes of this title, gain or loss of a nonresident alien individual or a foreign corporation from the disposition of a United States real property interest shall be taken into account—

26 USC 871.

"(A) in the case of a nonresident alien individual, under section 871(B)(1), or

26 USC 882.

"(B) in the case of a foreign corporation, under section 882(a)(1),

as if the taxpayer were engaged in a trade or business within the United States during the taxable year and as if such gain or loss were effectively connected with such trade or business.

"(2) 20-PERCENT MINIMUM TAX ON NONRESIDENT ALIEN INDIVIDUALS.—

26 USC 55.

"(A) IN GENERAL.—In the case of any nonresident alien individual, the amount determined under section 55(a)(1)(A) for the taxable year shall not be less than 20 percent of whichever of the following is the least:

"(i) the individual's alternative minimum taxable income (as defined in section 55(b)(1)) for the taxable year,

"(ii) the individual's net United States real property gain for the taxable year, or

"(iii) $60,000.

94 STAT. 2683

"(B) NET UNITED STATES REAL PROPERTY GAIN.—For purposes of subparagraph (A), the term 'net United States real property gain' means the excess of—

"(i) the aggregate of the gains for the taxable year from dispositions of United States real property interests, over

"(ii) the aggregate of the losses for the taxable year from dispositions of such interests.

26 USC 165.

"(b) LIMITATION ON LOSSES OF INDIVIDUALS.—In the case of an individual, a loss shall be taken into account under subsection (a) only to the extent such loss would be taken into account under section 165(c) (determined without regard to subsection (a) of this section).

"(c) UNITED STATES REAL PROPERTY INTEREST.—For purposes of this section—

"(1) UNITED STATES REAL PROPERTY INTEREST.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'United States real property interest' means—

"(i) an interest in real property (including an interest in a mine, well, or other natural deposit) located in the United States, and

"(ii) any interest (other than an interest solely as a creditor) in any domestic corporation unless the taxpayer establishes (at such time and in such manner as the Secretary by regulations prescribes) that such corporation was at no time a United States real property holding corporation during the shorter of—

"(I) the period after June 18, 1980, during which the taxpayer held such interest, or

"(II) the 5-year period ending on the date of the disposition of such interest.

"(B) EXCLUSION FOR INTEREST IN CERTAIN CORPORATIONS.—The term 'United States real property interest' does not include any interest in a corporation if—

"(i) as of the date of the disposition of such interest, such corporation did not hold any United States real property interests, and

"(ii) all of the United States real property interests held by such corporation at any time during the shorter of the periods described in subparagraph (A)(ii)—

"(I) were disposed of in transactions in which the full amount of the gain (if any) was recognized, or

"(II) ceased to be United States real property interests by reason of the application of this subparagraph to 1 or more other corporations.

"(2) UNITED STATES REAL PROPERTY HOLDING CORPORATION.—The term 'United States real property holding corporation' means any corporation if—

"(A) the fair market value of its United States real property interests equals or exceeds 50 percent of

"(B) the fair market value of—

"(i) its United States real property interests,

"(ii) its interests in real property located outside the United States, plus

"(iii) any other of its assets which are used or held for use in a trade or business.

"(3) EXCEPTION FOR STOCK REGULARLY TRADED ON ESTABLISHED SECURITIES MARKETS.—If any class of stock of a corporation is regularly traded on an established securities market, stock of such class shall be treated as a United States real property 94 STAT. 2684 interest only in the case of a person who, at some time during the shorter of the periods described in paragraph (1)(A)(ii), held more than 5 percent of such class of stock.

"(4) INTERESTS HELD BY FOREIGN CORPORATIONS AND BY PARTNERSHIPS, TRUSTS, AND ESTATES.—For purposes of determining whether any corporation is a United States real property holding corporation—

"(A) FOREIGN CORPORATIONS.—Paragraph (1)(A)(ii) shall be applied by substituting 'any corporation (whether foreign or domestic)' for 'any domestic corporation'.

"(B) INTERESTS HELD BY PARTNERSHIPS, ETC.—United States real property interests held by a partnership, trust, or estate shall be treated as owned proportionately by its partners or beneficiaries.

"(5) TREATMENT OF CONTROLLING INTERESTS.—

"(A) IN GENERAL.—Under regulations, for purposes of determining whether any corporation is a United States real property holding corporation, if any corporation (hereinafter in this paragraph referred to as the 'first corporation') holds a controlling interest in a second corporation—

"(i) the stock which the first corporation holds in the second corporation shall not be taken into account,

"(ii) the first corporation shall be treated as holding a portion of each asset of the second corporation equal to the percentage of the fair market value of the stock of the second corporation represented by the stock held by the first corporation, and

"(iii) any asset treated as held by the first corporation by reason of clause (ii) which is used or held for use by the second corporation in a trade or business shall be treated as so used or held by the first corporation. Any asset treated as held by the first corporation by reason of the preceding sentence shall be so treated for purposes of applying the preceding sentence successively to corporations which are above the first corporation in a chain of corporations.

"(B) Controlling interest.—For purposes of subparagraph (A), the term 'controlling interest' means 50 percent or more of the fair market value of all classes of stock of a corporation.

"(6) Other special rules.—

"(A) Interest in real property.—The term 'interest in real property' includes fee ownership and co-ownership of land or improvements thereon, leaseholds of land or improvements thereon, options to acquire land or improvements thereon, and options to acquire leaseholds of land or improvements thereon.

"(B) Real property includes associated personal property.—The term 'real property' includes movable walls, furnishings, and other personal property associated with the use of the real property.

"(C) Constructive ownership rules.—For purposes of determining under paragraph (3) whether any person holds more than 5 percent of any class of stock and of determining under paragraph (5) whether a person holds a controlling interest in any corporation, section 318(a) shall apply (except that paragraphs (2)(C) and (3)(C) of section 318(a) shall be applied by substituting '5 percent' for '50 percent'). 26 USC 318.

94 STAT. 2685

"(d) Treatment of Distributions, Etc., by Foreign Corporations.—

"(1) Distributions.—

"(A) In general.—Except to the extent otherwise provided in regulations, notwithstanding any other provision of this chapter, gain shall be recognized by a foreign corporation on the distribution (including a distribution in liquidation or redemption) of a United States real property interest in an amount equal to the excess of the fair market value of such interest (as of the time of the distribution) over its adjusted basis.

"(B) Exception where there is a carryover basis.—Subparagraph (A) shall not apply if the basis of the distributed property in the hands of the distributee is the same as the adjusted basis of such property before the distribution increased by the amount of any gain recognized by the distributing corporation.

26 USC 337. "(2) Section 337 not to apply.—Section 337 shall not apply to any sale or exchange of a United States real property interest by a foreign corporation.

"(e) Coordination With Nonrecognition Provisions.—

"(1) In general.—Except to the extent otherwise provided in subsection (d) and paragraph (2) of this subsection, any nonrecognition provision shall apply for purposes of this section to a transaction only in the case of an exchange of a United States real property interest for an interest the sale of which would be subject to taxation under this chapter.

"(2) Regulations.—The Secretary shall prescribe regulations (which are necessary or appropriate to prevent the avoidance of Federal income taxes) providing—

"(A) the extent to which nonrecognition provisions shall, and shall not, apply for purposes of this section, and

"(B) the extent to which—

"(i) transfers of property in reorganization, and

"(ii) changes in interests in, or distributions from, a partnership, trust, or estate,

shall be treated as sales of property at fair market value.

"(3) NONRECOGNITION PROVISION DEFINED.—For purposes of this subsection, the term 'nonrecognition provision' means any provision of this title for not recognizing gain or loss.

"(f) DISTRIBUTIONS BY DOMESTIC CORPORATIONS TO FOREIGN SHAREHOLDERS.—If a domestic corporation distributes a Unted States real property interest to a nonresident alien individual or a foreign corporation in a distribution to which section 301 applies, notwithstanding any other provision of this chapter, the basis of such United States real property interest in the hands of such nonresident alien individual or foreign corporation shall not exceed—

26 USC 301.

"(1) the adjusted basis of such property before the distribution, increased by

"(2) the sum of—

"(A) any gain recognized by the distributing corporation on the distribution, and

"(B) any tax paid under this chapter by the distributee on such distribution.

"(g) SPECIAL RULE FOR SALES OF INTEREST IN PARTNERSHIPS, TRUSTS, AND ESTATES.—Under regulations prescribed by the Secretary, the amount of any money, and the fair market value of any property,

94 STAT. 2686

received by a nonresident alien individual or foreign corporation in exchange for all or part of its interest in a partnership, trust, or estate shall, to the extent attributable to United States real property interests, be considered as an amount received from the sale or exchange in the United States of such property.

"(h) SPECIAL RULES FOR REITS.—For purposes of this section—

"(1) LOOK-THROUGH OF DISTRIBUTIONS.—Any distribution by a REIT to a nonresident alien individual or a foreign corporation shall, to the extent attributable to gain from sales or exchanges by the REIT of United States real property interests, be treated as gain recognized by such nonresident alien individual or foreign corporation from the sale or exchange of a United States real property interest.

"(2) SALE OF STOCK IN DOMESTICALLY-CONTROLLED REIT NOT TAXED.—The term 'United States real property interest' does not include any interest in a domestically-controlled REIT.

"United States real property interests.'

"(3) DISTRIBUTIONS BY DOMESTICALLY-CONTROLLED REITS.—In the case of a domestically-controlled REIT, rules similar to the rules of subsection (d) shall apply to the foreign ownership percentage of any gain.

"(4) DEFINITIONS.—

"(A) REIT.—The term 'REIT' means a real estate investment trust.

"(B) DOMESTICALLY-CONTROLLED REIT.—The term 'domestically-controlled REIT' means a REIT in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons.

"(C) FOREIGN OWNERSHIP PERCENTAGE.—The term 'foreign ownership percentage' means that percentage of the stock of the REIT which was held (directly or indirectly) by foreign persons at the time during the testing period during which the direct and indirect ownership of stock by foreign persons was greatest.

"(D) TESTING PERIOD.—The term 'testing period' means whichever of the following periods is the shortest:

"(i) the period beginning on June 19, 1980, and ending on the date of the disposition or of the distribution, as the case may be,

"(ii) the 5-year period ending on the date of the disposition or of the distribution, as the case may be, or

"(iii) the period during which the REIT was in existence.

"(i) ELECTION BY FOREIGN CORPORATION TO BE TREATED AS DOMESTIC CORPORATION.—

"(1) IN GENERAL.—If—

"(A) a foreign corporation has a permanent establishment in the United States, and

"(B) under any treaty, such permanent establishment may not be treated less favorably than domestic corporations carrying on the same activities,

then such foreign corporation may make an election to be treated as a domestic corporation for purposes of this section and section 6039C. *Post*, p. 2687.

"(2) REVOCATION ONLY WITH CONSENT.—Any election under paragraph (1), once made, may be revoked only with the consent of the Secretary.

94 STAT. 2687

"(3) MAKING OF ELECTION.—An election under paragraph (1) may be made only subject to such conditions as may be prescribed by the Secretary."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart C is amended by adding at the end thereof the following new item:

"SEC. 897. Disposition of investment in United States real property."

26 USC 871. (c) CROSS REFERENCES.—

(1) Subsection (g) of section 871 of such Code (relating to tax on income of nonresident alien individuals) is amended by adding at the end thereof the following new paragraph:

"(8) For special tax treatment of gain or loss from the disposition by a nonresident alien individual of a United States real property interest, see section 897."

26 USC 882. (2) Subsection (a) of section 882 of such Code (relating to tax on income of foreign corporation connected with United States business) is amended by adding at the end thereof the following new paragraph:

"(3) For special tax treatment of gain or loss from the disposition by a foreign corporation of a United States real property interest, see section 897."

SEC. 1123. REPORTING REQUIREMENTS.

(a) GENERAL RULE.—Subpart A of part III of chapter 61 of the Internal Revenue Code of 1954 (relating to information returns concerning persons subject to special provisions) is amended by inserting after section 6039B the following new section:

26 USC 6039C. **"SEC. 6039C. RETURNS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.**

"(a) RETURN OF CERTAIN DOMESTIC CORPORATIONS HAVING FOREIGN SHAREHOLDERS.—

"(1) GENERAL RULE.—

"(A) RETURN REQUIREMENT.—If this subsection applies to a domestic corporation for the calendar year, such corporation shall make a return for the calendar year setting forth—

"(i) the name and address (if known by the corporation) of each person who was a shareholder at any time during the calendar year and who is known by the corporation to be a foreign person,

"(ii) such information with respect to transfers of stock in such corporation to or from foreign persons during the calendar year as the Secretary may by regulations prescribe, and

"(iii) such other information as the Secretary may by regulations prescribe.

"(B) CORPORATIONS TO WHICH SUBSECTION APPLIES.—This subsection applies to any domestic corporation for the calendar year if—

"(i) at any time during the calendar year 1 or more of the shareholders of such corporation is a foreign person, and "(ii) at any time during the calendar year or during any of the 4 immediately preceding calendar years, such corporation was a United States real property holding corporation (as defined in section 897(c)(2)). 94 STAT. 2688

"(2) SUBSECTION DOES NOT APPLY TO PUBLICLY TRADED CORPORATIONS.—This subsection shall not apply to a corporation the stock of which is regularly traded on an established securities market at all times during the calendar year.

"STOCK HELD BY NOMINEES.—If—

"(A) a nominee holds stock in a domestic corporation for a foreign person, and

"(B) such foreign person does not furnish the information required to be furnished pursuant to paragraph (1)(A) with respect to such stock,

the nominee shall file a return under this subsection with respect to such stock.

"(b) RETURN OF CERTAIN PERSONS HOLDING UNITED STATES REAL PROPERTY INTERESTS.—

"(1) RETURN REQUIREMENT.—If any entity to which this subsection applies has at any time during the calendar year a substantial investor in United States real property, such entity shall make a return for the calendar year setting forth—

"(A) the name and address of each such substantial investor,

"(B) such information with respect to the assets of the entity during the calendar year as the Secretary may by regulations prescribe, and

"(C) such other information as the Secretary may by regulations prescribe.

"(2) EXCEPTION WHERE SECURITY FURNISHED.—This subsection shall not apply to any entity for the calendar year if such entity furnishes to the Secretary such security as the Secretary determines to be necessary to ensure that any tax imposed by chapter 1 with respect to United States real property interests held by such entity will be paid.

"(3) STATEMENTS TO BE FURNISHED TO SUBSTANTIAL INVESTOR IN UNITED STATES REAL PROPERTY.—Every entity making a return under paragraph (1) shall furnish to each substantial investor in United States real property a statement showing—

"(A) the name and address of the entity making such return,

"(B) such substantial investor's pro rata share of the United States real property interests held by such entity, and

"(C) such other information as the Secretary shall by regulations prescribe.

"(4) DEFINITIONS.—For purpose of this subsection—

"(A) ENTITIES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall apply to any foreign corporation and to any partnership, trust, or estate (whether foreign or domestic).

"(B) SUBSTANTIAL INVESTOR IN UNITED STATES REAL PROPERTY.—

"(i) IN GENERAL.—The term 'substantial investor in United States real property' means any foreign person who at any time during the calendar year held an interest in the entity but only if the fair market value of such person's pro rata share of the United States real property interests held by such entity exceeded $50,000.

"(ii) SPECIAL RULE FOR CORPORATIONS.—In the case of any foreign corporation, clause (i) shall be applied by substituting 'person (whether foreign or domestic)' for 'foreign person'.

"(C) INDIRECT HOLDINGS.—The assets of any entity to which this subsection applies shall include its pro rata share of the United States real property interests held by any corporation in which the entity is a substantial investor in United States real property 94 STAT. 2689 "(c) RETURN OF CERTAIN FOREIGN PERSONS HOLDING DIRECT INVESTMENTS IN UNITED STATES REAL PROPERTY INTERESTS.—

"(1) RETURN REQUIREMENT.—If this subsection applies to any foreign person for the calendar year, such person shall make a return for the calendar year setting forth—

"(A) the name and address of such person,

"(B) a description of all United States real property interests held by such person at any time during the calendar year, and

"(C) such other information as the Secretary may by regulations prescribe.

"(2) PERSONS TO WHOM THIS SUBSECTION APPLIES.—This subsection applies to any foreign person for the calendar year if—

"(A) such person did not engage in a trade or business in the United States at any time during the calendar year,

"(B) the fair market value of the United States real property interests held by such person at any time during such year equals or exceeds $50,000, and

"(C) such person is not required to file a return under subsection (b) of such year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) UNITED STATES REAL PROPERTY INTEREST.—The term 'United States real property interest' has the meaning given to such term by section 897(c). *Ante*, p. 2682.

"(2) FOREIGN PERSON.—The term 'foreign person' means any person who is not a United States person "

"(e) SPECIAL RULES.—

"(1) ATTRIBUTION OF OWNERSHIP.—For purposes of subsections (b)(4) and (c)(2)(B)—

"(A) INTERESTS HELD BY PARTNERSHIPS, ETC.—United States real property interests held by a partnership, trust, or estate shall be treated as owned proportionately by its partners or beneficiaries.

"(B) INTERESTS HELD BY FAMILY MEMBERS.—United States real property interests held by the spouse or any minor child of an individual shall be treated as owned by such individual.

"(2) RETURNS, ETC.—All returns, statements, and information required to be made or furnished under this section shall be made or furnished at such time and in such manner as the Secretary shall by regulations prescribe."

26 USC 6652.

(b) PENALTY FOR FAILURE TO FILE RETURN, ETC.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

Ante, p. 2687.

"(g) RETURNS, ETC., REQUIRED UNDER SECTION 6039C.—

"(1) IN GENERAL.—In the case of each failure—

"(A) to make a return required by section 6039C which contains the information required by such section, or

"(B) to furnish a statement required by section 6039C(b)(3),

on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, the amount determined under paragraph (2) shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to make such return or furnish such statement.

"(2) AMOUNT OF PENALTY.—For purposes of paragraph (1), the amount determined under this paragraph with respect to any failure shall be $25 for each day during which such failure continues.

"(3) LIMITATIONS.—

Ante, p. 2687.

"(A) FOR FAILURE TO MEET REQUIREMENTS OF SUBSECTION (A) OR (B) OF SECTION 6039C.—The amount determined under paragraph (2) with respect to any person for failing to meet the requirements of subsection (a) or (b) of section 6039C for any calendar year shall not exceed $25,000 with respect to each such subsection.

"(B) For failure to meet requirements of section 6039C(c).—The amount determined under paragraph (2) with respect to any person for failing to meet the requirements of subsection (c) of section 6039C for any calendar year shall not exceed the lesser of $25,000 or 5 percent of the aggregate of the fair market value of the United States real property interests owned by such person at any time during such year. For purposes of the preceding sentence, fair market value shall be determined as of the end of the calendar year (or, in the case of any property disposed of during the calendar year, as of the date of such disposition)."

(c) Clerical Amendment.—The table of sections for subpart A of part III of chapter 61 of such Code is amended by inserting after the item relating to section 6039B the following new item:

"Sec. 6039C. Returns with respect to United States real property interests."

SEC. 1124. SOURCES WITHIN UNITED STATES.

Paragraph (5) of subsection (a) of section 861 of the Internal Revenue Code of 1954 (relating to income from sources within the United States) is amended to read as follows: 26 USC 861.

"(5) Disposition of united states real property interest.—Gains, profits, and income from the disposition of a United States real property interest (as defined in section 897(c))." *Ante*, p. 2682.

SEC. 1125. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this subtitle shall apply to dispositions after June 18, 1980. 26 USC 897 note.

(b) Reporting.—The amendments made by section 1123 shall apply to 1980 and subsequent calendar years. In applying such amendments to 1980, such calendar year shall be treated as beginning on June 19, 1980, and ending on December 31, 1980.

(c) Special Rule for Treaties.—

(1) In general.—Except as provided in paragraph (2), after December 31, 1984, nothing in section 894(a) or 7852(d) of the Internal Revenue Code of 1954 or in any other provision of law shall be treated as requiring, by reason of any treaty obligation of the United States, an exemption from (or reduction of) any tax imposed by section 871 or 882 of such Code on a gain described in section 897 of such Code. 26 USC 894, 7852. 26 USC 871, 882. *Ante*, p. 2682.

(2) Special rule for treaties renegotiated before 1985.—If—

(A) any treaty (hereinafter in this paragraph referrred to as the "old treaty") is renegotiated to resolve conflicts between such treaty and the provisions of section 897 of the Internal Revenue Code of 1954, and 94 STAT. 2691 *Ante*, p. 2682.

(B) the new treaty is signed before January 1, 1985, then paragraph (1) shall be applied with respect to obligations under the old treaty by substituting for "December 31, 1984" the date (not later than 2 years after the new treaty was signed) specified in the new treaty (or accompanying exchange of notes).

(d) Adjustment in Basis for Certain Transactions Between Related Persons.—

(1) In general.—In the case of any disposition after December 31, 1979, of a United States real property interest (as defined in section 897(c) of the Internal Revenue Code of 1954) to a related person (within the meaning of section 453(f)(1) of such Code), the basis of the interest in the hands of the person acquiring it shall be reduced by the amount of any nontaxed gain. 26 USC 453.

(2) Nontaxed gain.—For purposes of paragraph (1), the term "nontaxed gain" means any gain which is not subject to tax under section 871(b)(1) or 882(a)(1) of such Code— 26 USC 871, 882.

(A) because the disposition occurred before June 19, 1980, or

(B) because of any treaty obligation of the United States.

Subtitle D—Credit Against Crude Oil Windfall Profit Tax for Royalty Owners

SEC. 1131. CREDIT AGAINST CRUDE OIL WINDFALL PROFIT TAX FOR ROYALTY OWNERS.

(a) Credit Against Windfall Profit Tax for Royalty Owners.—

(1) In general.—Subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

26 USC 6429.

"**SEC. 6429. CREDIT AND REFUND OF CHAPTER 45 TAXES PAID BY ROYALTY OWNERS.**

26 USC 4986.

"(a) Treatment as Overpayment.—In the case of a qualified royalty owner, that portion of the tax imposed by section 4986 which is paid in connection with qualified royalty production shall be treated as an overpayment of the tax imposed by section 4986.

"(b) Credits and Refunds.—

"(1) In general.—Under regulations prescribed by the Secretary, any amount treated as an overpayment of tax under subsection (a) shall be credited against the tax imposed by section 4986 or refunded to the qualified royalty owner.

"(2) Claim for credit or refund.—Any claim for credit or refund under this section shall be filed in such form and manner, and at such time, as the Secretary may prescribe by regulations.

"(c) $1,000 Limitation on Credit or Refund.—

"(1) In general.—The aggregate amount which may be treated as an overpayment under subsection (a) with respect to any qualified royalty owner shall not exceed $1,000.

26 USC 4992.

"(2) Allocation within a family.—In the case of individuals who are members of the same family (within the meaning of section 4992(e)(3)(C)) at any time during the qualified period, the $1,000 amount in paragraph (1) shall be reduced for each such individual by allocating such amount among all such individuals in proportion to their respective qualified royalty production.

94 STAT. 2692

"(3) Allocation between corporations and individuals.—

"(A) In general.—In the case of an individual who owns at any time during the qualified period stock in a qualified family farm corporation, the $1,000 amount in paragraph (1) applicable to such individual shall be reduced by the amount which bears the same ratio to the credit or refund allowable to the corporation under this section (determined after the application of paragraph (4)) as the fair market value of the shares owned by such individual during such period bears to the fair market value of all shares of the corporation.

26 USC 4992.

"(B) Special rule for family members.—In the case of individuals who are members of the same family (within the meaning of section 4992(e)(3)(C)) at any time during the qualified period—

"(i) for purposes of subparagraph (A), all such individuals shall be treated as 1 individual, and

"(ii) the amount allocated among such individuals under paragraph (2) shall be $1,000, reduced by the amount determined under subparagraph (A).

"(4) Allocation between corporations.—If at any time after June 24, 1980, any individual owns stock in two or more qualified family farm corporations, the $1,000 amount in paragraph (1) shall be reduced for each such corporation by allocating such amount among all such corporations in proportion to their respective qualified royalty production.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified royalty owner.—The term 'qualified royalty owner' means a producer (within the meaning of section 4996(a)(1)), but only if such producer is an individual, an estate, or a qualified family farm corporation.

26 USC 4996.

"(2) Qualified royalty production.—The term 'qualified royalty production' means, with respect to any qualified royalty owner, taxable crude oil which—

"(A) is attributable to an economic interest of such royalty owner other than an operating mineral interest (within the meaning of section 614(d)), and

26 USC 614.

"(B) is removed from the premises during the qualified period.

"(3) Qualified period.—The term 'qualified period' means the period beginning March 1, 1980, and ending December 31, 1980.

"(4) Qualified family farm corporation.—The term 'qualified family farm corporation' means a corporation—

"(A) which was in existence on June 25, 1980,

"(B) all of the outstanding shares of stock of which at all times after June 24, 1980, and before January 1, 1981, were held by members of the same family (within the meaning of section 2032A(e)(2)), and

26 USC 2032A.

"(C) 80 percent in value of the assets of which (other than royalty interests described in paragraph (2)(A)) were held by the corporation on such date for use for farming purposes (within the meaning of section 2032A(e)(5)).

"(e) Cross Reference.—

"For the holder of the economic interest in the case of a production payment, see section 636."

(2) Technical and conforming amendments.—The table of sections for subpart B of chapter 65 of such code is amended by adding at the end thereof the following new item:

"Sec. 6429. Credit and refund of chapter 45 taxes paid by royalty owners."

(d) Denial of Deduction.—

(1) In general.—Part IX of subchapter B of chapter 1 of such Code (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280D. PORTION OF CHAPTER 45 TAXES FOR WHICH CREDIT OR REFUND IS ALLOWABLE UNDER SECTION 6429.

26 USC 280D.

"No deduction shall be allowed for that portion of the tax imposed by section 4986 for which a credit or refund is allowable under section 6429."

26 USC 4986
26 USC 6429.

(2) Conforming amendment.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280D. Portion of chapter 45 taxes for which credit or refund is allowable under section 6429."

(3) Effective date.—The amendments made by this subsection shall apply to taxable years ending after February 29, 1980.

26 USC 280D.

Subtitle E—Inclusion in Wages for Purposes of Social Security and Unemployment Taxes of Employer

SEC. 1141. INCLUSION IN WAGES OF EMPLOYEE TAXES PAID BY EMPLOYER.

(a) Social Security Tax.—

(1) Amendment of internal revenue code of 1954.—Paragraph (6) of section 3121(a) of the Internal Revenue Code of 1954 (defining wages) is amended to read as follows:

26 USC 3121.

"(6) the payment by an employer (without deduction from the remuneration of the employee)—

26 USC 3101.

"(A) of the tax imposed upon an employee under section 3101, or

"(B) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

42 USC 409.

(2) AMENDMENT OF SOCIAL SECURITY ACT.—Subsection (f) of section 209 of the Social Security Act is amended to read as follows:

"(f) The payment by an employer (without deduction from the remuneration of the employee)—

26 USC 3101.

"(1) of the tax imposed upon an employee under section 3101 of the Internal Revenue Code of 1954, or

"(2) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

26 USC 3306.

94 STAT. 2694

(b) FEDERAL UNEMPLOYMENT TAX.—Paragraph (6) of section 3306(b) of the Internal Revenue Code of 1954 (defining wages) is amended to read as follows:

"(6) the payment by an employer (without deduction from the remuneration of the employee)—

26 USC 3101.

"(A) of the tax imposed upon an employee under section 3101, or

"(B) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

26 USC 3121 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to remuneration paid after December 31, 1980.

(2) EXCEPTION FOR STATE AND LOCAL GOVERNMENTS.—

42 USC 418.

(A) The amendments made by this section (insofar as they affect the application of section 218 of the Social Security Act) shall not apply to any payment made before January 1, 1984, by any governmental unit for positions of a kind for which all or a substantial portion of the social security employee taxes were paid by such governmental unit (without deduction from the remuneration of the employee) under the practices of such governmental unit in effect on October 1, 1980.

"Social security employee taxes."
42 USC 418.
26 USC 3101.

(B) For purposes of subparagraph (A), the term "social security employee taxes" means the amount required to be paid under section 218 of the Social Security Act as the equivalent of the taxes imposed by section 3101 of the Internal Revenue Code of 1954.

"Governmental unit."
26 USC 418.

(C) For purposes of subparagraph (A), the term "Governmental unit" means a State or political subdivision thereof within the meaning of section 218 of the Social Security Act.

Subtitle F—Telephone Tax

SEC. 1151. TELEPHONE TAX CONTINUED AT 2 PERCENT FOR 1981.

26 USC 4251.

(a) IN GENERAL.—The table contained in paragraph (2) of section 4251(a) of the Internal Revenue Code of 1954 (relating to imposition of tax on communication services) is amended by striking out the last 2 lines of such table and inserting in lieu thereof the following:

"During 1980 or 1981	2
During 1982	1".

(b) CONFORMING AMENDMENT.—Subsection (b) of section 4251 of such Code is amended by striking out "January 1, 1982" and inserting in lieu thereof "January 1, 1983".

Subtitle G—Increase Until 1993 in the Duties on Certain Imports of Ethyl Alcohol

SEC. 1161. INCREASE UNTIL 1993 IN THE DUTIES ON ETHYL ALCOHOL IMPORTED FOR FUEL USE.

(a) AMENDMENTS TO APPENDIX TO TSUS.—

(1) FOR 1981.—Effective with respect to articles entered on or after January 1, 1981, subpart A of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

94 STAT. 2695

"	901.50	Ethyl alcohol (provided for in item 427.88, part 2D, schedule 4) when imported to be used in producing a mixture of gasoline and alcohol or a mixture of a special fuel and alcohol for use as fuel, or when imported to be used otherwise as fuel	10¢ per gal.	10¢ per gal.	On or before 12/31/81 ".

(2) FOR 1982.—Effective with respect to articles entered on or after January 1, 1982, item 901.50 of the Tariff Schedules of the United States (as added by paragraph (1)) is amended by striking out "10" in columns numbered 1 and 2 and inserting in lieu thereof "20"; and by striking out "12/31/81" and inserting in lieu thereof "12/31/82".

(3) AFTER 1982 AND UNTIL 1993.—Effective with respect to articles entered on or after January 1, 1983, such item 901.50 is amended by striking out "20" in columns numbered 1 and 2 and inserting in lieu thereof "40", and by striking out "12/31/82" and inserting in lieu thereof "12/31/92".

(b) DEFINITION.—For purposes of subsection (a), the term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1167 (Comm. on the Budget) and No. 96-1479 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 30, S. 2885 considered and passed Senate.
July 23, S. 2939 considered and passed Senate.
Sept. 4, H.R. 7765 considered and passed House.
Sept. 17, passages of S. 2885 and S 2939 vacated in Senate; H.R. 7765, amended, passed in lieu.
Sept. 18, House disagreed to Senate amendment and agreed to a conference.
Dec. 3, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 49:
Dec. 5, Presidential remarks.

REVENUE ACTS

Public Law 96-222
96th Congress

94 STAT. 194

An Act

To make technical corrections related to the Revenue Act of 1978.

Apr. 1, 1980
[H.R. 2797]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Technical Corrections Act of 1979.

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the "Technical Corrections Act of 1979".

26 USC 1 note.

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

SEC. 2. COORDINATION OF ENACTMENT DATES OF REVENUE ACT OF 1978 AND ENERGY TAX ACT OF 1978.

26 USC 1 note.

The Revenue Act of 1978 is amended by inserting after section 3 the following new section:

"SEC. 4. COORDINATION OF ENACTMENT DATES WITH ENERGY TAX ACT OF 1978.

26 USC 46 note.

"For purposes of applying the amendments made by this Act to sections 46 and 48 of the Internal Revenue Code of 1954, the Energy Tax Act of 1978 shall be deemed to have been enacted immediately before this Act."

26 USC 46, 48.
26 USC 1 note.

TITLE I—AMENDMENTS RELATED TO REVENUE ACT OF 1978

SEC. 101. AMENDMENTS RELATED TO TITLE I.

(a) General Rule.—

(1) Amendment related to section 104 of the act.—Subparagraph (C) of section 43(c)(1) (relating to individual entitled to exclude income under section 911 not eligible individual) is amended to read as follows:

26 USC 43.

"(C) Individual who claims benefits of section 911, 913, or 931 not eligible individual.—The term 'eligible individual' does not include an individual who, for the taxable year, claims the benefits of—

"(i) section 911 (relating to income earned by individuals in certain camps outside the United States),

"(ii) section 913 (relating to deduction for certain expenses of living abroad), or

"(iii) section 931 (relating to income from sources within possessions of the United States)."

94 STAT. 195

(2) Amendments related to section 105 of the act.—

92 Stat. 2773.

(A) Payments treated as earned income for AFDC.—Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 602.

26 USC 43.

"(d)(1) For purposes of paragraphs (7) and (8) of subsection (a), any refund of Federal income taxes made by reason of section 43 of the Internal Revenue Code of 1954 (relating to earned income credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income credit) shall be considered earned income.

"(2) In any case in which such advance payments for a taxable year made by all employers to an individual under section 3507 of such Code exceed the amount of such individual's earned income credit allowable under section 43 of such Code for such year, so that such individual is liable under section 43(g) of such Code for a tax equal to such excess, such individual's benefit amount must be appropriately adjusted so as to provide payment to such individual of an amount equal to the amount of the benefits lost by such individual on account of such excess advance payments."

42 USC 1382a.

(B) PAYMENT TREATED AS EARNED INCOME FOR SSI.—Section 1612(a)(1) of the Social Security Act is amended—

(i) by striking out "and" at the end of subparagraph (A); and

(ii) by adding after subparagraph (B) the following new subparagraph:

26 USC 43.

"(C) any refund of Federal income taxes made by reason of section 43 of the Internal Revenue Code of 1954 (relating to earned income credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income credit); and".

42 USC 1383.

(C) TREATMENT OF EXCESS PAYMENTS UNDER SSI.—Section 1631(b) of the Social Security Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

26 USC 3507.

"(2) In any case in which advance payments for a taxable year made by all employers to an individual under section 3507 of the Internal Revenue Code of 1954 (relating to advance payment of earned income credit) exceed the amount of such individual's earned income credit allowable under section 43 of such Code for such year, so that such individual is liable under section 43(g) of such Code for a tax equal to such excess, the Secretary shall provide for an appropriate adjustment of such individual's benefit amount under this title so as to provide payment to such individual of an amount equal to the amount of such benefits lost by such individual on account of such excess advance payments."

26 USC 3507 note.
26 USC 43 note.

(D) EFFECTIVE DATE FOR ADVANCE PAYMENT OF EARNED INCOME CREDIT.—Paragraph (2) of section 105(g) of the Revenue Act of 1978 (relating to effective date for advance payment of earned income credit) is amended by striking out "June 30, 1978" and inserting in lieu thereof "June 30, 1979".

26 USC 43.

(E) CLERICAL ADMENDMENT.—Subsection (h) of section 43 (relating to coordination with advance payments of earned income credit) is redesignated as subsection (g).

92 Stat. 2777.
26 USC 128.

(3) AMENDMENT RELATED TO SECTION 112 OF THE ACT.—Paragraph (8) of section 128(a) (relating to cross references) is amended by striking out "benefits, see" and inserting in lieu thereof "benefits which are not includible in gross income under section 85,".

26 USC 457.

94 STAT. 196

(4) AMENDMENT RELATED TO SECTION 131 OF THE ACT.—Subparagraph (B) of section 457(d)(9) (relating to application to rural electric cooperatives of rules for eligible State deferred compensation plans) is amended to read as follows:

"(B) RURAL ELECTRIC COOPERATIVE DEFINED.—For purposes of subparagraph (A), the term 'rural electric cooperative' means—

"(i) any organization which is exempt from tax under section 501(a) and which is engaged primarily in providing electric service on a mutual or cooperative basis, and "(ii) any organization described in paragraph (4) or (6) of section 501(c) which is exempt from tax under section 501(a) and at least 80 percent of the members of which are organizations described in clause (i)."

(5) AMENDMENT RELATED TO SECTION 133 OF THE ACT.—Subsection (c) of section 133 of the Revenue Act of 1978 (relating to effective date for clarification of deductibility of payments of deferred compensation, etc., to independent contractors) is amended to read as follows: 92 Stat. 2783.

"(c) EFFECTIVE DATES.— 26 USC 404 note.

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to deductions for taxable years beginning after December 31, 1978.

"(2) SPECIAL RULE FOR CERTAIN TITLE INSURANCE COMPANIES.—

"(A) IN GENERAL.—In the case of a qualified title insurance company plan, the amendment made by subsection (a) shall apply to deductions for taxable years beginning after December 31, 1979.

"(B) QUALIFIED TITLE INSURANCE COMPANY PLAN.—For purposes of subparagraph (A), the term 'qualified title insurance company plan' means a plan of a qualified title insurance company—

"(i) which defers the payment of amounts credited by such company to separate accounts for members of such company in consideration of their issuance of policies of title insurance, and

"(ii) under which no part of such amounts is payable to or withdrawable by the members until after the period for the adverse possession of real property under applicable State law.

"(C) QUALIFIED TITLE INSURANCE COMPANY.—For purposes of subparagraph (B), the term 'qualified title insurance company' means an unincorporated title insurance company organized as a business trust—

"(i) which is engaged in the business of providing title insurance coverage on interests in and liens upon real property obtained by clients of the members of such company, and

"(ii) which is subject to tax under section 831 of the Internal Revenue Code of 1954." 26 USC 831.

(6) AMENDMENTS RELATED TO SECTION 134 OF THE ACT.— 92 Stat. 2783.

(A) EMPLOYMENT REQUIREMENT.—Subparagraph (B) of section 125(g)(3) (relating to certain participation eligibility rules not treated as discriminatory) is amended by striking out "service requirement" each place it appears and inserting in lieu thereof "employment requirement". 26 USC 125.

94 STAT. 197

(B) EFFECTIVE DATE.—Subsection (c) of section 134 of the Revenue Act of 1978 is amended by striking out "taxable years" and inserting in lieu thereof "plan years". 26 USC 125 note.

(7) AMENDMENTS RELATED TO SECTION 141 OF THE ACT.— 92 Stat. 2787.

(A) AMENDMENT TO ANTI-FLOW-THROUGH RULES.—Paragraph (9) of section 46(f) (relating to special rule for additional credit) is amended— 26 USC 46.

(i) by striking out "subparagraph (B) of subsection (a)(2)" each place it appears and inserting in lieu thereof "subparagraph (E) of subsection (a)(2)", and

(ii) by striking out "an employee stock ownership plan which meets the requirements of section 301(d) of the Tax Reduction Act of 1975" in subparagraph (A) and inserting in lieu thereof "a tax credit employee stock ownership plan which meets the requirements of section 409A".

(B) CLARIFICATION OF EFFECTIVE DATE.—Section 141 of the

Revenue Act of 1978 (relating to ESOPS) is amended by striking out subsection (g) and inserting in lieu thereof the following new subsections:

26 USC 409A note.

"(g) EFFECTIVE DATES FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection and subsection (h), the amendments made by this section shall apply with respect to qualified investment for taxable years beginning after December 31, 1978.

"(2) ELECTION TO HAVE AMENDMENTS APPLY DURING 1978.—At the election of the taxpayer, paragraph (1) shall be applied by substituting 'December 31, 1977' for 'December 31, 1978'; except that in the case of a plan in existence before December 31, 1978, any such election shall not affect the required allocation of employer securities attributable to qualified investment for taxable years beginning before January 1, 1979. An election under the preceding sentence shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe. Such an election, once made, shall be irrevocable.

26 USC 409A.

"(3) VOTING RIGHT PROVISIONS.—Section 409A(e) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall apply to plans to which section 409A of such Code applies, beginning with the first day of such application.

"(4) RIGHT TO DEMAND EMPLOYER SECURITIES, ETC.—Paragraphs (1)(A) and (2) of section 409A(h) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall apply to distributions after December 31, 1978, made by a plan to which section 409A of such Code applies.

26 USC 415 note.

"(5) SUBSECTION (f)(7).—The amendment made by subsection (f)(7) shall apply to years beginning after December 31, 1978.

26 USC 56 note.

"(6) RETROACTIVE APPLICATION OF AMENDMENT MADE BY SUBSECTION (d).—In determining the regular tax deduction under section 56(c) of the Internal Revenue Code of 1954 for any taxable year beginning before January 1, 1979, the amount of the credit allowable under section 38 of such Code shall be determined without regard to section 46(a)(2)(B) of such Code (as in effect before the enactment of the Energy Tax Act of 1978).

26 USC 1 note.
26 USC 4975 note.

"(h) EFFECTIVE DATES FOR SECTION 4975 EMPLOYEE STOCK OWNERSHIP PLANS.—Paragraphs (5) and (6) of subsection (f) shall apply—

26 USC 4975.

"(1) insofar as they make the requirements of subsections (e) and (h)(1)(B) of section 409A of the Internal Revenue Code of 1954 applicable to section 4975 of such Code, to stock acquired after December 31, 1979, and

94 STAT. 198

"(2) insofar as they make paragraphs (1)(A) and (2) of section 409A(h) of such Code applicable to such section 4975, to distributions after December 31, 1978."

26 USC 4975.

(C) DEFINITION OF QUALIFYING EMPLOYER SECURITY FOR EMPLOYEE STOCK OWNERSHIP PLAN.—The first sentence of paragraph (8) of section 4975(e) (defining qualifying employer security) is amended to read as follows:

"The term 'qualifying employer security' means any employer security within the meaning of section 409A(l)."

26 USC 409A.

(D) NONRECOGNITION OF GAIN ON CONTRIBUTION TO TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN.—Subsection (m) of section 409A (relating to contributions of stock of controlling corporation) is amended to read as follows:

"(m) NONRECOGNITION OF GAIN OR LOSS ON CONTRIBUTION OF EMPLOYER SECURITIES TO TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN.—No gain or loss shall be recognized to the taxpayer with respect to the transfer of employer securities to a tax credit employee stock ownership plan maintained by the taxpayer to the extent that such transfer is required under subparagraph (A) or (B) of section 48(n)(1)."

(E) SECTION 4975 EMPLOYEE STOCK OWNERSHIP PLANS MAY DISTRIBUTE CASH IN CERTAIN CASES.—Paragraph (2) of section 409A(h) (relating to allowing plan to distribute cash in certain cases) is amended by inserting "or of section 4975(e)(7)" after "the requirements of this section".

(F) MATCHED EMPLOYER AND EMPLOYEE CONTRIBUTIONS MUST STAY IN PLAN.—Subsection (d) of section 409A (relating to employer securities must stay in plan) is amended by inserting "(or allocated to a participant's account in connection with matched employer and employee contributions)" after "under subsection (b)".

(G) LIMITATION ON REQUIRED TRANSFERS FOR MATCHING EMPLOYEES PLAN PERCENTAGE.—Clause (i) of section 48(n)(1)(B) (relating to matching percentage) is amended to read as follows: 26 USC 48.

"(i) to make transfers of employer securities to a tax credit employee stock ownership plan maintained by the employer having an aggregate value equal to the lesser of—

"(I) the sum of the qualified matching employee contributions made to such plan for the taxable year, or

"(II) one-half of 1 percent of the amount of the qualified investment (as determined under subsections (c) and (d) of section 46) for the taxable year, and".

(H) TIME FOR MAKING TRANSFERS ATTRIBUTABLE TO QUALIFIED MATCHING EMPLOYEE CONTRIBUTIONS.—The last sentence of section 48(n)(1)(C) (relating to times for making transfers) is amended by inserting before the period at the end thereof the following: "(including where such excess is attributable to qualified matching employee contributions made after the close of the taxable year)".

(I) DATE FOR ESTABLISHING PLAN.—

(i) Paragraph (1) of section 409A(f) (relating to plan must be established before employer's due date) is amended to read as follows: 26 USC 409A.

94 STAT. 199

"(1) IN GENERAL.—A plan meets the requirements of this subsection only if it is established on or before the due date (including any extension of such date) for the filing of the employer's tax return for the first taxable year of the employer for which an employee plan credit is claimed by the employer with respect to the plan."

(ii) Paragraph (2) of section 409A(f) is amended by inserting before the period at the end thereof the following: "with respect to the plan".

(J) DEFINITION OF EMPLOYER SECURITIES.—

(i) Subparagraph (B) of section 409A(l)(2) (relating to special rule where there is no readily tradable common stock) is amended by striking out "class of stock" and inserting in lieu thereof "class of common stock".

(ii) Paragraph (3) of section 409A(l) is amended to read as follows:

"(3) PREFERRED STOCK MAY BE ISSUED IN CERTAIN CASES.—Noncallable preferred stock shall be treated as employer securities if such stock is convertible at any time into stock which meets the requirements of paragraph (1) or (2) (whichever is applicable) and if such conversion is at a conversion price which (as of the date of the acquisition by the ESOP) is reasonable. For purposes of the preceding sentence, under regulations prescribed by the Secretary, preferred stock shall be treated as noncallable if after the call there will be a reasonable opportunity for a conversion which meets the requirements of the preceding sentence."

(K) VOTING RIGHTS REQUIREMENTS.—Paragraph (7) of section 4975(e) (defining leveraged employee stock ownership plan) is amended by striking out the last sentence and inserting in lieu thereof the following:

26 USC 4975.

"A plan shall not be treated as an employee stock ownership plan unless it meets the requirements of section 409A(h) and, if the employer has a registration-type class of securities (as defined in section 409A(e)(4)), it meets the requirements of section 409A(e)."

(L) NAME CHANGES.—

(i) The following provisions are each amended by striking out "an ESOP" each place it appears (other than in any heading) and inserting in lieu thereof "a tax credit employee stock ownership plan":

26 USC 48. (I) Section 48(n)(1)(A)(i).

(II) Section 48(n)(2).

(III) Section 48(n)(2)(A).

(IV) Section 48(n)(5).

26 USC 401. (V) Section 401(a)(21).

26 USC 409A. (VI) Section 409A(m).

26 USC 415. (VII) Section 415(c)(6)(B)(i).

26 USC 1504. (VIII) The last sentence of section 1504(a).

(ii) The following provisions are each amended by striking out "ESOP" each place it appears and inserting in lieu thereof "tax credit employee stock ownership plan":

(I) Section 409A(a) (other than in the subsection heading).

(II) Section 409A(l)(3).

26 USC 48. (III) Section 48(n)(1)(B)(i) (as amended by clause (i)).

94 STAT. 200

(IV) Section 48(n)(2).

(V) Section 48(n)(3).

(VI) Section 48(n)(4)(A).

(iii) The following provisions are each amended by striking out "ESOP" each place it appears (other than in any heading) and inserting in lieu thereof "employee plan":

26 USC 46. (I) Section 46(a)(2).

(II) Section 48(n) (as amended by clauses (i) and (ii)).

(III) Section 48(o).

26 USC 56. (IV) Section 56(c).

26 USC 409A. (V) Section 409A (as amended by subparagraph (I) and clauses (i) and (ii)).

26 USC 6699. (VI) Section 6699.

(iv) The following provisions are each amended by striking out "leveraged employee" each place it appears and inserting in lieu thereof "employee":

26 USC 415. (I) Section 415(c)(6)(B)(i).

26 USC 1504. (II) The last sentence of section 1504(a).

Ante, p. 199. (III) Section 4975(e)(7) (other than in the paragraph heading).

26 USC 46. (v)(I) The heading of subparagraph (E) of section 46(a)(2) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(II) The subsection heading for section 48(n) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(III) The subparagraph headings for subparagraphs (A) and (B) of section 48(n)(1) are each amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(IV) The paragraph headings for paragraph (4) of section 48(n) and paragraphs (4), (5), (6), and (7) of section

48(o) are each amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(V) The paragraph heading for section 48(o)(3) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(VI) The subsection heading for subsection (a) of section 409A is amended by striking out "ESOP" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN".

(VII) The section heading for section 409A is amended by striking out "ESOPS" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS". 26 USC 409A.

(VIII) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by striking out "ESOPS" in the item relating to section 409A and inserting in lieu thereof "tax credit employee stock ownership plans".

(IX) The section heading of section 6699 is amended by striking out "ESOP" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN". 26 USC 6699.

(X) The table of sections for subchapter B of chapter 68 is amended by striking out "ESOP" in the item relating to section 6699 and inserting in lieu thereof "tax credit employee stock ownership plan". 94 STAT. 201 26 USC 6699.

(XI) The paragraph heading for paragraph (7) of section 4975(e) is amended by striking out "LEVERAGED EMPLOYEE" and inserting in lieu thereof "EMPLOYEE". 26 USC 4975.

(M) CLERICAL AMENDMENTS.—

(i) Subparagraph (E) of section 46(a)(2) is amended by inserting "and ending on" before "December 31, 1983" each place it appears. 26 USC 46.

(ii) Subparagraph (B) of section 48(n)(2) is amended by adding "and" at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii). 26 USC 48.

(iii) Paragraph (5) of section 48(o) (as amended by subparagraph (L)) is amended by inserting "percentage" after "attributable to the matching employee plan".

(8) AMENDMENTS RELATED TO SECTION 142 OF THE ACT.— 92 Stat. 2796.

(A) Subsection (c) of section 691 (relating to deduction for estate tax) is amended by adding at the end thereof the following new paragraph: 26 USC 691.

"(5) COORDINATION WITH SECTION 402(E).—For purposes of section 402(e) (other than paragraph (1)(D) thereof), the total taxable amount of any lump sum distribution shall be reduced by the amount of the deduction allowable under paragraph (1) of this subsection which is attributable to the total taxable amount (determined without regard to this paragraph)." 92 Stat. 2867.

(B) Paragraph (2) of section 2039(f) (relating to lump sum distributions) is amended by striking out "without the application of paragraph (2) thereof" and inserting in lieu thereof "(without the application of paragraph (2) thereof), except to the extent that section 402(e)(4)(J) applies to such distribution". 26 USC 2039.

(9) AMENDMENT RELATED TO SECTION 143 OF THE ACT.—Subparagraph (B) of section 401(a)(22) is amended by striking "as securities" and inserting in lieu thereof "are securities". 92 Stat. 2796. 26 USC 401.

(10) AMENDMENTS RELATED TO SECTION 152 OF THE ACT.— 92 Stat. 2797.

(A) CERTAIN EMPLOYEES MAY BE EXCLUDED.—Paragraph (2) of section 408(k) (relating to participation requirements for simplified employee pensions) is amended by adding at the end thereof the following new sentence: 26 USC 408.

"For purposes of this paragraph, there shall be excluded from consideration employees described in subparagraph (A) or (C) of section 410(b)(2)."

(B) Contributions under simplified employee pension not subject to FICA or FUTA taxes.—

26 USC 3121.

(i) FICA tax.—Paragraph (5) of section 3121(a) (defining wages) is amended by striking out "or" at the end of subparagraph (B), by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", or", and by adding at the end thereof the following new subparagraph:

"(D) under a simplified employee pension if, at the time of the payment, it is reasonable to believe that the employee will be entitled to a deduction under section 219 for such payment;".

26 USC 3306.

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(ii) FUTA tax.—Paragraph (5) of section 3306([illegible]) (defining wages) is amended by striking out "or" at the end of subparagraph (B), by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", or", and by adding at the end thereof the following new subparagraph:

26 USC 219.

"(D) under a simplified employee pension if, at the time of the payment, it is reasonable to believe that the employee will be entitled to a deduction under section 219 for such payment;".

26 USC 408.

(C) Correction of certain excess contributions.—Subparagraph (A) of section 408(d)(5) (relating to certain distributions of excess contributions after due date for taxable year) is amended by adding at the end thereof the following new sentence:

"If employer contributions on behalf of the individual are paid for the taxable year to a simplified employee pension, the dollar limitation of the preceding sentence shall be increased by the lesser of the amount of such contributions or $7,500."

26 USC 219.

(D) Clarification of section 219(b)(7).—Paragraph (7) of section 219(b) (relating to simplified employee pensions) is amended to read as follows:

"(7) Special rules in case of simplified employee pensions.—

"(A) Limitation.—If there is an employer contribution on behalf of the employee to a simplified employee pension, the limitation under paragraph (1) shall be the lesser of—

"(i) 15 percent of the compensation includible in the employee's gross income for the taxable year (determined without regard to the employer contribution to the simplified employee pension), or

"(ii) the sum of—

"(I) the amount contributed by the employer to the simplified employee pension and included in gross income (but not in excess of $7,500), and

"(II) $1,500, reduced (but not below zero) by the amount described in subclause (I).

"(B) Certain limitations do not apply to employer contribution.—Paragraphs [illegible] and (3) shall not apply with respect to the employer contribution to a simplified employee pension.

"(C) Special rule for applying subparagraph (A)(ii).—In the case of an employee who is an officer, shareholder, or owner-employee described in section 408(k)(3), the $7,500 amount specified in subparagraph (A)(ii)(I) shall be reduced by the amount of tax taken into account with respect to such individual under subparagraph (D) of section 408(k)(3)."

26 USC 404.

(E) Coordination with plan for shareholder-employees.—Paragraph (4) of section 404(h) (relating to effect on self-employed individuals) is amended [illegible]

(i) by inserting "or described in section 1379(b)(1)" after "of subsection (e)",

(ii) by inserting "or a shareholder-employee (as defined in section 1379(d))" after "section 401(c)(1)", and

(iii) by striking out "SELF-EMPLOYED INDIVIDUALS" in the paragraph heading and inserting in lieu thereof "SELF-EMPLOYED INDIVIDUALS OR SHAREHOLDER-EMPLOYEES".

(F) COORDINATION WITH SECTION 401(j).—Subsection (k) of section 408 (defining simplified employee pension) is amended— 26 USC 401. 26 USC 408.

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(i) by striking out "and (5)" in paragraph (1) and inserting in lieu thereof "(5), and (6)",

(ii) by redesignating paragraph (6) as paragraph (7), and

(iii) by inserting after paragraph (5) the following new paragraph:

"(6) EMPLOYER MAY NOT MAINTAIN PLAN TO WHICH SECTION 401(j) APPLIES.—The requirements of this paragraph are met with respect to a simplified employee pension for a calendar year unless the employer maintains during any part of such year a plan—

"(A) some or all of the active participants in which are employees (within the meaning of section 401(c)(1)) or shareholder-employees (as defined in section 1379(d)), and

"(B) to which section 401(j) applies."

(G) EMPLOYER MAY NOT MAINTAIN INTEGRATED PLAN.—

(i) The second sentence of section 408(k)(3)(D) (relating to treatment of certain contributions and taxes) is amended by striking out "Taxes paid" and inserting in lieu thereof "If the employer does not maintain an integrated plan at any time during the taxable year, taxes paid".

(ii) Paragraph (3) of section 408(k) is amended by adding at the end thereof the following new subparagraph:

"(E) INTEGRATED PLAN DEFINED.—For purposes of subparagraph (D), the term 'integrated plan' means a plan which meets the requirements of section 401(a), 403(a), or 405(a) but would not meet such requirements if contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, or any other Federal or State law were not taken into account." 26 USC 1401. 26 USC 3101. 42 USC 401.

(H) PENALTY FOR FAILURE TO FILE REPORTS.—Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities) is amended— 26 USC 6693.

(i) by striking out "section 408(i)" the first place it appears and inserting in lieu thereof "subsection (i) or (l) of section 408", and

(ii) by striking out "section 408(i)" the second place it appears and inserting in lieu thereof "such subsection".

(I) APPLICATION WITH SECTION 415.—Paragraph (5) of section 415(e) is amended— 26 USC 415.

(i) by striking out "any simplified employee pension" in the first sentence, and

(ii) by inserting after the first sentence the following new sentence: "For purposes of this section, any contribution by an employer to a simplified employee pension for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year."

(J) CLERICAL AMENDMENTS.—

26 USC 408.

(i) Subsection (j) of section 408 is amended by inserting "and" at the end of paragraph (1), by striking out ", and" at the end of paragraph (2) and inserting in lieu thereof a period, and by striking out paragraph (3).

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26 USC 404.

(ii) Paragraphs (2), (3), and (4) of section 404(h) are each amended by striking out "subparagraph (1)" each place it appears and inserting in lieu thereof "paragraph (1)".

92 Stat. 2797.
26 USC 415.

(iii) Paragraph (2) of section 152(g) of the Revenue Act of 1978 is amended by striking out "section 415(b)(2)" and inserting in lieu thereof "section 415(a)(2)".

92 Stat. 2800.

(11) AMENDMENTS RELATED TO SECTION 153 OF THE ACT.—

26 USC 415.

(A) WAIVER OF SECTION 415(b)(1)(B) LIMITATION DOES NOT APPLY WHERE PARTICIPANT IS ALSO A PARTICIPANT OF ANOTHER QUALIFIED PLAN.—Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by inserting after the second sentence the following new sentence: "This paragraph shall not apply to a participant for any period for which he is a participant under another plan to which this section applies which is maintained by an employer maintaining this plan."

(B) FORMULA FOR DETERMINING BENEFITS IN THE CASE OF SECTION 415(b)(7) PLANS.—Subparagraph (C) of section 415(b)(7) is amended to read as follows:

"(C) under which benefits are determined solely by reference to length of service, the particular years during which service was rendered, age at retirement, and date of retirement,".

92 Stat. 2801.
26 USC 403.

(12) AMENDMENT RELATED TO SECTION 154 OF THE ACT.—Subparagraph (A) of section 403(b)(7) is amended by striking out "which satisfied" and inserting in lieu thereof "which satisfies".

92 Stat. 2801.

(13) AMENDMENT RELATED TO SECTION 156 OF THE ACT.—

26 USC 403 note.

(A) EFFECTIVE DATE.—Subsection (d) of section 156 of the Revenue Act of 1978 (relating to effective date for provision allowing rollover of section 403(b) annuities) is amended by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1977".

26 USC 403 note.

(B) TRANSITIONAL RULE FOR MAKING SECTION 403(b)(8) ROLLOVER IN THE CASE OF PAYMENTS DURING 1978.—In the case of any payment made during 1978 in a qualifying distribution described in section 403(b)(8) of the Internal Revenue Code of 1954, the applicable period specified in section 402(a)(5)(C) of such Code shall not expire before the close of December 31, 1980.

26 USC 403, 4973.

(C) CLERICAL AMENDMENTS.—Sections 403(b)(1) and 4973(c)(1) are each amended by striking out "409(d)(3)(C)", and inserting in lieu thereof "409(b)(3)(C)".

92 Stat. 2803.

(14) AMENDMENTS RELATED TO SECTION 157 OF THE ACT.—

26 USC 402.

(A) EFFECTIVE DATE FOR REMOVAL OF CERTAIN REQUIREMENTS.—Paragraph (3) of section 157(h) of the Revenue Act of 1978 is amended by striking out "the amendments made by this section" each place it appears and inserting in lieu thereof "the amendments made by this subsection".

26 USC 219, 220, 408, 409, 4973, 402.

(B) CONFORMING AMENDMENTS FOR SPOUSAL ROLLOVERS.—Sections 219(b)(4), 220(b)(5), 408(a)(1), 409(a)(4), and 4973(b)(1)(A) are each amended by inserting "402(a)(7)," after "section 402(a)(5),".

26 USC 402.

(C) SPOUSAL ROLLOVERS.—Clause (i) of section 402(a)(7)(A) is amended to read as follows:

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"(i) any portion of a qualifying rollover distribution attributable to an employee is paid to the spouse of the employee after the employee's death,".

(D) EXTENSION OF TRANSITIONAL RULE.—Subparagraph (B) of section 157(h)(3) of the Revenue Act of 1978 (relating to transitional rule for removal of certain requirements) is amended— 92 Stat. 2803. 26 USC 402 note.

(i) by striking out "any payment" and inserting in lieu thereof "any payment made during 1978", and

(ii) by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1980".

(E) CLERICAL AMENDMENTS.—

(i) Clause (iii) of section 402(a)(6)(D) (relating to sales of distributed property) is amended by striking out "many designate" and inserting in lieu thereof "may designate". 26 USC 402.

(ii) Subparagraph (B) of section 408(d)(5) is amended by striking out all that follows clause (i) and inserting in lieu thereof the following: 26 USC 408.

"(ii) the information was erroneous,

subparagraph (A) shall be applied by increasing the dollar limit set forth therein by that portion of the excess contribution which was attributable to such information."

(iii) Paragraph (20) of section 401(a)(1) is amended by striking out "makes a payment or distribution described in section 402(a)(5)(i) or 403(a)(4)(i)" and inserting in lieu thereof "makes a qualifying rollover distribution (determined as if section 402(a)(5)(D)(i) did not contain subclause (II) thereof) described in section 402(a)(5)(A)(i) or 403(a)(4)(A)(i)". 26 USC 401.

(b) EFFECTIVE DATES.—

(1) SPECIAL EFFECTIVE DATES.—

(A) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1977. 26 USC 43 note.

(B) SUBSECTION (a)(2).—The amendments made by subparagraphs (A) and (B) of subsection (a)(2) shall apply to payments for months beginning after December 31, 1979. 26 USC 602 note.

(C) DEFINITION OF QUALIFYING EMPLOYER SECURITIES.—The amendment made by subparagraph (C) of subsection (a)(6) shall apply to stock acquired after December 31, 1979. 26 USC 4975 note.

(D) COORDINATION WITH SECTION 691.—The amendment made by subsection (a)(7) shall apply with respect to the estates of decedents dying after the date of the enactment of this Act. 26 USC 691 note.

(E) CONTRIBUTIONS UNDER SIMPLIFIED EMPLOYEE PENSION.—The amendments made by subparagraph (B) of subsection (a)(10) shall apply to payments made on or after January 1, 1979. 26 USC 3121 note.

(F) PENALTY FOR FAILURE TO FURNISH REPORTS.—The amendment made by subparagraph (I) of subsection (a)(10) shall apply with respect to failures occuring after the date of the enactment of this Act. 26 USC 6693 note.

(G) COORDINATION WITH SECTION 415.—The amendment made by subparagraph (I) of subsection (a)(10) shall apply to taxable years beginning after the date of the enactment of this Act. 26 USC 415 note.

(2) GENERAL EFFECTIVE DATE.—

For general effective date, see section 201.

SEC. 102. AMENDMENTS RELATED TO TITLE II.

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(a) GENERAL RULE.—

(1) AMENDMENTS RELATED TO SUBTITLE A OF TITLE II OF THE ACT.— 92 Stat. 2814.

(A) STOCK OWNERSHIP RULES.—Subsection (a) of section 465 (relating to deductions limited to amount at risk) is amended— 26 USC 465.

(i) by striking out "(determined by reference to the rules contained in section 318 rather than under section 544)" in paragraph (1)(C), and

(ii) by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULES FOR APPLYING PARAGRAPH (1)(C).—For purposes of paragraph (1)(C)—

26 USC 544.

"(A) section 544(a)(2) shall be applied as if such section did not contain the phrase 'or by or for his partner'; and

"(B) sections 544(a)(4)(A) and 544(b)(1) shall be applied by substituting 'the corporation meet the stock ownership requirements of section 542(a)(2)' for 'the corporation a personal holding company'."

(B) CLARIFICATION OF RULES FOR RECAPTURE OF LOSSES WHERE AMOUNT AT RISK IS LESS THAN ZERO.—Subsection (d) of section 465 (defining loss) is amended by inserting before the period at the end thereof the following: "(determined without regard to subsection (e)(1)(A))".

(C) CLARIFICATION OF LIMITATION ON RECAPTURE OF LOSSES.—Subparagraph (A) of section 465(e)(2) (relating to limitation on recapture of losses where amount at risk is less than zero) is amended by inserting "by reason of losses" after "with respect to the activity".

(D) EXCLUSION FOR CERTAIN EQUIPMENT LEASING BY CLOSELY-HELD CORPORATIONS.—

(i) Subsection (c) of section 465 (relating to deductions limited to amount at risk) is amended by adding at the end thereof the following new paragraphs:

"(4) EXCLUSION FOR CERTAIN EQUIPMENT LEASING BY CLOSELY-HELD CORPORATIONS.—

"(A) IN GENERAL.—In the case of a corporation described in subsection (a)(1)(C) actively engaged in equipment leasing—

"(i) the activity of equipment leasing shall be treated as a separate activity, and

"(ii) subsection (a) shall not apply to losses from such activity.

"(B) 50-PERCENT GROSS RECEIPTS TEST.—For purposes of subparagraph (A), a corporation shall not be considered to be actively engaged in equipment leasing unless 50 percent or more of the gross receipts of the corporation for the taxable year is attributable, under regulations prescribed by the Secretary, to equipment leasing.

"(C) COMPONENT MEMBERS OF CONTROLLED GROUP TREATED AS A SINGLE CORPORATION.—For purposes of subparagraph (A), the component members of a controlled group of corporations shall be treated as a single corporation.

"(5) WAIVER OF CONTROLLED GROUP RULE WHERE THERE IS SUBSTANTIAL LEASING ACTIVITY.—

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"(A) IN GENERAL.—In the case of the component members of a qualified leasing group, paragraph (4) shall be applied—

"(i) by substituting '80 percent' for '50 percent' in subparagraph (B) thereof, and

"(ii) as if paragraph (4) did not include subparagraph (C) thereof.

"(B) QUALIFIED LEASING GROUP.—For purposes of this paragraph, the term 'qualified leasing group' means a controlled group of corporations which, for the taxable year and each of the 2 immediately preceding taxable years, satisfied each of the following 3 requirements:

"(i) AT LEAST 3 EMPLOYEES.—During the entire year, the group had at least 3 full-time employees substantially all of the services of whom were services directly related to the equipment leasing activity of the qualified leasing members.

"(ii) AT LEAST 5 SEPARATE LEASING TRANSACTIONS.—

During the year, the qualified leasing members in the aggregate entered into at least 5 separate equipment leasing transactions.

"(iii) AT LEAST $1,000,000 EQUIPMENT LEASING RECEIPTS.—During the year, the qualified leasing members in the aggregate had at least $1,000,000 in gross receipts from equipment leasing.

The term 'qualified leasing group' does not include any controlled group of corporations to which, without regard to this paragraph, paragraph (4) applies.

"(C) QUALIFIED LEASING MEMBER.—For purposes of this paragraph, a corporation shall be treated as a qualified leasing member for the taxable year only if for each of the taxable years referred to in subparagraph (B)—

"(i) it is a component member of the controlled group of corporations, and

"(ii) it meets the requirements of paragraph (4)(B) (as modified by subparagraph (A)(i) of this paragraph).

"(6) DEFINITIONS RELATING TO PARAGRAPHS (4) AND (5).—For purposes of paragraphs (4) and (5)—

"(A) EQUIPMENT LEASING.—The term 'equipment leasing' means—

"(i) the leasing of equipment which is section 1245 property, and 26 USC 1245.

"(ii) the purchasing, servicing, and selling of such equipment.

"(B) LEASING OF MASTER SOUND RECORDINGS, ETC., EXCLUDED.—The term 'equipment leasing' does not include the leasing of master sound recordings, and other similar contractual arrangements with respect to tangible or intangible assets associated with literary, artistic, or musical properties.

"(C) CONTROLLED GROUP OF CORPORATIONS; COMPONENT MEMBER.—The terms 'controlled group of corporations' and 'component member' have the same meanings as when used in section 1563. The determination of the taxable years taken into account with respect to any controlled group of corporations shall be made in a manner consistent with the manner set forth in section 1563."

(ii) Subparagraph (D) of section 465(c)(3) is amended to read as follows: 26 USC 465.

"(D) EXCLUSION FOR REAL PROPERTY.—In the case of activi- 94 STAT. 208

ties described in subparagraph (A), the holding of real property (other than mineral property) shall be treated as a separate activity, and subsection (a) shall not apply to losses from such activity. For purposes of the preceding sentence, personal property and services which are incidental to making real property available as living accommodations shall be treated as part of the activity of holding such real property."

(iii) Paragraph (5) of section 465(b) is amended by striking out "to which this section applies" and inserting in lieu thereof "to which subsection (a) applies". 26 USC 465.

(E) CLERICAL AMENDMENT TO EFFECTIVE DATE.—Subparagraph (A) of section 204(b)(2) of the Revenue Act of 1978 (relating to special transitional rules for leasing activities) is amended by striking out "this section" and inserting in lieu thereof "this subtitle". 26 USC 465 note.

(2) AMENDMENTS RELATED TO SUBTITLE B OF TITLE II OF THE ACT.— 92 Stat. 2817.

(A) AMENDMENT OF SECTION 6501.—Section 6501 (relating to limitations on assessment and collection) is amended by redesignating the subsection added by section 212(a) of the Revenue Act of 1978 as subsection (o). 26 USC 6501.

(B) AMENDMENT OF SECTION 6511(g)(2).—Paragraph (2) of 26 USC 6511.

section 6511(g) (relating to special rule for partnership items of federally registered partnerships) is amended by striking out "6501(q)" and inserting in lieu thereof "6501(o)".

26 USC 761.

(C) AMENDMENT OF SECTION 761.—Subsection (a) of section 761 (defining partnership) is amended by striking out "or" at the end of paragraph (1), by inserting "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) by dealers in securities for a short period for the purpose of underwriting, selling, or distributing a particular issue of securities,".

(b) EFFECTIVE DATE.—

For general effective date, see section 201.

92 Stat. 2820.

SEC. 103. AMENDMENTS RELATED TO TITLE III.

(a) GENERAL RULE.—

26 USC 857.

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Subparagraph (A) of section 857(b)(4) (relating to imposition of tax on income from foreclosure property) is amended to read as follows:

"(A) IMPOSITION OF TAX.—A tax is hereby imposed for each taxable year on the net income from foreclosure property of every real estate investment trust. Such tax shall be computed by multiplying the net income from foreclosure property by the highest rate of tax specified in section 11(b)."

92 Stat. 2824.

(2) AMENDMENTS RELATED TO SECTION 312 OF THE ACT.—

(A) CLARIFICATION OF FLOW-THROUGH PROVISIONS.—Paragraph (2) of section 312(c) of the Revenue Act of 1978 (relating to repeal of certain obsolete provisions) is amended to read as follows:

26 USC 46.
26 USC 48.
26 USC 1 note.

"(2) Paragraphs (1) and (2) of section 46(f) and subparagraph (B) of section 48(a)(7) are each amended by striking out 'described in section 50' and inserting in lieu thereof 'described in section 50 (as in effect before its repeal by the Revenue Act of 1978)'."

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(B) CLERICAL AMENDMENTS TO SPECIAL RULES FOR ENERGY PROPERTY.—

26 USC 46.

(i) Subsection (a) of section 46 (relating to amount of investment credit) is amended by redesignating paragraph (10) as paragraph (9).

(ii) Clause (i) of section 46(a)(9)(B) (as redesignated by clause (i)) is amended to read as follows:

"(i) paragraph (3)(B) shall be applied by substituting '100 percent' for the percentage determined under the table contained in such paragraph,".

(iii) Clause (ii) of section 46(a)(9)(B) (as so redesignated) is amended by striking out "(7), (8), and (9)" and inserting in lieu thereof "(7) and (8)".

26 USC 6401.

(iv) Subsection (d) of section 6401 is amended by striking out "46(a)(10)(C)" and inserting in lieu thereof "46(a)(9)(C)".

92 Stat. 2826.
26 USC 46.

(3) AMENDMENT RELATED TO SECTION 313 OF THE ACT.—Subparagraph (B) of section 46(c)(5) (relating to applicable percentage in the case of certain pollution control facilities) is amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply for purposes of applying the energy percentage."

92 Stat. 2828.

(4) AMENDMENTS RELATED TO SECTION 315 OF THE ACT.—

26 USC 46.

(A) CREDIT ALLOWED TO NONCORPORATE LESSORS.—Paragraph (3) of section 46(e) (relating to special rule for noncorporate lessors) is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply with respect to any property which is treated as section 38 property by reason of section 48(a)(1)(E)."

26 USC 48.

(B) COORDINATION WITH ENERGY PROPERTY.—Clause (i) of section 48(g)(2)(B) is amended by striking out "subsection (a)(1)(E)" and inserting in lieu thereof "subsections (a)(1)(E) and (l))".

92 Stat. 2829.
26 USC 50B, 52.

(5) AMENDMENT RELATED TO SECTION 316 OF THE ACT.—Sections 50B(f) and 52(f) (and the predecessor of section 52(f), section 52(h)) are each amended by striking out "section 46(e)" and inserting in lieu thereof "subsections (e) and (h) of section 46".

92 Stat. 2830.

(6) AMENDMENTS RELATED TO SECTION 321 OF THE ACT.—

26 USC 51.

(A) EXTENSION OF TERMINATION DATE.—Paragraph (4) of section 51(c) (relating to termination) is amended by striking out "December 31, 1980" and inserting in lieu thereof "December 31, 1981".

92 Stat. 2830.

(B) EFFECTIVE DATE FOR PROVISION MAKING NEW JOBS CREDIT ELECTIVE.—Subsection (d) of section 321 of the Revenue Act of 1978 (relating to effective dates) is amended by adding at the end thereof the following new paragraph:

26 USC 44B note.

"(5) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1976."

26 USC 51 note.

(C) CLARIFICATION OF EFFECTIVE DATE.—Subparagraph (A) of section 321(d)(2) of the Revenue Act of 1978 (relating to special rules for newly targeted groups) is amended by inserting ", for purposes of applying the amendments made by this section" after "newly targeted group".

26 USC 51 note.

(D) CLARIFICATION OF TRANSITIONAL RULE.—Paragraph (3) of section 321(d) of the Revenue Act of 1978 (relating to transitional rule) is amended to read as follows:

"(3) TRANSITIONAL RULE.—In the case of a taxable year which begins in 1978 and ends after December 31, 1978, the amount of the credit determined under section 51 of the Internal Revenue Code of 1954 shall be the sum of—

26 USC 51.

"(A) the amount of the credit which would be so determined without regard to the amendments made by this section, plus

"(B) the amount of the credit which would be so determined by reason of the amendments made by this section."

(E) FUTA WAGES TO BE TREATED AS INCLUDING REMUNERATION OF YOUTH PARTICIPATING IN A COOPERATIVE EDUCATION PROGRAM.—

26 USC 51.

(i) Subparagraph (D) of section 51(d)(8) (relating to members of targeted groups) is amended to read as follows:

"(D) WAGES.—In the case of remuneration attributable to services performed while the individual meets the requirements of subparagraph (A), wages, and unemployment insurance wages, shall be determined without regard to section 3306(c)(10)(C)."

(ii) Paragraph (1) of section 51(c) (defining wages) is amended by striking out "and subsection (h)(2)," and inserting in lieu thereof ", subsection (d)(8)(D), and subsection (h)(2),".

(F) AGE REQUIREMENT FOR QUALIFIED COOPERATIVE EDUCATION PROGRAMS.—Clause (i) of section 51(d)(8)(A) (defining youth participating in a qualified cooperative education program) is amended by striking out "19" and inserting in lieu thereof "20".

(G) CLERICAL AMENDMENTS.—

26 USC 44B.

(i) Subsection (a) of section 44B is amended by striking out "at the taxpayer" and inserting in lieu thereof "of the taxpayer".

(ii) Paragraph (2) of section 44B(c) is amended by striking out "may be" and inserting in lieu thereof "may by".

26 USC 51.

(iii) Paragraph (2) of section 51(c) is amended by striking out "amounts paid" and inserting in lieu thereof "amounts paid or incurred".

(iv) Paragraph (1) of section 51(d) is amended by striking out "or" at the end of subparagraph (E).

(v) Clause (i) of section 51(d)(4)(A) is amended by striking out "active day" and inserting in lieu thereof "active duty".

(vi) Subparagraph (B) of section 51(d)(4) is amended by striking out "premployment" and inserting in lieu thereof "preemployment".

(vii) Paragraph (5) of section 51(d) is amended by striking out "pre-employment" and inserting in lieu thereof "preemployment".

(viii) Paragraph (12) of section 51(d) is amended by striking out "employer" and inserting in lieu thereof "employers".

(ix) The last sentence of section 51(e) is amended by inserting "except as provided in subsection (h)(1)," after "the preceding sentence,".

26 USC 6501.

(x) Section 6501 is amended by redesignating the subsection added by section 321(b)(2) of the Revenue Act of 1978 as subsection (p).

92 Stat. 2830.

26 USC 51 note.

94 STAT. 211

(xi) Subparagraph (B) of section 321(d)(2) of the Revenue Act of 1978 is amended by striking out clauses (i) and (ii) and inserting in lieu thereof the following:

"(i) such individual meets the requirements of paragraph (1) of section 51(d) of such Code, and

"(ii) in the case of an individual meeting the requirements of subparagraph (A) of such paragraph (1), a credit was not claimed for such individual by the taxpayer for a taxable year beginning before January 1, 1979."

26 USC 53 note.

(xii) Paragraph (4) of section 321(d) of the Revenue Act of 1978 is amended by striking out "subsection (u)(2)" and inserting in lieu thereof "subsection (c)(2)".

26 USC 383, 6411.

(xiii) Section 383 and subsection (a) of section 6411 are each amended by striking out "section 53(c)" and inserting in lieu thereof "section 53(b)".

92 Stat. 2836.

(7) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

26 USC 50A note.

(A) CLARIFICATION OF EFFECTIVE DATE.—Paragraph (1) of section 322(e) of the Revenue Act of 1978 (relating to effective date) is amended by adding at the end thereof the following new sentence: "For purposes of applying section 50A(a)(2) of the Internal Revenue Code of 1954 with respect to a taxable year beginning before January 1, 1979, the rules of sections 50A(a)(4), 50A(a)(5), and 50B(e)(3) of such Code (as in effect on the day before the date of the enactment of this Act) shall apply."

26 USC 50A note.

(B) TRANSITIONAL RULE FOR EMPLOYEES HIRED AFTER SEPTEMBER 26, 1978.—Subparagraph (B) of section 322(e)(2) of the Revenue Act of 1978 (relating to eligible employees hired after September 26, 1978) is amended—

(i) by striking out "September 27, 1978," and inserting in lieu thereof "September 26, 1978, for purposes of applying the amendments made by this section,"; and

(ii) by striking out "January 1, 1979." and inserting in lieu thereof "January 1, 1979, and any wages paid or incurred after December 31, 1978, with respect to such individual shall be considered to be attributable to services rendered after that date."

(C) FEDERAL WELFARE RECIPIENT EMPLOYMENT INCENTIVE EXPENSES.—Effective with respect to wages paid or incurred after September 30, 1978, and before January 1, 1979, subparagraph (B) of section 50B(a)(2) (relating to work incentive program expenses), as in effect before the amendments

26 USC 50B.

92 Stat. 2836.

made by section 322 of the Revenue Act of 1978, is amended by striking out "October 1, 1978" and inserting in lieu thereof "January 1, 1979".

(D) CLERICAL AMENDMENTS.—

26 USC 50A.

(i) Subparagraph (C) of section 50A(a)(4) (relating to limitation with respect to nonbusiness eligible employees) is amended by striking out " '$6,000' and" and inserting in lieu thereof " '$6,000' for".

26 USC 50B.

(ii) Subparagraph (B) of section 50B(g)(2) is amended by striking out "giving to such credit" and inserting in lieu thereof "giving rise to such credit".

(iii) Clause (i) of section 50B(h)(1)(A) is amended by striking out "9-day" and inserting in lieu thereof "90-day".

94 STAT. 212

92 Stat. 2836.

(iv) The second subsection designated as subsection (d) of section 322 of the Revenue Act of 1978 is amended by striking out "our" in paragraph (1)(A) thereof and inserting in lieu thereof "out".

92 Stat. 2842.
26 USC 103 note.

(8) AMENDMENT RELATED TO SECTION 337 OF THE ACT.—Subsection (a) of section 337 of the Revenue Act of 1978 (relating to disposition of amounts generated by advance refunding of certain governmental obligations) is amended by striking out "or a refund profit" and inserting in lieu thereof "of a refund profit".

92 Stat. 2844.
26 USC 1244 note.

(9) AMENDMENT RELATING TO SECTION 345 OF THE ACT.—Subsection (e) of section 345 of the Revenue Act of 1978 (relating to effective date for small business corporation stock provision) is amended to read as follows:

"(e) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to stock issued after November 6, 1978.

"(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1978.

"(3) TRANSITIONAL RULE FOR SUBSECTION (b).—In the case of a taxable year which includes November 6, 1978, the amendments made by subsection (b) shall apply with respect to stock issued after such date."

92 Stat. 2847.

(10) AMENDMENTS RELATED TO SECTION 361 OF THE ACT.—

26 USC 274.

(A) OTHER CLUBS.—Subparagraph (C) of section 274(a)(2) (relating to special rule for country clubs) is amended by striking out "country".

26 USC 274.

(B) CLERICAL AMENDMENT.—Subsection (b) of section 361 of the Revenue Act of 1978 is amended—

(i) by striking out "section 274(2)" and inserting in lieu thereof "section 274(a)", and

(ii) by striking out "COUNTRY" in the subsection heading.

26 USC 274 note.

(C) USE OF FACILITIES IN CASE OF INDEPENDENT CONTRACTORS, ETC.—

(i) IN GENERAL.—Subsection (a) of section 274 of the Internal Revenue Code of 1954 (relating to disallowance of certain entertainment, etc., expenses) shall not apply to expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award under section 74 of such Code.

26 USC 74.

(ii) INFORMATION RETURN REQUIREMENT.—Clause (i) shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included in any information return filed by such taxpayer under

26 USC 6031.

part III of subchapter A of chapter 61 of such Code and is not so included.

(iii) Application of subparagraph.—This subparagraph shall only apply with respect to expenses paid or incurred during 1979 or 1980.

92 Stat. 2848.
26 USC 860 note.

(11) Amendments related to section 362 of the act.—

(A) Subsection (e) of section 362 of the Revenue Act of 1978 (relating to effective date for deficiency dividend procedure for regulated investment companies) is amended by striking out "860(d)" and inserting in lieu thereof "860(e)".

94 STAT. 213

26 USC 860.

(B) The subsection heading of subsection (f) of section 860 is amended by striking out "Efficiency" and inserting in lieu thereof "Deficiency".

26 USC 860.

(C) Clause (i) of section 860(f)(2)(A) is amended by striking out "computed without regard" and inserting in lieu thereof "(computed without regard".

92 Stat. 2854.
26 USC 357.

(12) Amendment related to section 365 of the act.—Subparagraph (A) of section 357(c)(3) (relating to liabilities in excess of basis) is amended to read as follows:

26 USC 351.

"(A) In general.—If a taxpayer transfers, in an exchange to which section 351 applies, a liability the payment of which either—

"(i) would give rise to a deduction, or

"(ii) would be described in section 736(a),

then, for purposes of paragraph (1), the amount of such liability shall be excluded in determining the amount of liabilities assumed or to which the property transferred is subject."

92 Stat. 2855.
26 USC 3401.

(13) Amendments related to section 366 of the act.—

(A) Withholding.—Subsection (a) of section 3401 (defining wages) is amended—

(i) by striking out "or" at the end of paragraph (17),

92 Stat. 3108.

(ii) by striking out the period at the end of the paragraph (18) added by section 207(a) of the Foreign Earned Income Act of 1978 and inserting in lieu thereof a semicolon,

92 Stat. 2811.

(iii) by redesignating the paragraph (18) added by section 164(b)(1) of the Revenue Act of 1978 as paragraph (19),

(iv) by striking out "section 124." in paragraph (19) (as so redesignated) and inserting in lieu thereof "section 127; or", and

(v) by adding at the end thereof the following new paragraph:

"(20) for any medical care reimbursement made to or for the benefit of an employee under a self-insured medical reimbursement plan (within the meaning of section 105(h)(6))."

26 USC 105.

(B) Clarification of nondiscriminatory eligibility classifications.—Clause (ii) of section 105(h)(3)(A) is amended by striking out "highly compensated participants" and inserting in lieu thereof "highly compensated individuals".

(C) Clarification of excess reimbursement of highly compensated individuals.—Subparagraph (A) of section 105(h)(7) is amended to read as follows:

"(A) in the case of a benefit available to highly compensated individuals but not to all other participants (or which otherwise fails to satisfy the requirements of paragraph (2)(B)), the amount reimbursed under the plan to the employee with respect to such benefit, and".

26 USC 105 note.

(D) Clarification of effective date.—Subsection (b) of section 366 of the Revenue Act of 1978 is amended to read as follows:

26 USC 105 note

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts reimbursed after December 31, 1979. For purposes of applying such amendment, there shall not be taken into account

94 STAT. 214

any amount reimbursed before January 1, 1980."

92 Stat. 2857.
26 USC 374.

(14) AMENDMENT RELATED TO SECTION 369 OF THE ACT.—Clause (iv) of section 374(e)(1)(A) (relating to use of expired net operating loss carryovers to offset income arising from certain railroad reorganization proceedings) is amended by striking out "March 31, 1967" and inserting in lieu thereof "March 31, 1976".

92 Stat. 2859.
26 USC 172.

(15) AMENDMENT RELATED TO SECTION 371 OF THE ACT.—Paragraph (2) of section 371(a) of the Revenue Act of 1978 (relating to net operating losses attributable to product liability losses) is amended by striking out "Clause (i) of section 172(b)(1)(A)" and inserting in lieu thereof "Subparagraph (A) of section 172(b)(1)".

92 Stat. 2863.
26 USC 466.

(16) AMENDMENT RELATED TO SECTION 373 OF THE ACT.—Subparagraph (B) of section 466(e)(2) (relating to initial opening balance of suspense account) is amended by striking out "first taxable years" and inserting in lieu thereof "first taxable year".

(b) EFFECTIVE DATES.—

26 USC 51 note.

(1) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (a)(5)(F) shall apply to wages paid or incurred on or after November 27, 1979, in taxable years ending on or after such date.

(2) GENERAL EFFECTIVE DATE.—

Post, p. 228.

For general effective date, see section 201.

SEC. 104. AMENDMENTS RELATED TO TITLE IV.

(a) IN GENERAL.—

92 Stat. 2866.
26 USC 877.

(1) AMENDMENT RELATED TO SECTION 401 OF THE ACT.—Subsection (b) of section 877 is amended by striking out "402(e)(1), or section 1201(b)" and inserting in lieu thereof "or 402(e)(1)".

92 Stat. 2867.

(2) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—

26 USC 1202.

(A) AMENDMENTS OF TRANSITIONAL RULE.—Subsection (c) of section 1202 (relating to transitional rule of taxable years which include November 1, 1978) is amended—

(i) by striking out so much of such subsection as precedes "a taxpayer other than a corporation" and inserting in lieu thereof:

"(c) TRANSITIONAL RULE.—If for any taxable year ending after October 31, 1978, and beginning before November 1, 1979,"; and

(ii) by amending subparagraph (B) of paragraph (1) to read as follows:

"(B) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year after October 31, 1978, plus".

(B) COMPUTATION OF MAXIMUM 25 PERCENT ALTERNATIVE CAPITAL GAINS TAX FOR 1978.—

26 USC 1201.

(i) Paragraph (1) of section 1201(b) (as such paragraph was in effect for taxable years beginning before January 1, 1979) is amended by striking out "50 percent of the net capital gain" and inserting in lieu thereof "the excess of the net capital gain over the deduction under section 1202".

(ii) Subsection (c) of section 1201 (as such subsection was in effect for taxable years beginning before January 1, 1979) is amended to read as follows:

26 USC 1, 511.

"(c) COMPUTATION OF TAX WHERE CAPITAL GAIN EXCEEDS $50,000.—The tax computed for purposes of subsection (b)(3) shall be the amount by which a tax determined under section 1 or 511 on an amount equal to the taxable income (but not less than the excess of the net capital gain over the deduction under section 1202) for the taxable year exceeds a tax determined under section 1 or 511 on an

26 USC 1, 511.

94 STAT. 215

amount equal to the sum of—

"(1) the amount subject to tax under subsection (b)(1), plus

"(2) an amount determined by multiplying the sum referred to in subsection (b)(2)(A) by a fraction—

26 USC 1202.

"(A) the numerator of which is the excess of the net capital gain over the deduction under section 1202, and

"(B) the denominator of which is the net capital gain."

(C) SPECIAL RULE FOR PASS-THROUGH ENTITIES.—

26 USC 1201 note.
26 USC 1201, 1202.

(i) IN GENERAL.—In applying sections 1201(c)(2)(A)(ii) and 1202(c)(1)(B) of the Internal Revenue Code of 1954 with respect to any pass-through entity, the determination of the period for which gain or loss is properly taken into account shall be made at the entity level.

(ii) PASS-THROUGH ENTITY DEFINED.—For purposes of clause (i), the term "pass-through entity" means—

(I) a regulated investment company,
(II) a real estate investment trust,
(III) an electing small business corporation,
(IV) a partnership,
(V) an estate or trust, and
(VI) a common trust fund.

92 Stat. 2868.

(3) AMENDMENTS RELATED TO SECTION 403 OF THE ACT.—

26 USC 1201.

(A) CLARIFICATION OF TRANSITIONAL RULE.—Subsection (c) of section 1201 (relating to transitional rule for taxable years which include January 1, 1979) is amended—

26 USC 1201.

(i) by striking out so much of such section as precedes "a corporation" and inserting in lieu thereof the following:

"(c) TRANSITIONAL RULE.—If for any taxable year ending after December 31, 1978, and beginning before January 1, 1980,", and

(ii) by amending clause (ii) of paragraph (2)(A) to read as follows:

"(ii) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year after December 31, 1978, plus".

26 USC 852.

(B) UNDISTRIBUTED CAPITAL GAIN OF REGULATED INVESTMENT COMPANY.—Clause (iii) of section 852(b)(3)(D) (relating to treatment by shareholders of undistributed capital gain) is amended by striking out "70 percent" and inserting in lieu thereof "72 percent".

26 USC 593.

(C) ADDITION TO RESERVES FOR BAD DEBTS.—Clause (iv) of section 593(b)(2)(E) is amended by striking out "3/8" each place it appears and inserting in lieu thereof "18/46".

26 USC 904.

(D) CLERICAL AMENDMENTS.—

(i) Paragraph (3) of section 904(b) is amended by redesignating the subparagraph (E) added by section 403(c)(4) of the Revenue Act of 1978 as subparagraph (F).

(ii) Subparagraph (B) of section 403(c)(4) of the Revenue Act of 1978 is amended by striking out "striking the period at the end of subparagraph (D) of paragraph (3), inserting in lieu thereof a comma, and inserting immediately thereafter" and inserting in lieu thereof "adding at the end of paragraph (3)".

92 Stat. 2871.

(4) AMENDMENTS RELATED TO SECTION 421 OF THE ACT.—

26 USC 55.
94 STAT. 216

(A) CERTAIN DEDUCTIONS WHICH MAY BE CARRIED OVER NOT TAKEN INTO ACCOUNT.—Paragraph (1) of section 55(b) (defining alternative minimum taxable income) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (A), a deduction shall not be taken into account to the extent such deduction may be carried to another taxable year."

26 USC 55.

(B) TREATMENT OF FOREIGN TAX CREDIT.—Paragraphs (1) and (2) of section 55(c) (relating to credits) are amended to read as follows:

26 USC 31.
26 USC 33.

"(1) CREDITS OTHER THAN FOREIGN TAX CREDIT NOT ALLOWABLE, ETC.—For purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter (other than the foreign tax credit allowed under section 33(a))—

"(A) the tax imposed by this section shall not be treated as a tax imposed by this chapter, and

"(B) the amount of the foreign tax credit allowed under section 33(a) shall be determined without regard to this section.

"(2) FOREIGN TAX CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

"(A) DETERMINATION OF FOREIGN TAX CREDIT.—The total amount of the foreign tax credit which can be taken against the tax imposed by subsection (a) shall be determined under subpart A of part III of subchapter N (sec. 901 and following).

"(B) INCREASE IN AMOUNT OF FOREIGN TAXES TAKEN INTO ACCOUNT.—For purposes of the determination provided by subparagraph (A), the amount of taxes paid or accrued to foreign countries or possessions of the United States during the taxable year shall be increased by an amount equal to the lesser of—

"(i) the foreign tax credit allowable under section 33(a) in computing the regular tax for the taxable year, or

"(ii) the tax imposed by subsection (a).

"(C) SECTION 904(a) LIMITATION.—For purposes of the determination provided by subparagraph (A), the limitation of section 904(a) shall be an amount equal to the same proportion of the sum of the tax imposed by subsection (a) against which such credit is taken and the regular tax (excluding the tax imposed by section 56) as— 26 USC 904. 26 USC 56.

"(i) the taxpayer's alternative minimum taxable income from sources without the United States (but not in excess of the taxpayer's entire alternative minimum taxable income), bears to

"(ii) his entire alternative minimum taxable income.

For such purpose, the amount of the limitation of section 904(a) shall not exceed the tax imposed by subsection (a).

"(D) DEFINITION OF ALTERNATIVE MINIMUM TAXABLE INCOME FROM SOURCES WITHOUT THE UNITED STATES.—For purposes of subparagraph (C), the term 'alternative minimum taxable income from sources without the United States' means the items of gross income from sources without the United States adjusted as provided in subparagraph (A), (B), and (C) of section 55(b)(1) (taking into account in such adjustment only items described in such subparagraphs which are properly attributable to items of gross income from sources without the United States). 26 USC 55.

"(E) SPECIAL RULE FOR APPLYING SECTION 904(c).—In determining the amount of foreign taxes paid or accrued during the taxable year which may be deemed to be paid or accrued in a preceding or succeeding taxable year under section 904(c)— 26 USC 904.

94 STAT. 217

"(i) the limitation of section 904(a) shall be increased by the amount of the limitation determined under subparagraph (C), and

"(ii) any increase under subparagraph (B) shall be taken into account."

(C) REGULAR TAX DETERMINED WITHOUT REGARD TO FOREIGN TAX CREDIT ALLOWED AGAINST MINIMUM TAX.—Paragraph (2) of section 55(b) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the amount of the credit allowable under section 33 shall be determined without regard to this section." 26 USC 55. 26 USC 33.

(D) TREATMENT OF ZERO BRACKET AMOUNT.—Subsection (b) of section 55 (relating to definitions for purposes of alternative minimum tax) is amended by adding at the end thereof the following new paragraph:

"(3) TREATMENT OF ZERO BRACKET AMOUNT.—In the case of an individual who does not itemize his itemized deductions, the zero bracket amount shall be treated as a deduction allowed."

26 USC 57.

(E) TREATMENT OF CERTAIN FOREIGN TAXES FOR THE ADJUSTED ITEMIZED DEDUCTION PREFERENCE.—Paragraphs (1)(A) and (2)(A)(v) of section 57(b) (relating to adjusted itemized deductions) are each amended by inserting ", and foreign," after "State and local".

(F) ADJUSTED ITEMIZED DEDUCTIONS OF ESTATE OR TRUST.—Subparagraph (A) of section 57(b)(2) (defining adjusted itemized deductions of estate or trust) is amended by striking out "clauses (i) through (vi)" and inserting in lieu thereof "clauses (iii) through (vi)".

26 USC 55.

(G) CARRYOVER OF RESIDENTIAL ENERGY CREDIT.—Paragraph (3) of section 55(c) is amended by adding at the end thereof the following new sentence:

26 USC 44.

"In determining any carryover under subsection 44C(b)(6), a rule similar to the rule set forth in subparagraph (A) shall be treated as inserted in this paragraph before subparagraph (A), and the applications of subparagraphs (A), (B), and (C) shall be adjusted accordingly."

(H) CLERICAL AMENDMENTS.—

(i) Subsection (a) of section 55 (relating to alternative minimum tax) is amended by striking out all after paragraph (1) and inserting in lieu thereof the following:

"(2) the regular tax for the taxable year,

then there is imposed (in addition to all other taxes imposed by this title) a tax equal to the amount of such excess."

26 USC 53.

(ii) Subparagraph (A) of section 55(c)(3) (relating to carryover and carryback of certain credits) is amended by striking out "section 53(c)" and inserting in lieu thereof "section 53(b)".

26 USC 443.

(iii) Paragraph (2) of section 443(d) (relating to adjustment in computing minimum tax for tax preferences) is amended by striking out "in the case of a corporation,".

26 USC 453.

(iv) Paragraph (3) of section 453(c) is amended by striking out "section 56" and inserting in lieu thereof "sections 55 and 56".

26 USC 871, 877.

(v) Sections 871(b)(1) and 877(b) are each amended by striking out "section 55" and inserting in lieu thereof "55".

26 USC 666.

94 STAT. 218

(vi) The second sentence of section 666(c) (relating to pro rata portion of taxes deemed distributed) is amended by inserting "(other than the tax imposed by section 55)" after "equal to the taxes".

26 USC 5.

(vii) Paragraph (4) of section 5(a) is amended by striking out "section 55" and inserting in lieu thereof "sections 55 and 56".

26 USC 55.

(viii) Paragraph (2) of section 55(b) is amended by inserting "409(c)," after "408(f),".

92 Stat. 2878.

(5) AMENDMENTS RELATED TO SECTION 441 OF THE ACT.—

26 USC 1348 note.

(A) TRANSITIONAL RULE.—Paragraph (2) of section 441(b) of the Revenue Act of 1978 (relating to transitional rules) is amended to read as follows:

26 USC 1348.
26 USC 57.

"(2) TAXABLE YEARS WHICH STRADDLE NOVEMBER 1, 1978.—In the case of a taxable year which begins before November 1, 1978, and ends after October 31, 1978, the amount taken into account under section 1348(b)(2)(B) of the Internal Revenue Code of 1954 by reason of section 57(a)(9) of such Code shall be 50 percent of the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year before November 1, 1978."

26 USC 1348.

(B) CLERICAL AMENDMENT.—Subsection (a) of section 441 of the Revenue Act of 1978 is amended by striking out "subparagraph (b)" and inserting in lieu thereof "subparagraph (B)".

(b) EFFECTIVE DATES.—

(1) SPECIAL EFFECTIVE DATE FOR SUBSECTION (a)(2)(B).—The amendments made by subsection (a)(2)(B) shall apply to taxable years beginning in 1978. 26 USC 1201 note.

(2) GENERAL EFFECTIVE DATE.—

For general effective date, see section 201. *Post*, p. 228.

SEC. 105. AMENDMENTS RELATED TO TITLE V.

(a) GENERAL RULE.—

(1) AMENDMENTS RELATED TO SECTION 502 OF THE ACT.— 92 Stat. 2879.

(A) Subsection (g) of section 7463 (relating to small tax case procedures) is hereby repealed. 26 USC 7463.

(B) Subsection (c) of section 7456 (relating to commissioners of the Tax Court) is amended by striking out "sections 7428" and inserting in lieu thereof "sections 7428, 7463". 26 USC 7456.

(2) AMENDMENT RELATED TO SECTION 504 OF THE ACT.—Paragraph (2) of section 6411(d) (relating to tentative refund of tax under claim of right adjustment) is amended to read as follows: 92 Stat. 2880. 26 USC 6411.

"(2) ALLOWANCE OF ADJUSTMENTS.—Within a period of 90 days from the date on which an application is filed under paragraph (1) or from the date of the overpayment (determined under section 1341(b)(1)), whichever is later, the Secretary shall— 26 USC 1341.

"(A) review the application,

"(B) determine the amount of the overpayment, and

"(C) apply, credit, or refund such overpayment,

in a manner similar to the manner provided in subsection (b)."

(3) AMENDMENTS RELATED TO SECTION 511 OF THE ACT.— 92 Stat. 2881.

(A) AGGREGATE ADJUSTED CONSIDERATION MUST BE LESS THAN VALUE.—Paragraph (2) of section 2040(c) (relating to limitations) is amended by adding at the end thereof the following new subparagraph: 26 USC 2040.

"(C) AGGREGATE ADJUSTED CONSIDERATION MUST BE LESS THAN VALUE.—Paragraph (1) shall not apply if the sum of— 94 STAT. 219

"(i) the adjusted consideration furnished by the decedent, and

"(ii) the adjusted consideration furnished by the decedent's spouse,

equals or exceeds the value of the interest."

(B) CLERICAL AMENDMENT.—Paragraph (1) of section 2040(c) is amended by striking out "subsections (a)" and inserting in lieu thereof "subsection (a)". 26 USC 2040.

(4) AMENDMENTS RELATED TO SECTION 514 OF THE ACT.— 92 Stat. 2883.

(A) The first sentence of paragraph (3) of section 2055(e) is amended— 26 USC 2055.

(i) by striking out "subparagraph (a) or (B)" and inserting in lieu thereof "subparagraph (A) or (B)", and

(ii) by striking out "so that interest" and inserting in lieu thereof "so that the interest".

(B) Section 514 of the Revenue Act of 1978 is amended by adding at the end thereof the following new subsection:

"(c) EFFECTIVE DATES.— 26 USC 2055 note.

"(1) FOR SUBSECTION (a).—The amendment made by subsection (a) shall apply in the case of decedents dying after December 31, 1969.

"(2) FOR SUBSECTION (b).—Subsection (b)—

"(A) insofar as it relates to section 170 of the Internal Revenue Code of 1954 shall apply to transfers in trust and contributions made after July 31, 1969, and 26 USC 170.

"(B) insofar as it relates to section 2522 of the Internal Revenue Code of 1954 shall apply to transfers made after December 31, 1969." 26 USC 2522.

92 Stat. 2884.

(5) AMENDMENTS RELATED TO SECTION 515 OF THE ACT.—

26 USC 1040.

(A) AMENDMENT OF SECTION 1040 OF THE CODE.—Section 1040 (relating to use of certain appreciated carryover basis property to satisfy pecuniary bequest) is amended by adding at the end thereof the following new subsection:

26 USC 2032A.

"(d) APPLICATION TO SECTION 2032A PROPERTY.—For purposes of this section, references to carryover basis property shall be treated as including a reference to property the valuation of which is determined under section 2032A."

26 USC 1040 note.

Supra.

(B) PERIOD FOR WHICH SECTION 1040 APPLIES.—Notwithstanding section 515 of the Revenue Act of 1978, section 1040 of the Internal Revenue Code of 1954 (as amended by subparagraph (A)) shall apply with respect to the estates of decedents dying after December 31, 1976.

92 Stat. 2886.

(6) AMENDMENTS RELATED TO SECTION 531 OF THE ACT.—

26 USC 216.

(A) Paragraph (6) of section 216(b) (relating to deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraphs:

"(A) IN GENERAL.—If the original seller acquires any stock of the corporation from the corporation or by foreclosure, the original seller shall be treated as a tenant-stockholder for a period not to exceed 3 years from the date of the acquisition of such stock.

94 STAT. 220

"(B) STOCK ACQUISITION MUST TAKE PLACE NOT LATER THAN 1 YEAR AFTER TRANSFER OF DWELLING UNITS.—Except in the case of an acquisition of stock of a corporation by foreclosure, subparagraph (A) shall apply only if the acquisition of stock occurs not later than 1 year after the date on which the apartments or houses (or leaseholds therein) are transferred by the original seller to the corporation. For purposes of this subparagraph and subparagraph (A), the term 'by foreclosure' means by foreclosure (or by instrument in lieu of foreclosure) of any purchase-money security interest in the stock held by the original seller."

"By foreclosure."

26 USC 216.

Ante, p. 219.

(B) Subparagraph (D) of section 216(b)(6) (as redesignated by subparagraph (A) of this paragraph) is amended by adding at the end thereof the following new sentence: "The estate of an original seller shall succeed to, and take into account, the tax treatment of the original seller under this paragraph."

92 Stat. 2888.

(7) AMENDMENTS RELATED TO SECTION 543 OF THE ACT.—

26 USC 126.

(A) Section 126 (relating to certain cost-sharing payments) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) EXCLUDABLE PORTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'excludable portion' means that portion (or all) of a payment made to any person under any program described in subsection (a) which—

"(A) is determined by the Secretary of Agriculture to be made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife, and

"(B) is determined by the Secretary of the Treasury or his delegate as not increasing substantially the annual income derived from the property.

"(2) PAYMENTS NOT CHARGEABLE TO CAPITAL ACCOUNT.—The term 'excludable portion' does not include that portion of any payment which is properly associated with an amount which is allowable as a deduction for the taxable year in which such amount is paid or incurred.

"(c) Election for Section Not To Apply.—

"(1) In general.—The taxpayer may elect not to have this section (and section 1255) apply to any excludable portion (or portion thereof). 26 USC 1255.

"(2) Manner and time for making election.—Any election under paragraph (1) shall be made in the manner prescribed by the Secretary by regulations and shall be made not later than the due date prescribed by law (including extensions) for filing the return of tax under this chapter for the taxable year in which the payment was received or accrued.

"(d) Denial of Double Benefits.—No deduction or credit shall be allowed with respect to any expenditure which is properly associated with any amount excluded from gross income under subsection (a).

"(e) Basis of Property Not Increased by Reason of Excludable Payments.—Notwithstanding any provision of section 1016 to the contrary, no adjustment to basis shall be made with respect to property acquired or improved through the use of any payment, to the extent that such adjustment would reflect any amount which is excluded from gross income under subsection (a)." 26 USC 1016.

(B) Paragraph (1) of section 1255(a) is amended by striking out all after subparagraph (B)(i) and inserting in lieu thereof the following: 26 USC 1255. 94 STAT. 221

"(ii) the adjusted basis of such property,

shall be treated as ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle, except that this section shall not apply to the extent such gain is recognized as ordinary income under any other provision of this part."

(C) Subsection (a)(9) of section 126 (relating to certain cost-sharing payments) is amended by inserting "or his delegate" after "Secretary of the Treasury". 26 USC 126.

(D) Paragraph (2) of section 1255(b) (relating to special rules applicable to gain from disposition of section 126 property) is amended by striking out "(2)" and inserting in lieu thereof "(2) for purposes of sections 163(d), 170(e), 341(e)(12), 453(d)(4)(B), and 751(c),". 26 USC 1255.

(E) Paragraph (10) of section 126(a) (relating to certain cost-sharing payments) is amended by striking out "Any State program" and inserting in lieu thereof "Any program of a State, possession of the United States, a political subdivision of any of the foregoing, or the District of Columbia". 26 USC 126.

(b) Effective Dates.— 26 USC 7456 note.

(1) Special effective date for subsection (a)(1).—The amendments made by subsection (a)(1) shall take effect on the date of the enactment of this Act.

(2) General effective date.—

For general effective date, see section 201. *Post*, p. 228.

SEC. 106. AMENDMENTS RELATED TO TITLE VI.

(a) In General.—

(1) Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by redesignating the subparagraph (H) added by section 601(b)(1) of the Revenue Act of 1978 as subparagraph (I). 26 USC 172. 92 Stat. 2892.

(2) Subsection (a) of section 1016 (relating to adjustments of basis) is amended by redesignating the paragraph (21) added by section 601(b)(3) of the Revenue Act of 1978 as paragraph (22). 26 USC 1016.

(3) Paragraph (3) of section 601(b) of the Revenue Act of 1978 is amended by striking out "by redesignating paragraph (23) as (22) and by inserting after paragraph (20)" and inserting in lieu thereof "by inserting before paragraph (23)".

(4) Subsection (a) of section 1391 (defining general stock ownership corporation) is amended— 26 USC 1391.

(A) by striking out ", and" at the end of paragraph (1) and inserting in lieu thereof a semicolon,

(B) by inserting "or" at the end of paragraph (4)(D)(ii),

(C) by inserting "and" at the end of paragraph (4)(D)(iii), and

(D) by inserting "and" at the end of paragraph (4)(E).

26 USC 1392.

(5) Subsection (c) of section 1392 is amended by striking out "WHERE" in the subsection heading and inserting in lieu thereof "WHEN".

26 USC 172.

(6) Subparagraph (A) of section 172(b)(1) is amended by striking out "and (H)" and inserting in lieu thereof ", (H), and (I)".

(7) Subparagraph (B) of section 172(b)(1) is amended by striking out "and (G)" and inserting in lieu thereof "(G), and (I)".

94 STAT. 222

(b) EFFECTIVE DATE.—

Post, p. 228.

For general effective date, see section 201.

SEC. 107. AMENDMENTS RELATED TO TITLE VII.

(a) IN GENERAL.—

92 Stat. 2897.

(1) AMENDMENTS RELATED TO SECTION 701 OF THE ACT.—

26 USC 57.

(A) COMPUTATION OF ADJUSTED ITEMIZED DEDUCTIONS IN CASE OF ESTATES AND TRUSTS.—Subparagraph (C) of section 57(b)(2) (relating to special rules for estates and trusts) is amended by striking out "section 170(c)(2)(B)" each place it appears and inserting in lieu thereof "section 170(c) (determined without regard to section 170(c)(2)(A))".

26 USC 911 note.
26 USC 911.

(B) EFFECTIVE DATE FOR PROVISION RELATING TO FOREIGN TAXES ATTRIBUTABLE TO SECTION 911 EXCLUSION.—Subparagraph (B) of section 701(u)(10) of the Revenue Act of 1978 (relating to effective date) is amended to read as follows:

"(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years beginning in calendar year 1978 but only in the case of taxpayers who make an election under section 209(c) of the Foreign Earned Income Act of 1978."

26 USC 911 note.

26 USC 58.

(C) ALLOCATION OF ITEMS OF TAX PREFERENCE IN THE CASE OF ESTATES AND TRUSTS.—Paragraph (1) of section 58(c) (relating to estates and trusts) is amended by striking out "on the basis of the income of the estate or trust allocable to each" and inserting in lieu thereof "in accordance with regulations prescribed by the Secretary".

26 USC 1250.

(D) AMENDMENT OF SECTION 1250.—The last sentence of section 1250(a)(1)(B) (relating to gain from disposition of certain depreciable property) is amended by inserting before the period at the end thereof the following: "which was allowed under section 167(k)".

(E) CLERICAL AMENDMENTS.—

26 USC 37.

(i) Paragraph (3) of section 701(a) of the Revenue Act of 1978 is amended by striking out "Subsection (c)" and inserting in lieu thereof "Subsection (e)".

26 USC 191.

(ii) Subparagraph (C) of section 191(f)(2) is amended by striking out "the date of" and inserting in lieu thereof "the date".

92 Stat. 2925.
26 USC 1014.

(2) AMENDMENTS RELATED TO SECTION 702 OF THE ACT.—

(A) Paragraph (3) of section 1014(a) is amended by striking out "section 2032.1" and inserting in lieu thereof "section 2032A".

26 USC 2613.

(B)(i) Clause (i) of section 2613(e)(2)(A) is amended by inserting "(other than as a potential appointee under a power of appointment held by another)" after "the trust".

(ii) Subparagraph (B) of section 2613(e)(2) is amended—

(I) by inserting after clause (ii) the following new clause:

"(iii) an employee of the grantor or of any beneficiary,",

(II) by striking out clause (vi), by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively, and

(III) by inserting "or" at the end of clause (vi) (as so redesignated).

(C) Paragraph (3) of section 702(r) of the Revenue Act of 1978 is hereby repealed.

Repeal.
26 USC 1016.

(D) The section 6698 which relates to failure to file information with respect to carryover basis property is redesignated as section 6698A.

26 USC 6698A.

26 USC 6698A.

94 STAT. 223

(E) The table of sections for subchapter B of chapter 68 is amended by striking out

"Sec. 6698. Failure to file information with respect to carryover basis property."

and inserting in lieu thereof the following:

"Sec. 6698A. Failure to file information with respect to carryover basis property."

(F)(i) If the executor elects the benefits of this subparagraph with respect to any estate, section 2035(b) of the Internal Revenue Code of 1954 (relating to adjustments for gifts made within 3 years of decedent's death) shall be applied with respect to transfers made by the decedent during 1977 as if paragraph (2) of such section 2035(b) read as follows:

26 USC 2035 note.
26 USC 2035.

"(2) to any gift to a donee made during 1977 to the extent of the amount of such gift which was excludable in computing taxable gifts by reason of section 2503(b) (relating to $3,000 annual exclusion for purposes of the gift tax) determined without regard to section 2513(a)."

26 USC 2503.
26 USC 2513.

(ii) The election under clause (i) with respect to any estate shall be made on or before the later of—

(I) the due date for filing the estate tax return, or

(II) the day which is 120 days after the date of the enactment of this Act.

(3) AMENDMENTS RELATED TO SECTION 703 OF THE ACT.—

92 Stat. 2939.

(A) The first sentence of paragraph (8) of section 46(f) is amended by striking out "subsection (a)(7)(D)" and inserting in lieu thereof "subsection (a)(7)(C)".

26 USC 46.

(B) Subsection (e) of section 703 of the Revenue Act of 1978 is hereby repealed.

Repeal.
26 USC 911.

(C) Paragraph (1) of section 703(q) of the Revenue Act of 1978 is amended by striking out "section 103(d)" and inserting in lieu thereof "section 103(c)".

26 USC 103.

(b) EFFECTIVE DATE.—

For general effective date, see section 201.

Post, p. 228.

SEC. 108. AMENDMENTS RELATED TO CERTAIN OTHER ACTS ENACTED DURING 1978.

(a) FOREIGN EARNED INCOME ACT OF 1978.—

26 USC 1 note.

(1) IN GENERAL.—

(A) TAX TABLES TO APPLY TO INDIVIDUALS CLAIMING SECTION 911 EXCLUSION.—Section 202 of the Foreign Earned Income Act of 1978 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

26 USC 43, 911, 1302, 1304, 1402, 6012, 6091.
92 Stat. 3098.

"(f) TAX TABLES TO APPLY TO INDIVIDUALS CLAIMING SECTION 911 EXCLUSION.—Paragraph (1) of section 3(b) (relating to tax tables not to apply to certain individuals) is amended by striking out subparagraph (A)."

26 USC 3.

(B) DETERMINATION OF HOUSING DEDUCTION.—

(i) Clause (i) of section 913(e)(3)(A) is amended by striking out "earned income" each place it appears and inserting in lieu thereof "housing income".

26 USC 913.

(ii) Subsection (e) of section 913 is amended by adding at the end thereof the following new paragraphs:

26 USC 911.

94 STAT. 224

"(6) Housing income.—For purposes of this subsection, the term 'housing income' has the meaning given to the term 'earned income' by section 911(b) (determined with the rule set forth in paragraph (3) of section 911(c)).

"(7) Recapture of excess housing deductions attributable to treatment of after-received compensation.—

"(A) In general.—There shall be included in the gross income of the individual for the taxable year in which any after-received compensation is received an amount equal to any excess housing deduction determined for such year.

"(B) Excess housing deduction.—For purposes of subparagraph (A), the excess housing deduction determined for any taxable year is the excess (if any) of—

"(i) the aggregate amount which has been allowed as a housing deduction (for such taxable year and all prior taxable years), over

"(ii) the aggregate amount which would have been allowable as a housing deduction (for such taxable year and all prior taxable years for which a housing deduction has been allowed), by taking after-received compensation into account under this subsection as if it had been received in the taxable year in which the services were performed.

In applying the preceding sentence to any taxable year, proper adjustment shall be made for the effect of applying such sentence for purposes of all prior taxable years.

"(C) Treatment of amount included in income.—Any amount included in gross income under subparagraph (A) shall not be treated as income for purposes of applying subsection (c) of this section.

"(D) Definitions.—For purposes of this paragraph—

"(i) Housing deduction.—The term 'housing deduction' means that portion of the deduction allowable under subsection (a) for any taxable year which is attributable to qualified housing expenses. For such purpose, qualified housing expenses shall be taken into account after all other amounts described in subsection (b).

"(ii) After-received compensation.—The term 'after-received compensation' means compensation received by an individual in a taxable year which is attributable to services performed by such individual in the third preceding, second preceding, or first preceding taxable year."

26 USC 911.

(C) Clerical amendment.—Paragraph (2) of section 911(a) (relating to income earned by individuals in certain camps) is amended by striking out "qualified foreign" and inserting in lieu thereof "a foreign country or".

(D) Amendment of last sentence of section 911(a).—The last sentence of section 911(a) (relating to income earned by individuals in certain camps) is amended—

(i) by inserting "any deduction," after "his gross income", and

26 USC 217.

(ii) by striking out "deductions allowed by sections 217" and inserting in lieu thereof "deduction allowed by section 217".

26 USC 3.

94 STAT. 225

(E) Amendment of section 3(b).—Paragraph (1) of section 3(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

26 USC 913.

(F) Qualified home leave travel expenses.—

(i) Subsection (g) of section 913 (relating to qualified home leave travel expenses) is amended to read as follows:

"(g) Qualified Home Leave Travel Expenses.—

"(1) In general.—For purposes of this section, the term 'qualified home leave travel expenses' means the reasonable amounts paid or incurred by or on behalf of an individual for the transportation of such individual, his spouse, and each dependent—

"(A) from a point of outside the United States to the individual's principal domestic residence, and

"(B) from the individual's principal domestic residence to a point outside the United States.

"(2) Limitation to cost between tax home and place of residence.—The amount taken into account under subparagraph (A) or (B) of paragraph (1) with respect to any transportation shall not exceed the reasonable amount for transportation between the location of the individual's tax home outside the United States and the individual's principal domestic residence.

"(3) Substitution of nearest port of entry in certain cases.—With respect to any person whose travel in the United States is not travel to and from the individual's principal domestic residence, paragraphs (1) and (2) shall be applied by substituting the nearest port of entry in the United States for the individual's principal domestic residence.

"(4) Nearest port of entry.—For purposes of paragraph (3), the nearest port of entry in the United States shall not include a nearest port of entry located in Alaska or Hawaii unless the individual elects to have such port of entry taken into account.

"(5) Principal domestic residence defined.—For purposes of this subsection, an individual's principal domestic residence is the location of such individual's present (or, if none, most recent) principal residence in the United States.

"(6) 1 round trip per 12-month period abroad.—Amounts may be taken into account under paragraph (4) of subsection (b) only with respect to 1 trip to the United States, and 1 trip from the United States, per person for each continuous period of 12 months for which the individual's tax home is in a foreign country."

(ii) Clause (ii) of section 913(i)(1)(C) (relating to qualified second household) is amended by striking out ", and paragraph (1) of subsection (g)," and inserting in lieu thereof ", and subsection (g),".

(G) Amendment of section 119.—Subsection (a) of section 119 (as in effect on the day before the date of the enactment of the Foreign Earned Income Act of 1978) is amended by striking out "(a) General Rule.—". 26 USC 119. 26 USC 1 note

(2) Effective dates.— 26 USC 3 note.

(A) In general.—Except as provided in subparagraph (B), the amendments made by paragraph (1) shall take effect as if included in the Foreign Earned Income Act of 1978.

(B) Paragraph (1)(E).—The amendment made by paragraph (1)(E) shall apply to taxable years beginning after December 31, 1978.

94 STAT. 226

(b) Amendments Related to the Black Lung Benefits Revenue Act.— 26 USC 1 note.

(1) Correction of provisions related to tax court jurisdiction.—

(A) Subsection (g) of section 6503 is amended— 26 USC 6503.

(i) by striking out "4971, 4975, 4985, or 4986" and inserting in lieu thereof "4951, 4952, 4971, or 4975", and

(ii) by striking out "4971(c)(3), 4975(f)(6), 4985(e)(4), or 4986(e)(2)" and inserting in lieu thereof "4951(e)(4), 4952(e)(2), 4971(c)(3), or 4975(f)(6)".

(B) Subsection (f) of section 6511 is amended— 26 USC 6511.

(i) by inserting "or section 4975" after "chapter 42", and

(ii) by striking out "Chapter 42" in the subsection heading and inserting in lieu thereof "CHAPTER 42 AND CERTAIN CHAPTER 43".

26 USC 6862.

(C) Section 6862 is amended by striking out "certain excise taxes" and inserting in lieu thereof "the taxes imposed by chapters 41, 42, 43, and 44".

26 USC 7422.

(D) Subsection (g) of section 7422 is amended by striking out "4944, 4945" each place it appears and inserting in lieu thereof "4944, 4945, 4951, 4952".

(E) Paragraph (1) of section 7422(g) is amended by striking out "section 4945(a) (relating to initial taxes on taxable expenditures)" and inserting in lieu thereof "section 4945(a) (relating to initial taxes on taxable expenditures), section 4951(a) (relating to initial taxes on self-dealing), 4952(a) (relating to initial taxes on taxable expenditures)".

(F) Subsection (g) of section 7422 is amended by striking out "section 4945(b) (relating to additional taxes on taxable expenditures)" and inserting in lieu thereof "section 4945(b) (relating to additional taxes on taxable expenditures), section 4951(b) (relating to additional taxes on self-dealing), 4952(b) (relating to additional taxes on taxable expenditures)".

(2) CORRECTION OF REFERENCES TO 1969 ACT.—

92 Stat. 12.
30 USC 934, 934a.
30 USC 801 note.
30 USC 801 note.
26 USC 501, 192.

(A) Subsections (b), (c)(1), and (d) of section 3 of the Black Lung Benefits Revenue Act of 1977 are each amended by striking out "Federal Coal Mine Health and Safety Act of 1969" each place it appears and inserting in lieu thereof "Federal Mine Safety and Health Act of 1977".

(B) Sections 501(c)(21) and 192(e) are each amended by striking out "Federal Coal Mine Health and Safety Act of 1969" and inserting in lieu thereof "Federal Mine Safety and Health Act of 1977".

(3) CLERICAL AMENDMENTS.—

92 Stat. 12.
30 USC 934a.

(A) Paragraph (1) of section 3(c) of the Black Lung Benefits Revenue Act of 1977 is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(5)".

26 USC 7454.

(B) Subsection (b) of section 7454 is amended by striking out "section 502(c)(21)" and inserting in lieu thereof "section 501(c)(21)".

26 USC 192 note.

(4) EFFECTIVE DATE.—Any amendment made by this subsection shall take effect as if included in the provision of the Black Lung Benefits Revenue Act of 1977 to which such amendment relates.

26 USC 1 note.
26 USC 1 note.

(c) AMENDMENTS RELATED TO ENERGY TAX ACT OF 1978.—

26 USC 6421.

(1) REPAYMENT OF TAX ON GASOLINE USED IN COMMERCIAL FISHERIES.—Subparagraph (B) of section 6421(d)(2) (defining qualified business use) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to use in a vessel employed in the fisheries or in the whaling business."

94 STAT. 227

(2) TIRES USED IN MANUFACTURE OF BUSES.—

26 USC 6416.

(A) Subparagraph (C) of section 6416(b)(3) (relating to tax-paid articles used for further manufacture, etc.) is amended by striking out "such other article is" and all that follows and inserting in lieu thereof the following:

"such other article is—

"(i) an automobile bus chassis or an automobile bus body, or

"(ii) by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;".

(B) Subparagraph (B) of section 6416(b)(4) (relating to tires and inner tubes) is amended to read as follows:

"(B) such other article is—

"(i) an automobile bus chassis or an automobile bus body, or

"(ii) by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft,".

(C) Subsection (e) of section 4071 (relating to tires on imported articles) is amended by striking out "under section 4061" and inserting in lieu thereof "under section 4061 or if such article is an automobile bus chassis or an automobile bus body". 26 USC 4071.

(3) Refund of tax on lubricating oil used in producing rerefined oil.—Paragraph (2) of section 6416(b) (relating to credit or refund for certain uses) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by inserting after subparagraph (M) the following: 26 USC 6416.

"(N) in the case of lubricating oil taxable under section 4091 which is contained in a mixture which is rerefined oil (as defined in section 4093(b)(3)), used or sold.

The amount of the credit or refund under subparagraph (N) with respect to any lubricating oil shall be the amount which would be exempt from tax under section 4093."

(4) Credit or refund of tax on truck chassis or body used in the manufacture of a bus.—Subparagraph (A) of section 6416(b)(3) (relating to tax-paid articles used for further manufacture, etc.) is amended by striking out "component part of," and all that follows and inserting in lieu thereof the following: "component part of—

"(i) another article taxable under chapter 32, or

"(ii) an automobile bus chassis or an automobile bus body,

manufactured or produced by him;".

(5) Section 4221(e)(6) (relating to bus parts and accessories) is amended to read as follows: 26 USC 4221.

"(6) Bus parts and accessories.—Under regulations prescribed by the Secretary, the tax imposed by section 4061(b) shall not apply to any part or accessory which is sold for use by the purchaser on or in connection with an automobile bus, or is to be resold by the purchaser or a second purchaser for such use." 94 STAT. 228

(6) Clerical amendment.—The last sentence of section 48(a)(10)(B) is amended by striking out "51" and inserting in lieu thereof "5". 26 USC 48.

(7) Effective date.—Any amendment made by this subsection shall take effect as if included in the provision of the Energy Tax Act of 1978 to which such amendment relates; except that the amendment made by paragraph (6) shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act. 26 USC 48 note. 26 USC 1 note. *Supra.*

(d) Amendments Related to Public Law 95-472.—Subsection (c) of section 6324B (relating to special lien for additional estate tax attributable to farm, etc., valuation) is amended to read as follows: 92 Stat. 1332. 26 USC 6324B.

"(c) Certain Rules and Definitions Made Applicable.—

"(1) In general.—The rule set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this section as if it were a lien imposed by section 6324A.

"(2) Qualified real property.—For purposes of this section, the term 'qualified real property' includes qualified replacement property (within the meaning of section 2032A(h)(3)(B))."

TITLE II—GENERAL EFFECTIVE DATE

26 USC 43 note.

SEC. 201. GENERAL EFFECTIVE DATE.

Except as otherwise provided in title I, any amendment made by title I shall take effect as if it had been included in the provision of the Revenue Act of 1978 to which such amendment relates. 26 USC 1 note.

Approved April 1, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-250 (Comm. on Ways and Means).
SENATE REPORT No. 96-498 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): July 16, considered and passed House.
Vol. 126 (1980): Feb. 26, considered and passed Senate, amended.
Feb. 28, House concurred in certain Senate amendments and disagreed to Senate amendment No. 67.
Mar. 18, Senate receded from its amendment No. 67 and offered another amendment to the House bill.
Mar. 19, House concurred in Senate amendment.

94 STAT. 229

Public Law 96-223
96th Congress

An Act

Apr. 2, 1980
[H.R. 3919]

To impose a windfall profit tax on domestic crude oil, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Crude Oil Windfall Profit Tax Act of 1980.

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE; TABLE OF CONTENTS.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Crude Oil Windfall Profit Tax Act of 1980".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954. 26 USC 1 *et seq.*

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1954 Code; table of contents.

TITLE I—WINDFALL PROFIT TAX ON DOMESTIC CRUDE OIL

Sec. 101. Windfall profit tax.
Sec. 102. Allocation of net revenues from windfall profit tax to certain uses.
Sec. 103. Study of effects of decontrol of oil prices and of windfall profit tax.

TITLE II—ENERGY CONSERVATION AND PRODUCTION INCENTIVES

PART I—RESIDENTIAL ENERGY CREDIT

Sec. 201. General provisions relating to credit.
Sec. 202. Renewable energy source expenditures.
Sec. 203. Provisions to prevent double benefits.

PART II—BUSINESS ENERGY INVESTMENT CREDITS

Sec. 221. Changes in amount and period of application of energy percentage.
Sec. 222. Changes in energy property item descriptions.
Sec. 223. Other changes with respect to the investment credit for investment in energy property.

PART III—PRODUCTION OF FUEL FROM NONCONVENTIONAL SOURCES; ALCOHOL FUELS

Sec. 231. Production tax credit.
Sec. 232. Alcohol fuels.

PART IV—ENERGY-RELATED USES OF TAX EXEMPT BONDS

Sec. 241. Solid waste disposal facilities.
Sec. 242. Qualified hydroelectric generating facilities.
Sec. 243. Renewable energy property.
Sec. 244. Certain obligations must be in registered form and not guaranteed or subsidized under an energy program.

PART V—TERTIARY INJECTANTS

Sec. 251. Tertiary injectants.

TITLE III—LOW-INCOME ENERGY ASSISTANCE

94 STAT. 230

Sec. 301. Short title.
Sec. 302. Statement of findings and purpose.
Sec. 303. Definitions.
Sec. 304. Home energy grants authorized.
Sec. 305. Eligible households.
Sec. 306. Allotments.
Sec. 307. Uses of home energy grants.
Sec. 308. State plans.
Sec. 309. Uniform data collection.
Sec. 310. Payments.
Sec. 311. Withholding.
Sec. 312. Criminal penalties.
Sec. 313. Administration.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Repeal of carryover basis.
Sec. 402. Disapproval of Presidential actions adjusting oil imports.
Sec. 403. Qualified liquidations of LIFO inventories.
Sec. 404. Exemption of certain interest income from tax.

TITLE I—WINDFALL PROFIT TAX ON DOMESTIC CRUDE OIL

SEC. 101. WINDFALL PROFIT TAX.

(a) IN GENERAL.—

(1) AMENDMENT OF SUBTITLE D.—Subtitle D (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 45—WINDFALL PROFIT TAX ON DOMESTIC CRUDE OIL

"SUBCHAPTER A. Imposition and amount of tax.
"SUBCHAPTER B. Categories of oil.
"SUBCHAPTER C. Miscellaneous provisions.

"Subchapter A—Imposition and Amount of Tax

"Sec. 4986. Imposition of tax.
"Sec. 4987. Amount of tax.
"Sec. 4988. Windfall profit; removal price.
"Sec. 4989. Adjusted base price.
"Sec. 4990. Phaseout of tax.

"SEC. 4986. IMPOSITION OF TAX.

26 USC 4986.

"(a) IMPOSITION OF TAX.—An excise tax is hereby imposed on the windfall profit from taxable crude oil removed from the premises during each taxable period.

"(b) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the crude oil.

26 USC 4987.

"SEC. 4987. AMOUNT OF TAX.

"(a) In General.—The amount of tax imposed by section 4986 with respect to any barrel of taxable crude oil shall be the applicable percentage of the windfall profit on such barrel.

"(b) Applicable Percentage.—For purposes of subsection (a)—

"(1) General rule for tiers 1 and 2.—The applicable percentage for tier 1 oil and tier 2 oil which is not independent producer oil is—

94 STAT. 231

"Tier 1	70
"Tier 2	60

"(2) Independent producer oil.—The applicable percentage for independent producer oil which is tier 1 oil or tier 2 oil is—

"Tier 1	50
"Tier 2	30

"(3) Tier 3 oil.—The applicable percentage for tier 3 oil is 30 percent.

"(c) Fractional Part of Barrel.—In the case of a fraction of a barrel, the tax imposed by section 4986 shall be the same fraction of the amount of such tax imposed on the whole barrel.

26 USC 4988.

"SEC. 4988. WINDFALL PROFIT; REMOVAL PRICE.

"(a) General Rule.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of crude oil over the sum of—

"(1) the adjusted base price of such barrel, and

"(2) the amount of the severance tax adjustment with respect to such barrel provided by section 4996(c).

"(b) Net Income Limitation on Windfall Profit.—

"(1) In general.—The windfall profit on any barrel of crude oil shall not exceed 90 percent of the net income attributable to such barrel.

"(2) Determination of net income.—For purposes of paragraph (1), the net income attributable to a barrel shall be determined by dividing—

"(A) the taxable income from the property for the taxable year attributable to taxable crude oil, by

"(B) the number of barrels of taxable crude oil from such property taken into account for such taxable year.

"(3) Taxable income from the property.—For purposes of paragraph (2)—

"(A) In general.—Except as otherwise provided in this paragraph, the taxable income from the property shall be determined under section 613(a). 26 USC 613.

"(B) Certain deductions not allowed.—No deduction shall be allowed for—

"(i) depletion,

"(ii) the tax imposed by section 4986,

26 USC 263. "(iii) section 263(c) costs, or

"(iv) qualified tertiary injectant expenses to which an election under subparagraph (E) applies.

"(C) Taxable income reduced by cost depletion.—Taxable income shall be reduced by the cost depletion which would have been allowable for the taxable year with respect to the property if—

"(i) all—

"(I) section 263(c) costs, and

"(II) qualified tertiary injectant expenses to which an election under subparagraph (E) applies,

incurred by the taxpayer had been capitalized and taken into account in computing cost depletion, and

"(ii) cost depletion had been used by the taxpayer with respect to such property for all taxable periods.

"(D) Section 263(c) costs.—For purposes of this paragraph, the term 'section 263(c) costs' means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

94 STAT. 232

"(E) Election to capitalize qualified tertiary injectant expenses.—

"(i) In general.—Any taxpayer may elect, with respect to any property, to capitalize qualified tertiary injectant expenses for purposes of this paragraph. Any such election shall apply to all qualified tertiary injectant expenses allocable to the property for which the election is made, and may be revoked only with the consent of the Secretary. Any such election shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

"(ii) Qualified tertiary injectant expenses.—The term 'qualified tertiary injectant expenses' means any expense allowable as a deduction under section 193.

Post, p. 286.

"(4) Special rule for applying paragraph (3)(C) to certain transfers of proven oil or gas properties.—

"(A) In general.—In the case of any proven oil or gas property transfer which (but for this subparagraph), would result in an increase in the amount determined under paragraph (3)(C) with respect to the transferee, paragraph (3)(C) shall be applied with respect to the transferee by taking into account only those amounts which would have been allowable with respect to the transferor under paragraph (3)(C) and those costs incurred during periods after such transfer.

"(B) Proven oil or gas property transfer.—For purposes of subparagraph (A), the term 'proven oil or gas property transfer' means any transfer (including the subleasing of a lease or the creation of a production payment which gives the transferee an economic interest in the property) after 1978 of an interest (including an interest in a partnership or trust) in any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

26 USC 613A.

"(5) Special rule where there is production payment.—For purposes of paragraph (2), if any portion of the taxable crude oil removed from the property is applied in discharge of a production payment, the gross income from such portion shall be included in the gross income from the property of both the person holding such production payment and the person holding the interest from which such production payment was created.

"(c) Removal Price.—For purposes of this chapter—

"(1) In general.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel is sold.

"(2) Sales between related persons.—In the case of a sale between related persons (within the meaning of section 103(b)(6)(C)), the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

26 USC 103.
26 USC 613.

"(3) Oil removed from premises before sale.—If crude oil is removed from the premises before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) Refining begun on premises.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the premises—

94 STAT. 233

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613. 26 USC 613.

"(5) MEANING OF TERMS.—The terms 'premises' and 'refined product' have the same meaning as when used for purposes of determining gross income from the property under section 613.

26 USC 4989.

"SEC. 4989. ADJUSTED BASE PRICE.

"(a) ADJUSTED BASE PRICE DEFINED.—For purposes of this chapter, the term 'adjusted base price' means the base price for the barrel of crude oil plus an amount equal to—

"(1) such base price, multiplied by

"(2) the inflation adjustment for the calendar quarter in which the crude oil is removed from the premises.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

"(b) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the inflation adjustment for any calendar quarter is the percentage by which—

"(A) the implicit price deflator for the gross national product for the second preceding calendar quarter, exceeds

"(B) such deflator for the calendar quarter ending June 30, 1979.

"(2) ADDITIONAL ADJUSTMENT FOR TIER 3 OIL.—The adjusted base price for tier 3 oil shall be determined by substituting for the implicit price deflator referred to in paragraph (1)(A) an amount equal to such deflator multiplied by 1.005 to the nth power where 'n' equals the number of calendar quarters beginning after September 1979 and before the calendar quarter in which the oil is removed from the premises.

"(3) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of paragraphs (1) and (2), the first revision of the price deflator shall be used.

"(c) BASE PRICE FOR TIER 1 OIL.—For purposes of this chapter, the base price for tier 1 oil is—

"(1) the ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, reduced by

"(2) 21 cents.

"(d) BASE PRICES FOR TIER 2 OIL AND TIER 3 OIL.—For purposes of this chapter—

"(1) GENERAL RULE.—Except as provided in paragraph (2), the base prices for tier 2 oil and tier 3 oil shall be prices determined pursuant to the method prescribed by the Secretary by regulations. Any method so prescribed shall be designed so as to yield, with respect to oil of any grade, quality, and field, a base price which approximates the price at which such oil would have sold in December 1979 if—

"(A) all domestic crude oil were uncontrolled, and

"(B) the average removal price for all domestic crude oil (other than Sadlerochit oil) were—

"(i) $15.20 a barrel for purposes of determining base prices for tier 2 oil, and

"(ii) $16.55 a barrel for purposes of determining base prices for tier 3 oil.

"(2) INTERIM RULE.—For months beginning before October 1980 (or such earlier date as may be provided in regulations taking effect before such earlier date), the base prices for tier 2 oil and tier 3 oil, respectively, shall be the product of—

"(A)(i) the highest posted price for December 31, 1979, for uncontrolled crude oil of the same grade, quality, and field, or

"(ii) if there is no posted price described in clause (i), the highest posted price for such date for uncontrolled crude oil at the nearest domestic field for which prices for oil of the same grade and quality were posted for such date, multiplied by

"(B) a fraction the denominator of which is $35, and the numerator of which is—

"(i) $15.20 for purposes of determining base prices for tier 2 oil, and

"(ii) $16.55 for purposes of determining base prices for tier 3 oil.

For purposes of the preceding sentence, no price which was posted after January 14, 1980, shall be taken into account.

"(3) MINIMUM INTERIM BASE PRICE.—The base price determined under paragraph (2) for tier 2 oil or tier 3 oil shall not be less than the sum of—

"(A) the ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, plus

"(B)(i) $1 in the case of tier 2 oil, or

"(ii) $2 in the case of tier 3 oil.

"SEC. 4990. PHASEOUT OF TAX.

26 USC 4990.

"(a) PHASEOUT.—Notwithstanding any other provision of this chapter, the tax imposed by this chapter with respect to any crude oil removed from the premises during any month during the phaseout period shall not exceed—

"(1) the amount of tax which would have been imposed by this chapter with respect to such crude oil but for this subsection, multiplied by

"(2) the phaseout percentage for such month.

"(b) TERMINATION OF TAX.—Notwithstanding any other provision of this chapter, no tax shall be imposed by this chapter with respect to any crude oil removed from the premises after the phaseout period.

"(c) DEFINITIONS.—For purposes of this section—

"(1) PHASEOUT PERIOD.—The term 'phaseout period' means the 33-month period beginning with the month following the target month.

"(2) PHASEOUT PERCENTAGE.—The phaseout percentage for any month is 100 percent reduced by 3 percentage points for each month after the target month and before the month following the month for which the phaseout percentage is being determined.

"(3) TARGET MONTH.—The term 'target month' means the later of—

"(A) December 1987, or

"(B) the first month for which the Secretary publishes an estimate under subsection (d)(2).

In no event shall the target month be later than December 1990.

94 STAT. 235

"(d) DETERMINATION OF AGGREGATE NET WINDFALL REVENUE.—

"(1) ESTIMATE BY THE SECRETARY.—For each month after 1986, the Secretary shall make an estimate of the aggregate net windfall revenue as of the close of such month. Any such estimate shall be made during the preceding month and shall be made on the basis of the best available data as of the date of making such estimate.

Publication in Federal Register.

"(2) PUBLICATION.—If the Secretary estimates under paragraph (1) that the aggregate net windfall revenue as of the close of any month will exceed $227,300,000,000, the Secretary shall (not later than the last day of the preceding month) publish notice in the Federal Register that he has made such an estimate for such month.

"(3) AGGREGATE NET WINDFALL REVENUE DEFINED.—For purposes of this subsection, the term 'aggregate net windfall revenue' means the amount which the Secretary estimates to be the excess of—

"(A) the gross revenues from the tax imposed by section 4986 during the period beginning on March 1, 1980, and ending on the last day of the month for which the estimate is being made, over

"(B) the sum of—

"(i) the refunds of and other adjustments to such tax for such period, plus

"(ii) the decrease in the income taxes imposed by chapter 1 resulting from the tax imposed by section 4986.

For purposes of subparagraph (A), there shall not be taken into account any revenue attributable to an economic interest in crude oil held by the United States.

"Subchapter B—Categories of Oil

"Sec. 4991. Taxable crude oil; categories of oil.
"Sec. 4992. Independent producer oil.
"Sec. 4993. Incremental tertiary oil.
"Sec. 4994. Definitions and special rules relating to exemptions.

26 USC 4991.

"SEC. 4991. TAXABLE CRUDE OIL; CATEGORIES OF OIL.

"(a) Taxable Crude Oil.—For purposes of this chapter, the term 'taxable crude oil' means all domestic crude oil other than exempt oil.

"(b) Exempt Oil.—For purposes of this chapter, the term 'exempt oil' means—

"(1) any crude oil from a qualified governmental interest or a qualified charitable interest,

"(2) any exempt Indian oil,

"(3) any exempt Alaskan oil, and

"(4) any exempt front-end oil.

"(c) Tier 1 Oil.—For purposes of this chapter, the term 'tier 1 oil' means any taxable crude oil other than—

"(1) tier 2 oil, and

"(2) tier 3 oil.

"(d) Tier 2 Oil.—For purposes of this chapter—

"(1) In general.—Except as provided in paragraph (2), the term 'tier 2 oil' means—

"(A) any oil which is from a stripper well property within the meaning of the June 1979 energy regulations, and

94 STAT. 236

"(B) any oil from an economic interest in a National Petroleum Reserve held by the United States.

"(2) Exclusion of certain oil.—The term 'tier 2 oil' does not include tier 3 oil.

"(e) Tier 3 Oil.—For purposes of this chapter—

"(1) In general.—The term 'tier 3 oil' means—

"(A) newly discovered oil,

"(B) heavy oil, and

"(C) incremental tertiary oil.

"(2) Newly discovered oil.—The term 'newly discovered oil' has the meaning given to such term by the June 1979 energy regulations.

"(3) Heavy oil.—The term 'heavy oil' means all crude oil which is produced from a property if crude oil produced and sold from such property during—

"(A) the last month before July 1979 in which crude oil was produced and sold from such property, or

"(B) the taxable period,

had a weighted average gravity of 16 degrees API or less (corrected to 60 degrees Fahrenheit).

"(4) Incremental tertiary oil.—

"For definition of incremental tertiary oil, see section 4993.

"SEC. 4992. INDEPENDENT PRODUCER OIL.

26 USC 4992.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'independent producer oil' means that portion of an independent producer's qualified production for the quarter which does not exceed such person's independent producer amount for such quarter.

"(b) INDEPENDENT PRODUCER DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'independent producer' means, with respect to any quarter, any person other than a person to whom subsection (c) of section 613A does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d).

26 USC 613A.

"(2) RULES FOR APPLYING PARAGRAPHS (2) AND (4) OF SECTION 613A(d).—For purposes of paragraph (1), paragraphs (2) and (4) of section 613A(d) shall be applied—

"(A) by substituting 'quarter' for 'taxable year' each place it appears in such paragraphs, and

"(B) by substituting '$1,250,000' for '$5,000,000' in paragraph (2) of section 613A(d).

"(c) INDEPENDENT PRODUCER AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—A person's independent producer amount for any quarter is the product of—

"(A) 1,000 barrels, multiplied by

"(B) the number of days in such quarter (31 in the case of the first quarter of 1980).

"(2) PRODUCTION EXCEEDS AMOUNT.—If a person's qualified production for any quarter exceeds such person's independent producer amount for such quarter, the independent producer amount shall be allocated—

"(A) between tiers 1 and 2 in proportion to such person's production for such quarter of domestic crude oil in each such tier, and

"(B) within any tier, on the basis of the removal prices for such person's domestic crude oil in such tier removed during such quarter, beginning with the highest of such prices.

94 STAT. 237

"(d) QUALIFIED PRODUCTION OF OIL DEFINED.—For purposes of this section—

"(1) IN GENERAL.—An independent producer's qualified production of oil for any quarter is the number of barrels of taxable crude oil—

"(A) of which such person is the producer,

"(B) which is removed during such quarter,

"(C) which is tier 1 oil or tier 2 oil, and

"(D) which is attributable to the independent producer's working interest in a property.

"(2) WORKING INTEREST DEFINED.—

"(A) IN GENERAL.—The term 'working interest' means an operating mineral interest (within the meaning of section 614(d))—

26 USC 614.

"(i) which was in existence as such an interest on January 1, 1980, or

"(ii) which is attributable to a qualified overriding royalty interest.

"(B) QUALIFIED OVERRIDING ROYALTY INTEREST.—For purposes of subparagraph (A)(ii), the term 'qualified overriding royalty interest' means an overriding royalty interest in existence as such an interest on January 1, 1980, but only if on February 20, 1980, there was in existence a binding contract under which such interest was to be converted into an operating mineral interest (within the meaning of section 614(d)).

"(3) PRODUCTION FROM TRANSFERRED PROPERTY.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, in the case of a transfer on or after January 1, 1980, of an interest in any property, the qualified production of the transferee shall not include any production attributable to such interest.

"(B) SMALL PRODUCER TRANSFER EXEMPTION.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply to any transfer of an interest in property if the transferee establishes (in such manner as may be prescribed by the Secretary by regulations) that at no time after December 31, 1979, has the property been held by a person who was a disqualified transferor for any quarter ending after September 30, 1979, and ending before the date such person transferred the interest.

"(ii) DISQUALIFIED TRANSFEROR.—The term 'disqualified transferor' means, with respect to any quarter, any person who—

"(I) had qualified production for such quarter which exceeded such person's independent producer amount for such quarter, or

"(II) was not an independent producer for such quarter.

"(iii) SPECIAL RULES.—For purposes of this paragraph—

"(I) PROPERTY HELD BY PARTNERSHIPS.—Property held by a partnership at any time shall be treated as owned proportionately by the partners of such partnership at such time.

94 STAT. 238

"(II) PROPERTY HELD BY TRUST OR ESTATE.—Property held by any trust or estate shall be treated as owned both by such trust or estate and proportionately by its beneficiaries.

"(III) CONSTRUCTIVE APPLICATION.—This chapter shall be treated as having been in effect for periods after September 30, 1979, for purposes of making any determination under subclause (I) or (II) of clause (ii).

"(C) OTHER EXCEPTIONS.—Subparagraph (A) shall not apply in the case of—

"(i) a transfer of property at death,

26 USC 613A.

"(ii) a change of beneficiaries of a trust which qualifies under clause (iii) of section 613A(c)(9)(B) (determined without regard to the exception at the end of such clause), and

"(iii) any transfer so long as the transferor and transferee are required by subsection (e) to share the 1,000 barrel amount contained in subsection (c)(1)(A).

The preceding sentence shall apply in the case of any property only if the production from the property was qualified production for the transferor.

"(D) TRANSFERS INCLUDE SUBLEASES, ETC.—For purposes of this paragraph—

"(i) a sublease shall be treated as a transfer, and

"(ii) an interest in a partnership or trust shall be treated as an interest in property held by the partnership or trust.

"(e) ALLOCATION WITHIN RELATED GROUP.—

"(1) IN GENERAL.—In the case of persons who are members of the same related group at any time during any quarter, the 1,000 barrel amount contained in subsection (c)(1)(A) for days during such quarter shall be reduced for each such person by allocating such amount among all such persons in proportion to their respective qualified production for such quarter.

"(2) RELATED GROUP.—For purposes of this subsection, persons shall be treated as members of a related group if they are described in any of the following clauses:

"(A) a family,

"(B) a controlled group of corporations,

"(C) a group of entities under common control, or

"(D) if 50 percent or more of the beneficial interest in 1 or more corporations, trusts, or estates is owned by the same family, all such entities and such family.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Controlled group of corporations.—The term 'controlled group of corporations' has the meaning given such term by section 613A(c)(8)(D)(i).

"(B) Group of entities under common control.—The term 'group of entities under common control' means any group of corporations, trusts, or estates which (as determined under regulations prescribed by the Secretary) are under common control. Such regulations shall be based on principles similar to the principles which apply under subparagraph (A).

"(C) Family.—The term 'family' means an individual and the spouse and minor children of such individual.

"(D) Constructive ownership.—For purposes of paragraph (2)(D), an interest owned by or for a corporation, partnership, trust, or estate shall be considered as owned directly by the entity and proportionately by its shareholders, partners, or beneficiaries, as the case may be.

"(E) Members of more than 1 related group.—If a person is a member of more than 1 related group during any quarter, the determination of such person's allocation under paragraph (1) shall be made by reference to the related group which results in the smallest allocation for such person.

"SEC. 4993. INCREMENTAL TERTIARY OIL.

26 USC 4993.

"(a) In General.—For purposes of this chapter, the term 'incremental tertiary oil' means the excess of—

"(1) the amount of crude oil which is removed from a property during any month and which is produced on or after the project beginning date and during the period for which a qualified tertiary recovery project is in effect on the property, over

"(2) the base level for such property for such month.

"(b) Determination of Amount.—For purposes of this section—

"(1) Base level.—The base level for any property for any month is the average monthly amount (determined under rules similar to rules used in determining the base production control level under the June 1979 energy regulations) of crude oil removed from such property during the 6-month period ending March 31, 1979, reduced (but not below zero) by the sum of—

"(A) 1 percent of such amount for each month which begins after 1978 and before the first month beginning after the project beginning date, and

"(B) 2½ percent of such amount for each month which begins after the project beginning date (or after 1978 if the project beginning date is before 1979) and before the month for which the base level is being determined.

"(2) Minimum amount in case of projects certified by DOE.—In the case of a project described in subsection (c)(1)(A), for the period during which the project is in effect, the amount of the incremental tertiary oil shall not be less than the incremental production determined under the June 1979 energy regulations.

"(3) Allocation rules.—The determination of which barrels of crude oil removed during any month are incremental tertiary oil shall be made—

"(A) first by allocating the amount of incremental tertiary oil between—

"(i) oil which (but for this subsection) would be tier 1 oil, and

"(ii) oil which (but for this subsection) would be tier 2 oil,

in proportion to the respective amounts of each such oil removed from the property during such month, and

"(B) then by taking into account barrels of crude oil so removed in the order of their respective removal prices, beginning with the highest of such prices.

"(c) QUALIFIED TERTIARY RECOVERY PROJECT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified tertiary recovery project' means—

94 STAT. 240

"(A) a qualified tertiary enhanced recovery project with respect to which a certification as such has been approved and is in effect under the June 1979 energy regulations, or

"(B) any project for enhancing recovery of crude oil which meets the requirements of paragraph (2).

"(2) REQUIREMENTS.—A project meets the requirements of this paragraph if—

"(A) the project involves the application (in accordance with sound engineering principles) of 1 or more tertiary recovery methods which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered,

"(B) the project beginning date is after May 1979,

"(C) the portion of the property to be affected by the project is adequately delineated,

"(D) the operator submits (at such time and in such manner as the Secretary may by regulations prescribe) to the Secretary—

"(i) a certification from a petroleum engineer that the project meets the requirements of subparagraphs (A), (B), and (C), or

"(ii) a certification that a jurisdictional agency (within the meaning of subsection (d)(5)) has approved the project as meeting the requirements of subparagraphs (A), (B), and (C), and that such approval is still in effect, and

"(E) the operator submits (at such time and such manner as the Secretary may by regulations prescribe) to the Secretary a certification from a petroleum engineer that the project continues to meet the requirements of subparagraphs (A), (B), and (C).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TERTIARY RECOVERY METHOD.—The term 'tertiary recovery method' means—

10 CFR 212.78.

"(A) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the June 1979 energy regulations, or

"(B) any other method to provide tertiary enhanced recovery which is approved by the Secretary for purposes of this chapter.

"(2) PROJECT BEGINNING DATE.—The term 'project beginning date' means the later of—

"(A) the date on which the injection of liquids, gases, or other matter begins, or

"(B) the date on which—

"(i) in the case of a project described in subsection (c)(1)(A), the project is certified as a qualified tertiary enhanced recovery project under the June 1979 energy regulations, or "(ii) in the case of a project described in subsection (c)(1)(B), a petroleum engineer certifies, or a jurisdictional agency approves, the project as meeting the requirements of subparagraphs (A), (B), and (C) of subsection (c)(2).

"(3) PROJECT ONLY AFFECTS PORTION OF PROPERTY.—If a qualified tertiary recovery project can reasonably be expected to increase the ultimate recovery of crude oil from only a portion of a property, such portion shall be treated as a separate property.

"(4) SIGNIFICANT EXPANSION TREATED AS SEPARATE PROJECT.—A significant expansion of any project shall be treated as a separate project.

"(5) JURISDICTIONAL AGENCY.—The term 'jurisdictional agency' means—

"(A) in the case of an application involving a tertiary recovery project on lands not under Federal jurisdiction—

"(i) the appropriate State agency in the State in which such lands are located which is designated by the Governor of such State in a written notification submitted to the Secretary as the agency which will approve projects under this subsection, or

"(ii) if the Governor of such State does not submit such written notification within 180 days after the date of the enactment of the Crude Oil Windfall Profit Tax Act of 1980, the United States Geological Survey (until such time as the Governor submits such notification), or

Ante, p. 229.

"(B) in the case of an application involving a tertiary recovery project on lands under Federal jurisdiction, the United States Geological Survey.

"(6) BASIS OF REVIEW OF CERTAIN QUALIFIED TERTIARY RECOVERY PROJECTS.—In the case of any project which is approved under subsection (c)(2)(D)(ii) and for which a certification is submitted to the Secretary, the project shall be considered as meeting the requirements of subparagraphs (A), (B), and (C) of subsection (c)(2) unless the Secretary determines that—

"(A) the approval of the jurisdictional agency was not supported by substantial evidence on the record upon which such approval was based, or

"(B) additional evidence not contained in the record upon which such approval was based demonstrates that such project does not meet the requirements of subparagraph (A), (B), or (C) of subsection (c)(2).

If the Secretary makes a determination described in subparagraph (A) or (B) of the preceding sentence, the determination of whether the project meets the requirements of subparagraphs (A), (B), and (C) of subsection (c)(2) shall be made without regard to the preceding sentence.

"(7) RULINGS RELATING TO CERTAIN QUALIFIED TERTIARY RECOVERY PROJECTS.—In the case of any tertiary recovery project for which a certification is submitted to the Secretary under subsection (c)(2)(D)(ii), a taxpayer may request a ruling from the Secretary with respect to whether such project is a qualified tertiary recovery project. The Secretary shall issue such ruling within 180 days of the date after he receives the request and such information as may be necessary to make a determination.

"SEC. 4994. DEFINITIONS AND SPECIAL RULES RELATING TO EXEMPTIONS.

26 USC 4994.

"(a) QUALIFIED GOVERNMENTAL INTEREST.—For purposes of section 4991(b)—

"(1) IN GENERAL.—The term 'qualified governmental interest' means an economic interest in crude oil if—

"(A) such interest is held by a State or political subdivision thereof or by an agency or instrumentality of a State or political subdivision thereof, and

94 STAT. 242

"(B) under the applicable State or local law, all of the net income received pursuant to such interest is dedicated to a public purpose.

"(2) Net income.—For purposes of this paragraph, the term 'net income' means gross income reduced by production costs, and severance taxes of general application, allocable to the interest.

"(3) Amounts placed in certain permanent funds treated as dedicated to public purpose.—The requirements of paragraph (1)(B) shall be treated as met with respect to any net income which, under the applicable State or local law, is placed in a permanent fund the earnings on which are dedicated to a public purpose.

"(b) Qualified Charitable Interest.—For purposes of section 4991(b)—

"(1) In general.—The term 'qualified charitable interest' means an economic interest in crude oil if—

"(A) such interest is—

26 USC 170.

"(i) held by an organization described in clause (ii), (iii), or (iv) of section 170(b)(1)(A) which is also described in section 170(c)(2), or

"(ii) held—

"(I) by an organization described in clause (i) of section 170(b)(1)(A) which is also described in section 170(c)(2), and

"(II) for the benefit of an organization described in clause (i) of this subparagraph, and

"(B) such interest was held by the organization described in clause (i) or subclause (I) of clause (ii) of subparagraph (A) on January 21, 1980, and at all times thereafter before the last day of the taxable period.

"(2) Special rule.—For purposes of paragraph (1)(A)(ii), an interest shall be treated as held for the benefit of an organization described in paragraph (1)(A)(i) only if all the proceeds from such interest were dedicated on January 21, 1980, and at all times thereafter before the last day of the taxable period, to the organization described in paragraph (1)(A)(i).

"(c) Front-End Tertiary Oil.—

"(1) Exemption for tertiary projects of independents.—For purposes of this chapter, the term 'exempt front-end oil' means any domestic crude oil—

"(A) which is removed from the premises before October 1, 1981, and

"(B) which is treated as front-end oil by reason of a front-end tertiary project on one or more properties each of which is a qualified property.

"(2) Refunds for tertiary projects of integrated producers.—

"(A) In general.—In the case of any front-end tertiary project which does not meet the requirements of paragraph (1)(B), the excess of—

"(i) the allowed expenses of the taxpayer with respect to such project, over

"(ii) the tertiary incentive revenue,

shall be treated as a payment by the taxpayer with respect to the tax imposed by this chapter made on September 30, 1981.

"(B) Limitation based on amount of tax.—The amount of the payment determined under subparagraph (A) with respect to any producer shall not exceed the aggregate tax imposed by section 4986 with respect to front-end oil of that producer removed after February 1980 and before October 1981.

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"(C) Tertiary incentive revenue.—For purposes of this paragraph, the term 'tertiary incentive revenue' has the meaning given such term by the front-end tertiary provisions of the energy regulations.

"(3) DEFINITION OF ALLOWED EXPENSES; PREPAID EXPENSES NOT TAKEN INTO ACCOUNT.—For purposes of this subsection (including the application of the front-end tertiary provisions for purposes of this subsection)—

"(A) ALLOWED EXPENSES.—Except as provided in subparagraph (B), allowed expenses shall be determined under the front-end tertiary provisions of the energy regulations.

"(B) PREPAID EXPENSES NOT TAKEN INTO ACCOUNT.—The term 'allowed expenses' shall not include any amount attributable to periods after September 30, 1981.

"(C) PERIOD TO WHICH ITEM IS ATTRIBUTABLE.—For purposes of subparagraph (B)—

"(i) any injectant and any fuel shall be treated as attributable to periods before October 1, 1981, if the injectant is injected, or the fuel is used, before October 1, 1981, and

"(ii) any other item shall be treated as attributable to periods before October 1, 1981, only to the extent that under chapter 1 deductions for such item (including depreciation in respect of such item) are properly allocable to periods before October 1, 1981.

For purposes of the preceding sentence, an act shall be treated as taken before a date if it would have been taken before such date but for an act of God, a severe mechanical breakdown, or an injunction.

"(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) FRONT-END TERTIARY PROVISIONS.—The term 'front-end tertiary provisions' means—

"(i) the provisions of section 212.78 of the energy regulations which exempt crude oil from ceiling price limitations to provide financing for tertiary projects (as such provisions took effect on October 1, 1979), and

10 CFR 212.78.

"(ii) any modification of such provisions, but only to the extent that such modification is for purposes of coordinating such provisions with the tax imposed by this chapter.

"(B) FRONT-END OIL.—The term 'front-end oil' means any domestic crude oil which is not subject to a first sale ceiling price under the energy regulations solely by reason of the front-end tertiary provisions of such regulations.

"(C) QUALIFIED PROPERTY.—The term 'qualified property' means any property if, on January 1, 1980, 50 percent or more of the operating mineral interest in such property is held by persons who were independent producers (within the meaning of section 4992(b)) for the last quarter of 1979.

"(D) FRONT-END TERTIARY PROJECT.—The term 'front-end tertiary project' means any project which qualifies under the front-end tertiary provisions of the energy regulations.

"(E) ORDERING RULE.—Front-end oil of any taxpayer shall be treated as attributable first to projects which meet the requirements of paragraph (1)(B).

"(d) EXEMPT INDIAN OIL.—For purposes of this chapter, the term 'exempt Indian oil' means any domestic crude oil—

"(1) the producer of which is an Indian tribe, an individual member of an Indian tribe, or an Indian tribal organization under an economic interest held by such a tribe, member, or organization on January 21, 1980, and which is produced from mineral interests which are—

"(A) held in trust by the United States for the tribe, member, or organization, or

"(B) held by the tribe, member, or organization subject to a restriction on alienation imposed by the United States because it is held by an Indian tribe, an individual member of an Indian tribe, or an Indian tribal organization,

"(2) the producer of which is a native corporation organized under the Alaska Native Claims Settlement Act (as in effect on January 21, 1980), and which— 43 USC 1601 note.

"(A) is produced from mineral interests held by the corporation which were received under that Act, and

"(B) is removed from the premises before 1992, or

"(3) the proceeds from the sale of which are deposited in the Treasury of the United States to the credit of tribal or native trust funds pursuant to a provision of law in effect on January 21, 1980.

"(e) EXEMPT ALASKAN OIL.—For purposes of this chapter, the term 'exempt Alaskan oil' means any crude oil (other than Sadlerochit oil) which is produced—

"(1) from a reservoir from which oil has been produced in commercial quantities through a well located north of the Arctic Circle, or

"(2) from a well located on the northerly side of the divide of the Alaska-Aleutian Range and at least 75 miles from the nearest point on the Trans-Alaska Pipeline System.

"Subchapter C—Miscellaneous Provisions

"Sec. 4995. Withholding; depositary requirements.
"Sec. 4996. Other definitions and special rules.
"Sec. 4997. Records and information; regulations.
"Sec. 4998. Cross references.

26 USC 4995.

"SEC. 4995. WITHHOLDING; DEPOSITARY REQUIREMENTS.

"(a) WITHHOLDING BY PURCHASER.—

"(1) WITHHOLDING REQUIRED.—Except to the extent provided in regulations prescribed by the Secretary—

"(A) the first purchaser of any domestic crude oil shall withhold a tax equal to the amount of the tax imposed by section 4986 with respect to such oil from amounts payable by such purchaser to the producer of such oil, and

"(B) the first purchaser of such oil shall be liable for the payment of the tax required to be withheld under subparagraph (A) and shall not be liable to any person for the amount of any such payment.

"(2) DETERMINATION OF AMOUNT TO BE WITHHELD.—

"(A) IN GENERAL.—The purchaser shall determine the amount to be withheld under paragraph (1)—

"(i) on the basis of the certification furnished to the purchaser under section 6050C, unless the purchaser has reason to believe that any information contained in such certification is not correct, or *Post*, p. 251.

94 STAT. 245

"(ii) if clause (i) does not apply, under regulations prescribed by the Secretary.

"(B) NET INCOME LIMITATION NOT TO BE APPLIED.—For purposes of determining the amount to be withheld under paragraph (1), subsection (b) of section 4988 shall not apply.

"(3) ADJUSTMENTS FOR WITHHOLDING ERRORS.—

"(A) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, withholding errors made by a purchaser with respect to the crude oil of a producer removed during any calendar year shall be corrected by that purchaser by making proper adjustments in the amounts withheld from subsequent payments to such producer for crude oil removed during the same calendar year.

"(B) WITHHOLDING ERROR.—For purposes of subparagraph (A), there is a withholding error if the amount withheld by the purchaser under paragraph (1) with respect to any payment for any crude oil exceeds (or is less than) the tax imposed by section 4986 with respect to such oil (determined without regard to section 4988(b)).

"(C) LIMITATION ON AMOUNT OF ADJUSTMENTS.—No adjustment shall be required under subparagraph (A) with respect to any payment for any crude oil to the extent that such adjustment would result in amounts withheld from such payment in excess of the windfall profit from such crude oil.

"(D) VOLUNTARY WITHHOLDING.—The Secretary may by regulations provide for withholding under this subsection of additional amounts from payments by any purchaser to any producer if the purchaser and producer agree to such withholding. For purposes of this title, any amount withheld pursuant to such an agreement shall be treated as an amount required to be withheld under paragraph (1).

"(4) PRODUCER TREATED AS HAVING PAID WITHHELD AMOUNT.—

"(A) IN GENERAL.—The producer of any domestic crude oil shall be treated as having paid any amount withheld with respect to such oil under this subsection.

"(B) TIME PAYMENT DEEMED MADE.—The producer shall be treated as having made any payment described in subparagraph (A) on the last day of the first February after the calendar year in which the oil is removed from the premises.

"(5) PRODUCER REQUIRED TO FILE RETURN ONLY TO EXTENT PROVIDED IN REGULATIONS.—Except to the extent provided in regulations, the producer of crude oil with respect to which withholding is required under paragraph (1) shall not be required to file a return of the tax imposed by section 4986 with respect to such oil.

"(6) PURCHASER'S QUARTERLY RETURNS TO CONTAIN SUMMARY.—The purchaser's return of tax under this chapter for any calendar quarter of any calendar year shall contain such information (with respect to such quarter and the prior quarters of such calendar year) as may be necessary to facilitate the coordination of the withholding of tax by such purchaser with respect to each producer with the determination of the tax imposed by section 4986 with respect to such producer.

"(7) ELECTION FOR PURCHASER AND OPERATOR TO HAVE OPERATOR TAKE PLACE OF PURCHASER.— 94 STAT. 246

"(A) IN GENERAL.—If the purchaser of domestic crude oil and the operator of the property from which the crude oil was produced make a joint election under this paragraph with respect to such property (or portion thereof)—

"(i) the operator shall be substituted for the purchaser for purposes of applying this subsection and subsection (b) (and so much of subtitle F as relates to such subsections), and

"(ii) if the operator is not an integrated oil company, the operator shall be treated as having the same status as the purchaser for purposes of applying subsection (b) with respect to amounts withheld by the operator by reason of such election.

"(B) REGULATIONS MAY LIMIT ELECTION.—The Secretary may by regulations limit the circumstances under which an election under this paragraph may be made to situations where substituting the operator for the purchaser is administratively more practicable.

"(8) NO ASSESSMENTS OR REFUNDS BEFORE CLOSE OF THE YEAR.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any oil subject to withholding under this subsection—

"(A) no notice of any deficiency with respect to the tax imposed by section 4986 may be mailed under section 6212, and

26 USC 6212.

"(B) no proceeding in any court for the refund of the tax imposed by section 4986 may be begun,

before the last day of the first February after the calendar year in which such oil was removed from the premises.

"(b) Depositary Requirements.—

"(1) Integrated oil companies.—In the case of an integrated oil company, deposit of the estimated amount of—

"(A) withholding under subsection (a) by such company, and

"(B) such company's liability for the tax imposed by section 4986 with respect to oil for which withholding is not required,

shall be made twice a month.

"(2) Persons who are not integrated oil companies.—In the case of a person, other than an integrated oil company—

"(A) Deposits of withheld amounts.—Deposit of the amounts required to be withheld under subsection (a) shall be made not later than—

"(i) except as provided in clause (ii), 45 days after the close of the month in which the oil was removed, or

"(ii) in the case of oil purchased under a contract therefor by an independent refiner under which no payment is required to be made before the 46th day after the close of the month in which the oil is purchased, before the first day of the 3rd month which begins after the close of the month in which such oil was removed.

"(B) Estimated section 4986 tax.—Deposits of the estimated amount of such person's liability for the tax imposed by section 4986 with respect to oil for which withholding is not required shall be made not later than 45 days after the close of the month in which the oil was removed from the premises.

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"(3) Integrated oil company defined.—For purposes of this subsection, the term 'integrated oil company' means a taxpayer described in paragraph (2) or (4) of section 613A(d) who is not an independent refiner.

26 USC 613A.

"(4) Independent refiner.—For purposes of this subsection, the term 'independent refiner' has the same meaning as in paragraph (3) of section 3 of the Emergency Petroleum Allocation Act of 1973 (as in effect on January 1, 1980), except that 'the preceding calendar quarter' shall be substituted for 'November 27, 1973' in applying such paragraph for purposes of this paragraph.

15 USC 752.

"(c) Cross Reference.—

"For provision authorizing the Secretary to establish by regulations the mode and time for collecting the tax imposed by section 4986 (to the extent not otherwise provided in this chapter), see section 6302(a).

26 USC 4996.

"SEC. 4996. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) Producer and Operator.—For purposes of this chapter—

"(1) Producer.—

"(A) In general.—Except as provided in subparagraph (B), the term 'producer' means the holder of the economic interest with respect to the crude oil.

"(B) Partnerships.—

"(i) In general.—If (but for this subparagraph) a partnership would be treated as the producer of any crude oil—

"(I) such crude oil shall be allocated among the partners of such partnership, and

"(II) any partner to whom such crude oil is allocated (and not the partnership) shall be treated as the producer of such crude oil.

"(ii) ALLOCATION.—Except to the extent otherwise provided in regulations, any allocation under clause (i)(I) shall be determined on the basis of a person's proportionate share of the income of the partnership.

"(2) OPERATOR.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'operator' means the person primarily responsible for the management and operation of crude oil production on a property.

"(B) DESIGNATION OF OTHER PERSON.—Under regulations prescribed by the Secretary, the term 'operator' means the person (or persons) designated with respect to a property (or portion thereof) as the operator for purposes of this chapter by persons holding operating mineral interests in the property.

"(b) OTHER DEFINITIONS.—For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' has the meaning given to such term by the June 1979 energy regulations.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) DOMESTIC.—The term 'domestic', when used with respect to crude oil, means crude oil produced from an oil well located in the United States or in a possession of the United States.

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"(4) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

26 USC 638.

"(5) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given to such term by section 106(b)(2)(C)(ii) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3316(b)(2)(C)(ii)).

"(7) TAXABLE PERIOD.—The term 'taxable period' means—

"(A) March 1980, and

"(B) each calendar quarter beginning after March 1980.

"(8) ENERGY REGULATIONS.—

"(A) IN GENERAL.—The term 'energy regulations' means regulations prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)).

"(B) MARCH 1979 ENERGY REGULATIONS.—The March 1979 energy regulations shall be the terms of the energy regulations as such terms existed on March 1, 1979.

"(C) JUNE 1979 ENERGY REGULATIONS.—The June 1979 energy regulations—

"(i) shall be the terms of the energy regulations as such terms existed on June 1, 1979, and

"(ii) shall be treated as including final action taken pursuant thereto before June 1, 1979, and as including action taken before, on, or after such date with respect to incremental production from qualified tertiary enhanced recovery projects.

"(D) CONTINUED APPLICATION OF REGULATIONS AFTER DECONTROL.—Energy regulations shall be treated as continuing in effect without regard to decontrol of oil prices or any other termination of the application of such regulations.

"(c) SEVERANCE TAX ADJUSTMENT.—For purposes of this chapter—

"(1) IN GENERAL.—The severance tax adjustment with respect to any barrel of crude oil shall be the amount by which—

"(A) any severance tax imposed with respect to such barrel, exceeds

"(B) the severance tax which would have been imposed if the barrel had been valued at its adjusted base price.

"(2) Severance tax defined.—For purposes of this subsection, the term 'severance tax' means a tax—

"(A) imposed by a State with respect to the extraction of oil, and

"(B) determined on the basis of the gross value of the extracted oil.

"(3) Limitations.—

"(A) 15 percent limitation.—A severance tax shall not be taken into account to the extent that the rate thereof exceeds 15 percent.

"(B) Increases after March 31, 1979, must apply equally.—The amount of the severance tax taken into account under paragraph (1) shall not exceed the amount which would have been imposed under a State severance tax in effect on March 31, 1979, unless such excess is attributable to an increase in the rate of the severance tax (or to the imposition of a severance tax) which applies equally to all portions of the gross value of each barrel of oil subject to such tax.

94 STAT. 249 "(d) Alaskan Oil From Sadlerochit Reservoir.—For purposes of this chapter—

"(1) In general.—In the case of Sadlerochit oil—

"(A) Adjusted base price increased by TAPS adjustment.—The adjusted base price for any calendar quarter (determined without regard to this subsection) shall be increased by the TAPS adjustment (if any) for such quarter provided by paragraph (2).

"(B) Removal price determined on monthly basis.—The removal price of such oil removed during any calendar month shall be the average of the producer's removal prices for such month.

"(2) TAPS adjustment.—

"(A) In general.—The TAPS adjustment for any calendar quarter is the excess (if any) of—

"(i) $6.26 over

"(ii) the TAPS tariff for the preceding calendar quarter.

"(B) TAPS tariff.—For purposes of subparagraph (A), the TAPS tariff for the preceding calendar quarter is the average per barrel amount paid for all transportation (ending in such quarter) of crude oil through the TAPS.

"(C) TAPS defined.—For purposes of this paragraph, the term 'TAPS' means the Trans-Alaska Pipeline System.

"(3) Sadlerochit oil defined.—The term 'Sadlerochit oil' means crude oil produced from the Sadlerochit reservoir in the Prudhoe Bay oilfield.

"(e) Special Rules for Post-1978 Transfers of Property.—In the case of a transfer after 1978 of any portion of a property, for purposes of this chapter (including the application of the June 1979 energy regulations for purposes of this chapter), after such transfer crude oil produced from any portion of such property shall not constitute oil from a stripper well property, newly discovered oil, or heavy oil, if such oil would not be so classified if the property had not been transferred.

"(f) Adjustment of Removal Price.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

"(g) No Exemptions From Tax.—No taxable crude oil, and no producer of such crude oil, shall be exempt from the tax imposed by this chapter except to the extent provided in this chapter or in any provision of law enacted after the date of the enactment of this chapter which grants a specific exemption, by reference to this chapter, from the tax imposed by this chapter.

"(h) CROSS REFERENCE.—

"For the holder of the economic interest in the case of a production payment, see section 636.

"SEC. 4997. RECORDS AND INFORMATION; REGULATIONS. 26 USC 4997.

"(a) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 4986, each partnership, trust, or estate producing domestic crude oil, each purchaser of domestic crude oil, and each operator of a well from which domestic crude oil was produced, shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the oil) with respect to such oil as the Secretary may by regulations prescribe.

"(b) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter, including such changes in the application of the energy regulations for purposes of this chapter as may be necessary or appropriate to carry out such purposes.

94 STAT. 250

"SEC. 4998. CROSS REFERENCES. 26 USC 4998.

"(1) For additions to the tax and additional amount for failure to file tax return or to pay tax, see section 6651.

"(2) For additions to the tax and additional amounts for failure to file certain information returns, registration statements, etc., see section 6652.

"(3) For additions to the tax and additional amounts for negligence and fraud, see section 6653.

"(4) For additions to the tax and additional amounts for failure to make deposit of taxes, see section 6656.

"(5) For additions to the tax and additional amounts for failure to collect and pay over tax, or attempt to evade or defeat tax, see section 6672.

"(6) For criminal penalties for attempt to evade or defeat tax, willful failure to collect or pay over tax, willful failure to file return, supply information, or pay tax, and for fraud and false statements, see sections 7201, 7202, 7203, and 7206.

"(7) For criminal penalties for failure to furnish certain information regarding windfall profit tax on domestic crude oil, see section 7241."

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by adding at the end thereof the following new item:

"CHAPTER 45. Windfall profit tax on domestic crude oil."

(b) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (4) the following new paragraph: 26 USC 164.

"(5) The windfall profit tax imposed by section 4986." *Ante*, p. 230.

(c) TIME FOR FILING RETURN OF WINDFALL PROFIT TAX; DEPOSITARY REQUIREMENTS.—

(1) TIME FOR FILING RETURN OF WINDFALL PROFIT TAX.—

(A) Part V of subchapter A of chapter 61 (relating to time for filing returns and other documents) is amended by adding at the end thereof the following new section:

"SEC. 6076. TIME FOR FILING RETURN OF WINDFALL PROFIT TAX. 26 USC 6076.

"(a) GENERAL RULE.—Except in the case of a return required by regulations prescribed under section 4995(a)(5), each return— *Ante*, p. 244.

"(1) of the tax imposed by section 4986 (relating to windfall profit tax) for any taxable period (within the meaning of section 4996(b)(7)), or

"(2) by a person required under section 4995(a) to withhold the windfall profit tax for any taxable period,

shall be filed not later than the last day of the second month following the close of the taxable period.

"(b) CROSS REFERENCE.—

"For depositary requirements applicable to the tax imposed by section 4986, see section 4995(b)."

(B) The table of sections for such part V is amended by adding at the end thereof the following new item:

"Sec. 6076. Time for filing return of windfall profit tax."

26 USC 6302.

(2) CROSS REFERENCE.—Subsection (d) of section 6302 is amended to read as follows:

"(d) CROSS REFERENCES.—

94 STAT. 251

"(1) For treatment of earned income advance amounts as payment of withholding and FICA taxes, see section 3507(d).

"(2) For depositary requirements applicable to the windfall profit tax imposed by section 4986, see section 4995(b)."

26 USC 7512.

(3) TECHNICAL AMENDMENT.—Section 7512 (relating to separate accounting for certain collected taxes, etc.) is amended—

(A) by striking out "or by chapter 33" in subsections (a) and (b) and inserting in lieu thereof ", by chapter 33, or by section 4986", and

(B) by striking out "or chapter 33" in subsections (b) and (c) and inserting in lieu thereof ", chapter 33, or section 4986".

(d) CERTAIN INFORMATION REQUIRED TO BE FURNISHED.—

(1) GENERAL RULE.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

26 USC 6050C.

"SEC. 6050C. INFORMATION REGARDING WINDFALL PROFIT TAX ON DOMESTIC CRUDE OIL.

"(a) CERTIFICATION FURNISHED BY OPERATOR.—Under regulations prescribed by the Secretary, the operator of a property from which domestic crude oil was produced shall certify (at such time and in such manner as the Secretary shall by regulations prescribe) to the purchaser—

"(1) the adjusted base price (within the meaning of section 4989) with respect to such crude oil, *Ante*, p. 233.

"(2) the tier and category of such crude oil for purposes of the tax imposed by section 4986, *Ante*, p. 230.

"(3) if any certification is furnished to the operator by the producer with respect to whether such oil is exempt oil or independent producer oil, a copy of such certification,

"(4) the amount of such crude oil, and

"(5) such other information as the Secretary by regulations may require.

"(b) AGREEMENT BETWEEN OPERATOR AND PURCHASER.—The Secretary may by regulations provide that, if the operator and purchaser agree thereto, the operator shall be relieved of the duty of furnishing some or all of the information required under subsection (a).

"(c) SPECIAL RULE FOR OIL NOT SUBJECT TO WITHHOLDING.—If the tax imposed by section 4986 with respect to any oil for which withholding is not required under section 4995(a)— *Ante*, p. 244.

"(1) subsections (a) and (b) shall be applied by substituting 'producer' for 'purchaser', and

"(2) paragraph (3) of subsection (a) shall not apply.

"(d) CROSS REFERENCES.—

"(1) For additions to tax for failure to furnish information required under this section, see section 6652(b).

"(2) For penalty for willful failure to supply information required under this section, see section 7241."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

26 USC 6652.

(A) Section 6652(b) is amended—

(i) by striking out "or section 6050A" and inserting in lieu thereof the following: ", section 6050A", and

(ii) by inserting ", or section 6050C (relating to information regarding windfall profit tax on crude oil)" after "fishing boat operators)".

(B) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

94 STAT. 252

"Sec. 6050C. Information regarding windfall profit tax on domestic crude oil."

(e) CRIMINAL PENALTY FOR FAILURE TO FURNISH CERTAIN INFORMATION.—

(1) IN GENERAL.—Part II of subchapter A of chapter 75 (relating to penalties applicable to certain taxes) is amended by adding at the end thereof the following new section:

"SEC. 7241. WILLFUL FAILURE TO FURNISH CERTAIN INFORMATION REGARDING WINDFALL PROFIT TAX ON DOMESTIC CRUDE OIL. 26 USC 7241.

"Any person who is required under section 6050C (or regulations thereunder) to furnish any information or certification to any other person and who willfully fails to furnish such information or certification at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution." *Ante*, p. 251.

(2) CLERICAL AMENDMENT.—The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7241. Willful failure to furnish certain information regarding windfall profit tax on domestic crude oil."

(f) DEFICIENCY PROCEDURES.—

(1) The following provisions are each amended by striking out "or 44" each place it appears and inserting in lieu thereof "44, or 45":

(A) section 6211(a), 26 USC 6211.
(B) section 6211(b)(2),
(C) section 6212(a), 26 USC 6212.
(D) section 6213(a), 26 USC 6213.
(E) section 6213(f),
(F) section 6214(c), 26 USC 6214.
(G) section 6214(d),
(H) section 6161(b)(1), 26 USC 6161.
(I) section 6344(a)(1), and 26 USC 6344.
(J) section 7422(e). 26 USC 7422.

(2) Subsection (a) of section 6211 is amended by striking out "and 44" and inserting in lieu thereof "44, and 45". 26 USC 6211.

(3) Subsection (b) of section 6211 is amended by adding at the end thereof the following new paragraphs:

"(5) The amount withheld under section 4995(a) from amounts payable to any producer for crude oil removed during any taxable period (as defined in section 4996(b)(7)) which is not otherwise shown on a return by such producer shall be treated as tax shown by the producer on a return for the taxable period. *Ante*, p. 244. *Ante*, p. 247.

"(6) Any liability to pay amounts required to be withheld under section 4995(a) shall not be treated as a tax imposed by chapter 45." *Ante*, p. 230.

(4) Paragraph (1) of section 6212(b) is amended— 26 USC 6212.

(A) by striking out "or chapter 44" and inserting in lieu thereof "chapter 44, or chapter 45",

(B) by striking out "chapter 44, and this chapter" and inserting in lieu thereof "chapter 44, chapter 45, and this chapter", and

(C) by striking out "TAXES IMPOSED BY CHAPTER 42" in the paragraph heading and inserting in lieu thereof "CERTAIN EXCISE TAXES".

(5) Paragraph (1) of section 6212(c) is amended— 26 USC 6212.

94 STAT. 253

(A) by striking out "or of chapter 42 tax" and inserting in lieu thereof "of chapter 42 tax", and

(B) by inserting ", or of chapter 45 tax for the same taxable period" after "to which such petition relates".

(6)(A) Subsection (a) of section 6512 is amended— 26 USC 6512.

(i) by striking out "chapter 41, 42, 43, or 44 taxes" and inserting in lieu thereof "certain excise taxes",

(ii) by striking out "or of tax imposed by chapter 41" and inserting in lieu thereof "of tax imposed by chapter 41", and

(iii) by inserting ", or of tax imposed by chapter 45 for the same taxable period" after "to which such petition relates".

(B) Paragraph (1) of section 6512(b) is amended—

(i) by striking out "or of tax imposed by chapter 41" and inserting in lieu thereof "of tax imposed by chapter 41", and

(ii) by inserting ", or of tax imposed by chapter 45 for the same taxable period" after "to which such petition relates".

26 USC 6601.

(7) The subsection heading for subsection (c) of section 6601 is amended by striking out "Chapter 41, 42, 43, or 44 Tax" and inserting in lieu thereof "Certain Excise Tax".

26 USC 6653.

(8) Subsection (a) of section 6653 is amended—

(A) by striking out "or by chapter 12" and inserting in lieu thereof ", by chapter 12",

(B) by striking out "is due" and inserting in lieu thereof ", or by chapter 45 (relating to windfall profit tax) is due", and

(C) by striking out "or Gift" in the subsection heading and inserting in lieu thereof ", Gift, or Windfall Profit".

26 USC 6862.

(9) Subsection (a) of section 6862 is amended by striking out "certain excise taxes" and inserting in lieu thereof "the excise taxes imposed by chapters 41, 42, 43, 44, and 45".

(g) Special Rules for Statute of Limitations.—

26 USC 6501.

(1) Assessment.—Section 6501 (relating to limitations on assessment and collection) is amended by adding at the end thereof the following new subsection:

"(q) Special Rules for Windfall Profit Tax.—

"(1) Oil subject to withholding.—

"(A) In general.—In the case of any oil to which section 4995(a) applies and with respect to which no return is required, the return referred to in this section shall be the return (of the person liable for the tax imposed by section 4986) of the taxes imposed by subtitle A for the taxable year in which the removal year ends.

Ante, p. 230.

"(B) Removal year.—For purposes of subparagraph (A), the term 'removal year' means the calendar year in which the oil is removed from the premises.

"(2) Extension of liability attributable to DOE reclassification.—

Ante, p. 230.

"(A) In general.—In the case of the tax imposed by chapter 45, if a Department of Energy change becomes final, the period for assessing any deficiency attributable to such change shall not expire before the date which is 1 year after the date on which such change becomes final.

Post, p. 254.

"(B) Department of energy change.—For purposes of subparagraph (A) and section 6511(h)(2), the term 'Department of Energy change' means any change by the Department of Energy in the classification under the June 1979 energy regulations (as defined in section 4996(b)(8)(C)) of a property or of domestic crude oil from a property.

94 STAT. 254

"(3) Partnership items of federally registered partnerships.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (o) shall apply to the tax imposed by section 4986."

Ante, p. 230.
26 USC 6511.

(2) Refund.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as (i) and by inserting after subsection (g) the following new subsection:

"(h) Special Rules for Windfall Profit Taxes.—

"(1) Oil subject to withholding.—In the case of any oil to which section 4995(a) applies and with respect to which no return is required, the return referred to in subsection (a) shall be the return (of the person liable for the tax imposed by section 4986) of the taxes imposed by subtitle A for the taxable year in which the removal year (as defined in section 6501(q)(1)(B)) ends.

Ante, p. 253.

Ante, p. 230.

"(2) Special rule for DOE reclassification.—In the case of any tax imposed by chapter 45, if a Department of Energy change (as defined in section 6501(q)(2)(B)) becomes final, the period for filing a claim for credit or refund for any overpayment attributable to such change shall not expire before the date which is 1 year after the date on which such change becomes final.

"(3) PARTNERSHIP ITEMS OF FEDERALLY REGISTERED PARTNERSHIPS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (g) shall apply to the tax imposed by section 4986."

(h) INTEREST ON OVERPAYMENTS.—Section 6611 (relating to interest on overpayment) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection: 26 USC 6611.

"(h) SPECIAL RULE FOR WINDFALL PROFIT TAX.—

"(1) IN GENERAL.—If any overpayment of tax imposed by section 4986 is refunded within 45 days after—

"(A) the last date (determined without regard to any extension of time for filing the return) prescribed for filing the return of the tax imposed by section 4986 for the taxable period with respect to which the overpayment was made, or

"(B) if such return is filed after such last date, the date on which the return is filed,

no interest shall be allowed under subsection (a) on such overpayment.

"(2) SPECIAL RULE WHERE NO RETURN IS REQUIRED.—In the case of any oil for which no return of the tax imposed by section 4986 is required, the return referred to in paragraph (1) shall be the return of the tax imposed by subtitle A for the taxable year of the producer in which the removal year (with respect to which the overpayment was made) ends. For purposes of the preceding sentence, the term 'removal year' means the calendar year in which the oil is removed from the premises."

(i) EFFECTIVE DATE.— 26 USC 4986 note.

(1) IN GENERAL.—The amendments made by this section shall apply to periods after February 29, 1980.

(2) TRANSITIONAL RULES.—For the period ending June 30, 1980, the Secretary of the Treasury or his delegate shall prescribe rules relating to the administration of chapter 45 of the Internal Revenue Code of 1954. To the extent provided in such rules, such rules shall supplement or supplant for such period the administrative provisions contained in chapter 45 of such Code (or in so much of subtitle F of such Code as relates to such chapter 45). 26 USC 6001.

SEC. 102. ALLOCATION OF NET REVENUES FROM WINDFALL PROFIT TAX TO CERTAIN USES.

31 USC 555.

Establishment.

94 STAT. 255

(a) SEPARATE ACCOUNT IN TREASURY ESTABLISHED.—The net revenues from the windfall profit tax for each fiscal year beginning after September 30, 1980, and before October 1, 1990, are hereby allocated for accounting purposes to a separate account in the Treasury to be known as the Windfall Profit Tax Account (hereinafter in this section referred to as the "Account").

(b) SPECIFIED USES FOR AMOUNTS IN THE ACCOUNT.—

(1) BASIC NET REVENUES.—In the case of the amount of basic net revenues allocated to the Account for any fiscal year, there shall be a further allocation to subaccounts for the following uses:

Use for	Percent
Income tax reductions	60
Low-income assistance	25
Energy and transportation programs	15

(2) ADDITIONAL NET REVENUES.—In the case of the amount of additional net revenues allocated to the Account for any fiscal year, there shall be a further allocation to subaccounts for the following uses:

Use for	Percent
Income tax reductions	66⅔
Low-income assistance	33⅓

(3) Special rule for low-income assistance for 1982 and subsequent years.—In the case of any amount allocated under paragraph (1) to the subaccount for low-income assistance for the fiscal year beginning October 1, 1981, or any subsequent fiscal year—

42 USC 1305.

(A) 50 percent shall be allocated to a program to assist AFDC and SSI recipients under the Social Security Act, and

(B) 50 percent shall be allocated to a program of emergency energy assistance.

(c) Net Revenues Defined.—For purposes of this section—

(1) In general.—The term "net revenues of the windfall profit tax" means, for any fiscal year, the amount which the Secretary estimates to be the excess of—

Ante, p. 230.

(A) the gross revenues from the tax imposed by section 4986 for the fiscal year, over

(B) the sum of—

(i) the refunds of and other adjustments to such tax for such fiscal year, plus

26 USC 1 *et seq.*

(ii) the decrease in the income taxes imposed by chapter 1 resulting from the tax imposed by section 4986.

For purposes of subparagraph (A), there shall not be taken into account any revenue attributable to an economic interest in crude oil held by the United States.

(2) Basic net revenues.—The term "basic net revenues" means the estimated net revenues which would result for any period under the assumptions for such period which were made in enacting the Crude Oil Windfall Profit Tax Act of 1980.

(3) Additional net revenues.—The term "additional net revenues" means for any period the net revenues in excess of the basic net revenues for such period.

(d) President To Propose Allocation of Net Revenues.—

94 STAT. 256

(1) In general.—The President shall propose for each fiscal year to which this section applies an allocation of the net revenues among the uses set forth in subsection (b).

(2) Time and manner for proposing.—Except for the fiscal year beginning October 1, 1980, the proposal for each fiscal year shall be contained in the annual budget for such fiscal year. The proposal for the fiscal year beginning October 1, 1980, shall be submitted by the President within 90 days after the date of the enactment of this Act.

Reports to Congress.

(e) Reports.—The Secretary of the Treasury shall report to the Congress not later than January 1 of 1982 and of each calendar year thereafter before 1992—

(1) the net revenues derived from the windfall profit tax for the fiscal year ending on September 30 of the preceding year, and

(2) the actual disposition for such fiscal year of such revenues among the uses specified in subsection (b).

26 USC 4986 note.

SEC. 103. STUDY OF EFFECTS OF DECONTROL OF OIL PRICES AND OF WINDFALL PROFIT TAX.

Report to Congress.

(a) General Rule.—The President shall, not later than January 1, 1983, submit to the Congress a report on the effect of decontrol of oil prices and the windfall profit tax on—

(1) domestic oil production,
(2) foreign oil imports,
(3) profits of the oil industry,
(4) inflation,
(5) employment,
(6) economic growth,
(7) Federal revenues, and
(8) national security.

(b) Report To Include Recommendations.—The report required under subsection (a) shall include such legislative recommendations as the President determines to be advisable.

TITLE II—ENERGY CONSERVATION AND PRODUCTION INCENTIVES

PART I—RESIDENTIAL ENERGY CREDIT

SEC. 201. GENERAL PROVISIONS RELATING TO CREDIT.

(a) Joint Ownership of Energy Items.—Section 44C(d) (relating to special rules) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph: 26 USC 44C.

"(4) Joint ownership of energy items.—

"(A) In general.—Any expenditure otherwise qualifying as an energy conservation expenditure or a renewable energy source expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) Limits applied separately.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made by each individual."

(b) Secretarial Authority.—

(1) In general.—Section 44C(c) (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraph: 26 USC 44C.

94 STAT. 257

"(9) Limitations on secretarial authority.—

"(A) In general.—The Secretary shall not specify any item under paragraph (4)(A)(viii) or any form of renewable energy under paragraph (5)(A)(i) unless the Secretary determines that—

"(i) there will be a reduction in oil or natural gas consumption as a result of such specification, and such reduction is sufficient to justify any resulting decrease in Federal revenues,

"(ii) such specification will not result in an increased use of any item which is known to be, or reasonably suspected to be, environmentally hazardous or a threat to public health or safety, and

"(iii) available Federal subsidies do not make such specification unnecessary or inappropriate (in the light of the most advantageous allocation of economic resources).

"(B) Factors taken into account.—In making any determination under subparagraph (A)(i), the Secretary (after consultation with the Secretary of Energy)—

"(i) shall make an estimate of the amount by which the specification will reduce oil and natural gas consumption, and

"(ii) shall determine whether such specification compares favorably, on the basis of the reduction in oil and natural gas consumption per dollar of cost to the Federal Government (including revenue loss), with other Federal programs in existence or being proposed.

"(C) Factors taken into account in making estimates.—In making any estimate under subparagraph (B)(i), the Secretary shall take into account (among other factors)—

"(i) the extent to which the use of any item will be increased as a result of the specification, "(ii) whether sufficient capacity is available to increase production to meet any increase in demand caused by such specification,

"(iii) the amount of oil and natural gas used directly or indirectly in the manufacture of such item and other items necessary for its use, and

"(iv) the estimated useful life of such item."

(2) PERIOD FOR SPECIFYING ITEMS.—Paragraph (6) of section 44C(c) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraphs:

"(C) ACTION ON REQUESTS.—

"(i) IN GENERAL.—The Secretary shall make a final determination with respect to any request filed under subparagraph (A)(ii) for specifying an item under paragraph (4)(A)(viii) or for specifying a form of renewable energy under paragraph (5)(A)(i) within 1 year after the filing of the request, together with any information required to be filed with such request under subparagraph (A)(ii).

"(ii) REPORTS.—Each month the Secretary shall publish a report of any request which has been denied during the preceding month and the reasons for the denial.

94 STAT. 258

"(D) EFFECTIVE DATE.—

"(i) IN GENERAL.—In the case of any item or energy source specified under paragraph (4)(A)(viii) or (5)(A)(i), the credit allowed by subsection (a) shall apply with respect to expenditures which are made on or after the date on which final notice of such specification is published in the Federal Register.

"(ii) EXPENDITURES TAKEN INTO ACCOUNT IN FOLLOWING TAXABLE YEARS.—The Secretary may prescribe by regulations that expenditures made on or after the date referred to in clause (i) and before the close of the taxable year in which such date occurs shall be taken into account in the following taxable year."

SEC. 202. RENEWABLE ENERGY SOURCE EXPENDITURES.

26 USC 44C.

(a) AMOUNT OF CREDIT.—Paragraph (2) of section 44C(b) (relating to qualified renewable energy source expenditures) is amended to read as follows:

"(2) RENEWABLE ENERGY SOURCE.—In the case of any dwelling unit, the qualified renewable energy source expenditures are 40 percent of so much of the renewable energy source expenditures made by the taxpayer during the taxable year with respect to such unit as does not exceed $10,000."

(b) SOLAR ELECTRIC ENERGY.—Clause (i) of section 44C(c)(5)(A) (defining renewable energy source property) is amended by striking out "providing hot water" and inserting in lieu thereof "providing hot water or electricity".

(c) COSTS OF DRILLING GEOTHERMAL WELL.—Subparagraph (B) of section 44C(c)(2) (relating to renewable energy source expenditure) is amended to read as follows:

"(B) CERTAIN LABOR AND OTHER COSTS INCLUDED.—The term 'renewable energy source expenditure' includes—

"(i) expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of renewable energy source property, and

26 USC 613.
26 USC 263.

"(ii) expenditures for an onsite well drilled for any geothermal deposit (as defined in section 613(e)(3)), but only if the taxpayer has not elected under section 263(c) to deduct any portion of such expenditures."

(d) SOLAR PANELS INSTALLED ON ROOFS.—Paragraph (2) of section

44C(c) (relating to renewable energy source expenditure) is amended by adding at the end thereof the following new subparagraph:

"(D) CERTAIN SOLAR PANELS.—No solar panel installed as a roof (or portion thereof) shall fail to be treated as renewable energy source property solely because it constitutes a structural component of the dwelling on which it is installed."

(e) EFFECTIVE DATES.— 26 USC 44C note.

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1979.

(2) SUBSECTIONS (b), (c), AND (d).—The amendments made by subsections (b), (c), and (d) shall apply to expenditures made after December 31, 1979, in taxable years ending after such date.

SEC. 203. PROVISIONS TO PREVENT DOUBLE BENEFITS.

(a) CREDIT TO BE REDUCED WHERE CERTAIN FINANCING IS USED.—

(1) IN GENERAL.—Section 44C(c) (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraph: 26 USC 44C.

94 STAT. 259

"(10) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

"(A) REDUCTION OF QUALIFIED EXPENDITURES.—For purposes of determining the amount of energy conservation or renewable energy source expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing.

"(B) DOLLAR LIMITS REDUCED.—Paragraph (1) or (2) of subsection (b) (whichever is appropriate) shall be applied with respect to such dwelling unit for any taxable year of such taxpayer by reducing each dollar amount contained in such paragraph (reduced as provided in subsection (b)(3)) by an amount equal to the sum of—

"(i) the amount of the expenditures which were made by the taxpayer during such taxable year or any prior taxable year with respect to such dwelling unit and which were not taken into account by reason of subparagraph (A), and

"(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year or any prior taxable year which was used to make energy conservation or renewable energy source expenditures with respect to the dwelling unit and which was not included in the gross income of such taxpayer.

"(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy."

(b) RETURN REQUIREMENT.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information returns) is amended by adding at the end thereof the following new section:

"SEC. 6050D. RETURNS RELATING TO ENERGY GRANTS AND FINANCING. 26 USC 6050D.

"(a) IN GENERAL.—Every person who administers a Federal, State, or local program a principal purpose of which is to provide subsidized financing or grants for projects to conserve or produce energy shall, to the extent required under regulations prescribed by the Secretary, make a return setting forth the name and address of each taxpayer receiving financing or a grant under such program and the aggregate amount so received by such individual.

"(b) DEFINITION OF PERSON.—For purposes of this section, the term 'person' means the officer or employee having control of the program, or the person appropriately designated for purposes of this section."

(2) Conforming amendment.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 6050D. Returns relating to energy grants and financing."

26 USC 44C note. (c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980, but only with respect to financing or grants made after such date.

94 STAT. 260

PART II—BUSINESS ENERGY INVESTMENT CREDITS

SEC. 221. CHANGES IN AMOUNT AND PERIOD OF APPLICATION OF ENERGY PERCENTAGE.

26 USC 46. (a) In General.—Subparagraph (C) of section 46(a)(2) (relating to energy percentage) is amended to read as follows:

"(C) Energy percentage.—For purposes of this paragraph—

"(i) In general.—The energy percentage shall be determined in accordance with the following table:

"Column A—Description	Column B—Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	And ending on:
I. General Rule.—Property not described in any of the following provisions of this column	10 percent	Oct. 1, 1978	Dec. 31, 1982.
II. Solar, Wind, or Geothermal Property.—Property described in section 48(l)(2)(A)(ii) or 48(l)(3)(A)(viii)	A. 10 percent	Oct. 1, 1978	Dec. 31, 1979.
	B. 15 percent	Jan. 1, 1980	Dec. 31, 1985.
III. Ocean Thermal Property.—Property described in section 48(l)(3)(A)(ix)	15 percent	Jan. 1, 1980	Dec. 31, 1985.
IV. Qualified Hydroelectric Generating Property.—Property described in section 48(l)(2)(A)(vii)	11 percent	Jan. 1, 1980	Dec. 31, 1985.
V. Qualified Intercity Buses.—Property described in section 48(l)(2)(A)(ix)	10 percent	Jan. 1, 1980	Dec. 31, 1985.
VI. Biomass Property.—Property described in section 48(l)(15)	10 percent	Oct. 1, 1978	Dec. 31, 1985.

"(ii) Periods for which percentage not specified.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under clause (i) (as modified by clauses (iii) and (iv)).

"(iii) Longer period for certain long-term projects.—For the purpose of applying the energy percentage contained in subclause (I) of clause (i) with respect to property which is a part of a project with a normal construction period of 2 years or more (within the meaning of section 46(d)(2)(A)(i)), 'December 31, 1990' shall be substituted for 'December 31, 1982' if—

"(I) before January 1, 1983, the taxpayer has completed all engineering studies in connection with the commencement of the construction of the project, and has applied for all environmental and construction permits required under Federal, State, or local law in connection with the commencement of the construction of the project, and

"(II) before January 1, 1986, the taxpayer has entered into binding contracts for the acquisition, construction, reconstruction, or erection of equipment specially designed for the project and the aggregate cost to the taxpayer of that equipment is at least 50 percent of the reasonably estimated cost for all such equipment which is to be placed in service as part of the project upon its completion. 94 STAT. 261

"(iv) Longer period for certain hydroelectric generating property.—If an application has been docketed by the Federal Energy Regulatory Commission before January 1, 1986, with respect to the installation of any qualified hydroelectric generating property, for purposes of applying the energy percentage contained in subclause (IV) of clause (i) with respect to such property, 'December 31, 1988' shall be substituted for 'December 31, 1985'."

(b) Conforming Amendments.—

(1) Paragraph (1) of section 48(l) (relating to treatment as section 38 property) is amended to read as follows: 26 USC 48.

"(1) Treatment as section 38 property.—For any period for which the energy percentage determined under section 46(a)(2)(C) for any energy property is greater than zero— 26 USC 46.

"(A) such energy property shall be treated as meeting the requirements of paragraph (1) of subsection (a), and

"(B) paragraph (3) of subsection (a) shall not apply to such property."

(2) Paragraph (11) of section 48(l) (relating to special rule for property financed by industrial development bonds) is amended by striking out "5 percent" and inserting in lieu thereof "one-half of the energy percentage determined under section 46(a)(2)(C)". *Post*, p. 266.

SEC. 222. CHANGES IN ENERGY PROPERTY ITEM DESCRIPTIONS.

(a) In General.—Subparagraph (A) of section 48(l)(2) (defining energy property) is amended—

(1) by striking out "or" at the end of clause (v), and

(2) by adding at the end thereof the following new clauses:

"(vii) qualified hydroelectric generating property,

"(viii) cogeneration equipment, or

"(ix) qualified intercity buses,".

(b) Alternative Energy Property.—Subparagraph (A) of section 48(l)(3) (defining alternative energy property) is amended—

(1) by striking out "(other than coke or coke gas)" in clause (iii),

(2) by striking out clause (v) and inserting in lieu thereof the following:

"(v) equipment to convert—

"(I) coal (including lignite), or any nonmarketable substance derived therefrom, into a substitute for a petroleum or natural gas derived feedstock for the manufacture of chemicals or other products, or

"(II) coal (including lignite), or any substance derived therefrom, into methanol, ammonia, or a hydroprocessed coal liquid or solid,",

(3) by striking out "and" at the end of clause (vii),

(4) by striking out the period at the end of clause (viii) and inserting in lieu thereof ", and", and

(5) by adding at the end thereof the following new clause:

"(ix) equipment, placed in service at either of 2 locations designated by the Secretary after consultation with the Secretary of Energy, which converts ocean thermal energy to usable energy." 94 STAT. 262

(c) Solar or Wind Energy Property.—Paragraph (4) of section 48(l) (defining solar or wind energy property) is amended— 26 USC 48.

(1) by striking out "or" at the end of subparagraph (A),

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new subparagraph:

"(C) to provide solar process heat."

(d) Specially Defined Energy Property.—

(1) Alumina electrolytic cells.—Paragraph (5) of section 48(l) (defining specially defined energy property) is amended—

(A) by striking out "or" at the end of subparagraph (K), and

(B) by redesignating subparagraph (L) as subparagraph (M) and by inserting after subparagraph (K) the following new subparagraph:

"(L) modifications to alumina electrolytic cells, or".

(2) Standards for secretarial discretion.—Paragraph (5) of section 48(l) is amended by adding at the end thereof the following new sentence: "The Secretary shall not specify any property under subparagraph (M) unless he determines that such specification meets the requirements of paragraph (9) of section 44C(c) for specification of items under section 44C(c)(4)(A)(viii)." *Ante, p. 257.*

(e) Qualified Hydroelectric Generating Property.—

(1) In general.—Subsection (l) of section 48 (relating to energy property) is amended by adding at the end thereof the following new paragraph:

"(13) Qualified hydroelectric generating property.—

"(A) In general.—The term 'qualified hydroelectric generating property' means property installed at a qualified hydroelectric site which is—

"(i) equipment for increased capacity to generate electricity by water (up to, but not including, the electrical transmission stage), and

"(ii) structures for housing such generating equipment, fish passageways, and dam rehabilitation property, required by reason of the installation of equipment described in clause (i).

"(B) Qualified hydroelectric site.—The term 'qualified hydroelectric site' means any site—

"(i) at which—

"(I) there is a dam the construction of which was completed before October 18, 1979, and which was not significantly enlarged after such date, or

"(II) electricity is to be generated without any dam or other impoundment of water, and

"(ii) the installed capacity of which is less than 125 megawatts.

"(C) Limitation on credit when installed capacity exceeds 25 megawatts.—For purposes of applying the energy percentage to any qualified hydroelectric generating property placed in service in connection with a site the installed capacity of which exceeds 25 megawatts, the amount taken into account as qualified investment shall not exceed the amount which (but for this subparagraph) would be the qualified investment multiplied by a fraction—

94 STAT. 263

"(i) the numerator of which is 25 reduced by 1 for each whole megawatt by which such installed capacity exceeds 100 megawatts, and

"(ii) the denominator of which is the number of megawatts of such installed capacity but not in excess of 100.

"(D) Dam rehabilitation property.—For purposes of this paragraph, the term 'dam rehabilitation property' means any amount properly chargeable to capital account for property (or additions or improvements to property) in connection with the rehabilitation of a dam.

"(E) Installed capacity.—The term 'installed capacity' means, with respect to any site, the installed capacity of all electrical generating equipment placed in service at such site. Such term includes the capacity of equipment installed during the 3 taxable years following the taxable year in which the equipment is placed in service."

(2) Regular investment credit to apply to fish passageways.—Subparagraph (D) of section 46(a)(2) (relating to special rule for certain energy property) is amended by adding at the end thereof the following new sentence: "In the case of any qualified hydroelectric generating property which is a fish passageway, the preceding sentence shall not apply to any period after 1979 for which the energy percentage for such property is greater than zero." 26 USC 46.

(f) Cogeneration Property.—Subsection (l) of section 48 (relating to energy property) is amended by adding at the end thereof the following new paragraph: 26 USC 48.

"(14) Cogeneration equipment.—

"(A) In general.—The term 'cogeneration equipment' means property which is an integral part of a system for using the same fuel to produce both qualified energy and electricity at an industrial or commercial facility at which, as of January 1, 1980, electricity or qualified energy was produced.

"(B) Only cogeneration increases taken into account.—The term 'cogeneration equipment' includes property only to the extent that such property increases the capacity of the system to produce qualified energy or electricity, whichever is the secondary energy product of the system.

"(C) Limitation on use of oil or gas.—The term 'cogeneration equipment' does not include any property which is part of a system if—

"(i) such system uses oil or natural gas (or a product of oil or natural gas) as a fuel for any purpose other than—

"(I) start-up,

"(II) flame control, or

"(III) back-up, or

"(ii) more than 20 percent (determined on a Btu basis) of the fuel for such system for any taxable year consists of oil or natural gas (or a product of oil or natural gas).

"(D) Qualified energy.—The term 'qualified energy' means steam, heat, or other forms of useful energy (other than electric energy) to be used for industrial, commercial, or space-heating purposes (other than in the production of electricity).

"(E) Industrial includes purification and desalinization of water.—The term 'industrial' includes the purification of water and the desalinization of water." 94 STAT. 264

(g) Biomass Property.—

(1) In general.—Subsection (l) of section 48 (relating to energy property) is amended by adding at the end thereof the following new paragraph: 26 USC 48.

"(15) Biomass property.—

"(A) In general.—The term 'biomass property' means—

"(i) any property described in clause (i), (ii), or (iii) of paragraph (3)(A), as modified by the last sentence of paragraph (3)(A) and by subparagraph (B) of this paragraph, and

"(ii) any equipment described in so much of clause (vi) or (vii) of paragraph (3)(A) as relates to property described in clause (i) of this subparagraph.

"(B) Modifications.—For purposes of subparagraph (A)—

"(i) the term 'alternate substance' has the meaning given to such term by paragraph (3)(B), except that such term does not include any inorganic substance and does not include coal (including lignite) or any product of such coal, and

"(ii) clause (iii) of paragraph (3)(A) shall be applied by substituting 'a qualified fuel' for 'a synthetic liquid, gaseous, or solid fuel'.

"(C) Qualified fuel.—For purposes of subparagraph (B), the term 'qualified fuel' means—

"(i) any synthetic solid fuel, and

"(ii) alcohol for fuel purposes if the primary source of energy for the facility producing the alcohol is not oil or natural gas or a product of oil or natural gas."

Ante, p. 261. (2) Storage of fuel derived from garbage.—Subparagraph (A) of section 48(l)(3) (defining alternative energy property) is amended by adding at the end thereof the following new sentence:

"The equipment described in clause (vii) includes equipment used for the storage of fuel derived from garbage at the site at which such fuel was produced from garbage."

(h) Qualified Intercity Buses.—Subsection (l) of section 48 (relating to energy property) is amended by adding at the end thereof the following new paragraph:

"(16) Qualified intercity buses.—

"(A) In general.—Paragraph (2)(A)(ix) shall apply only with respect to the qualified investment in qualified intercity buses of a taxpayer—

"(i) which is a common carrier regulated by the Interstate Commerce Commission or an appropriate State agency (as determined by the Secretary), and

"(ii) which is engaged in the trade or business of furnishing intercity passenger transportation or intercity charter service by bus.

"(B) Qualified intercity bus.—The term 'qualified intercity bus' means an automobile bus—

26 USC 4063. 26 USC 4061. "(i) the chassis and body of which is exempt under section 4063(a)(6) from the tax imposed by section 4061(a),

"(ii) which has—

94 STAT. 265

"(I) a seating capacity of more than 35 passengers (in addition to the driver), and

"(II) 1 or more baggage compartments, separated from the passenger area, with a capacity of at least 200 cubic feet, and

"(iii) which is used predominantly by the taxpayer in the trade or business of furnishing intercity passenger transportation or intercity charter service.

"(C) Operating capacity must increase.—Under regulations prescribed by the Secretary—

"(i) In general.—The amount of qualified investment taken into account under paragraph (2)(A)(ix) for any taxable year shall not exceed the amount of the qualified investment which is attributable to an increase in the taxpayer's total operating seating capacity for the taxable year over such capacity as of the close of the preceding taxable year.

"(ii) Special rules.—The regulations prescribed under this subparagraph—

"(I) shall provide that only buses used predominantly on a full-time basis in the trade or business of furnishing intercity passenger or intercity charter service shall be taken into account in determining the taxpayer's total operating seating capacity, and

"(II) shall provide rules treating related taxpayers as 1 person."

(i) Technical Amendments.—

(1) Public utility property.—

(A) Paragraph (3) of section 48(l) is amended by striking out subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

26 USC 48.

(B) Subsection (l) of section 48 is amended by adding at the end thereof the following new paragraph:

"(17) Exclusion for public utility property.—The terms 'alternative energy property', 'biomass property', 'solar or wind energy property', 'recycling equipment', and 'cogeneration property' do not include property which is public utility property (within the meaning of section 46(f)(5))."

26 USC 46.

(2) Ocean thermal property.—Section 48(a)(2)(B) (relating to property used outside the United States) is amended—

(A) by striking out "and" at the end of clause (ix),

(B) by striking out the period at the end of clause (x) and inserting in lieu thereof ", and", and

(C) by inserting immediately after clause (x) the following new clause:

"(xi) any property described in subsection (l)(3)(A)(ix) which is owned by a United States person and which is used in international or territorial waters to generate energy for use in the United States."

(3) Pollution control equipment.—Subparagraph (C) of section 48(l)(3) (as redesignated by paragraph (1)) is amended by adding at the end thereof the following new sentence:

Supra.

"For purposes of the preceding sentence, in the case of property which is alternative energy property solely by reason of the amendments made by section 222(b) of the Crude Oil Windfall Profit Tax Act of 1980, 'January 1, 1980' shall be substituted for 'October 1, 1978'."

Ante, p. 261.

(j) Effective Dates.—

26 USC 48 note.

94 STAT. 266

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods after December 31, 1979, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

26 USC 48.

(2) Alumina electrolytic cells.—The amendments made by subsection (d)(1) shall apply to periods after September 30, 1978, under rules similar to the rules of section 48(m) of such Code.

SEC. 223. OTHER CHANGES WITH RESPECT TO THE INVESTMENT CREDIT FOR INVESTMENT IN ENERGY PROPERTY.

(a) Boilers Fueled by Petroleum Coke or Petroleum Pitch.—

(1) In general.—Paragraph (10) of section 48(a) (relating to boilers fueled by oil or gas) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, the term 'petroleum or petroleum products' does not include petroleum coke or petroleum pitch."

(2) Effective date.—The amendment made by paragraph (1) shall apply to periods after December 31, 1979, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

26 USC 48 note.

(b) Repeal of Refundable Credit for Solar or Wind Property.—

(1) In general.—Paragraph (10) of section 46(a) (relating to special rules in case of energy property) is amended—

26 USC 46.

(A) in subparagraph (A)—

(i) by inserting "and" at the end of clause (i),

(ii) by striking out "(other than solar or wind energy property), and" and inserting in lieu thereof a period in clause (ii), and

(iii) by striking out clause (iii);

(B) by striking out "other than solar or wind energy property" in the heading of subparagraph (B); and

(C) by striking out subparagraph (C).

26 USC 6401.

(2) CONFORMING AMENDMENT.—Section 6401 (relating to amounts treated as overpayments) is amended by striking out subsection (d).

26 USC 46 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to qualified investment for taxable years beginning after December 31, 1979.

(c) CREDIT TO BE REDUCED WHERE CERTAIN FINANCING IS USED.—

Ante, p. 261.

(1) IN GENERAL.—Paragraph (11) of section 48(l) (relating to special rule for property financed by industrial development bonds), as amended by section 221(b)(2), is amended to read as follows:

"(11) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

"(A) REDUCTION OF QUALIFIED INVESTMENT.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

"(i) subsidized energy financing, or

26 USC 103.

"(ii) the proceeds of an industrial development bond (within the meaning of section 103(b)(2)) the interest on which is exempt from tax under section 103,

the amount taken into account as qualified investment shall not exceed the amount which (but for this subparagraph) would be the qualified investment multiplied by the fraction determined under subparagraph (B).

"(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

"(i) the numerator of which is that portion of the qualified investment in the property which is allocable to such financing or proceeds, and

"(ii) the denominator of which is the qualified investment in the property.

"(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy."

26 USC 48 note.

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall apply to periods after December 31, 1982, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

26 USC 48.

(B) EARLIER APPLICATION FOR CERTAIN PROPERTY.—In the case of property which is—

(i) qualified hydroelectric generating property (described in section 48(l)(2)(A)(vii) of such Code),

(ii) cogeneration equipment (described in section 48(l)(2)(A)(viii) of such Code),

(iii) qualified intercity buses (described in section 48(l)(2)(A)(ix) of such Code),

(iv) ocean thermal property (described in section 48(l)(3)(A)(ix) of such Code), or

(v) expanded energy credit property,

the amendment made by paragraph (1) shall apply to periods after December 31, 1979, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

(C) EXPANDED ENERGY CREDIT PROPERTY.—For purposes of subparagraph (B), the term "expanded energy credit property" means—

Ante, p. 261.

(i) property to which section 48(l)(3)(A) of such Code applies because of the amendments made by paragraphs (1) and (2) of section 222(b),

(ii) property described in section 48(l)(4)(C) of such Code (relating to solar process heat), *Ante*, p. 262.

(iii) property described in section 48(l)(5)(L) of such Code (relating to alumina electrolytic cells), and *Ante*, p. 262.

(iv) property described in the last sentence of section 48(l)(3)(A) of such Code (relating to storage equipment for refuse-derived fuel). *Ante*, p. 264.

(D) FINANCING TAKEN INTO ACCOUNT.—For the purpose of applying the provisions of section 48(l)(11) of such Code in the case of property financed in whole or in part by subsidized energy financing (within the meaning of section 48(l)(11)(C) of such Code), no financing made before January 1, 1980, shall be taken into account. The preceding sentence shall not apply to financing provided from the proceeds of any tax-exempt industrial development bond (within the meaning of section 103(b)(2) of such Code). *Ante*, p. 266. 26 USC 103.

PART III—PRODUCTION OF FUEL FROM NONCONVENTIONAL SOURCES; ALCOHOL FUELS

94 STAT. 268

SEC. 231. PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by inserting after section 44C the following new section:

"SEC. 44D. CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

26 USC 44D.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to—

"(1) $3, multiplied by

"(2) the barrel-of-oil equivalent of qualified fuels—

"(A) sold by the taxpayer to an unrelated person during the taxable year, and

"(B) the production of which is attributable to the taxpayer.

"(b) LIMITATIONS AND ADJUSTMENTS.—

"(1) PHASEOUT OF CREDIT.—The amount of the credit allowable under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

"(A) the amount by which the reference price for the calendar year in which the taxable year begins exceeds $23.50, bears to

"(B) $6.

"(2) CREDIT AND PHASEOUT ADJUSTMENT BASED ON INFLATION.—The $3 amount in subsection (a) and the $23.50 and $6 amounts in paragraph (1) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which a taxable year begins. In the case of gas from a tight formation, the $3 amount in subsection (a) shall not be adjusted.

"(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, AND SUBSIDIZED ENERGY FINANCING.—

"(A) IN GENERAL.—The amount of the credit allowable under subsection (a) with respect to any project for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and a fraction—

"(i) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

"(I) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project, "(II) proceeds of any issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103, and 26 USC 103.

Ante, p. 266. "(III) the aggregate amount of subsidized energy financing (within the meaning of section 48(l)(11)(C)) provided in connection with the project, and

"(ii) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

94 STAT. 269

"(B) Amounts determined at close of year.—The amounts under subparagraph (A) for any taxable year shall be determined as of the close of the taxable year.

"(4) Credit reduced for energy credit.—The amount allowable as a credit under subsection (a) with respect to any project for any taxable year (determined after the application of paragraphs (1), (2), and (3)) shall be reduced by the excess of—

26 USC 38. "(A) the aggregate amount allowed under section 38 for the taxable year or any prior taxable year by reason of the energy percentage with respect to property used in the project, over

"(B) the aggregate amount recaptured with respect to the amount described in subparagraph (A)—

26 USC 47. "(i) under section 47 for the taxable year or any prior taxable year, or

"(ii) under this paragraph for any prior taxable year.

The amount recaptured under section 47 with respect to any property shall be appropriately reduced to take into account any reduction in the credit allowed by this section by reason of the preceding sentence.

"(5) Application with other credits.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. 26 USC 31, 39, 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a). 26 USC 53.

"(c) Definition of Qualified Fuels.—For purposes of this section—

"(1) In general.—The term 'qualified fuels' means—

"(A) oil produced from shale and tar sands,

"(B) gas produced from—

"(i) geopressured brine, Devonian shale, coal seams, or a tight formation, or

"(ii) biomass,

"(C) liquid, gaseous, or solid synthetic fuels produced from coal (including lignite), including such fuels when used as feedstocks,

"(D) qualifying processed wood fuels, and

"(E) steam produced from solid agricultural byproducts (not including timber byproducts).

"(2) Gas from geopressured brine, etc.—

"(A) In general.—Except as provided in subparagraph (B), the determination of whether any gas is produced from geopressured brine, Devonian shale, coal seams, or a tight formation shall be made in accordance with section 503 of the Natural Gas Policy Act of 1978. 15 USC 3413.

"(B) Special rules for gas from tight formations.—The term 'gas produced from a tight formation' shall only include—

"(i) gas the price of which is regulated by the United States, and "(ii) gas for which the maximum lawful price applicable under the Natural Gas Policy Act of 1978 is at least 150 percent of the then applicable price under section 103 of such Act.

15 USC 3301 note.

15 USC 3313.

"(3) BIOMASS.—The term 'biomass' means any organic material which is an alternate substance (as defined in section 48(l)(3)(B)) other than coal (including lignite) or any product of such coal.

26 USC 48.

94 STAT. 270

"(4) QUALIFYING PROCESSED WOOD FUEL.—

"(A) IN GENERAL.—The term 'qualifying processed wood fuel' means any processed solid wood fuel (other than charcoal, fireplace products, or a product used for ornamental or recreational purposes) which has a Btu content per unit of volume or weight, determined without regard to any nonwood elements, which is at least 40 percent greater per unit of volume or weight than the Btu content of the wood from which it is produced (determined immediately before the processing).

"(B) ELECTION.—A taxpayer shall elect, at such time and in such manner as the Secretary by regulations may prescribe, as to whether Btu content per unit shall be determined for purposes of this paragraph on a volume or weight basis. Any such election—

"(i) shall apply to all production from a facility; and

"(ii) shall be effective for the taxable year with respect to which it is made and for all subsequent taxable years and, once made, may be revoked only with the consent of the Secretary.

"(5) AGRICULTURAL BYPRODUCT STEAM.—Steam produced from solid agricultural byproducts which is used by the taxpayer in his trade or business shall be treated as having been sold by the taxpayer to an unrelated person on the date on which it is used.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ONLY PRODUCTION WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to qualified fuels the production of which is within—

"(A) the United States (within the meaning of section 638(1)), or

26 USC 638.

"(B) a possession of the United States (within the meaning of section 638(2)).

"(2) COMPUTATION OF INFLATION ADJUSTMENT FACTOR AND REFERENCE PRICE.—

"(A) IN GENERAL.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor and the reference price for the preceding calendar year in accordance with this paragraph.

Publication in Federal Register.

"(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GNP implicit price deflator for the calendar year and the denominator of which is the GNP implicit price deflator for calendar year 1979. The term 'GNP implicit price deflator' means the first revision of the implicit price deflator for the gross national product as computed and published by the Department of Commerce.

"(C) REFERENCE PRICE.—The term 'reference price' means with respect to a calendar year the Secretary's estimate of the annual average wellhead price per barrel for all domestic crude oil the price of which is not subject to regulation by the United States.

94 STAT. 271

"(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a property or facility in which more than 1 person has an interest, except to the extent provided in regulations prescribed by the Secretary, production from the property or facility (as the case may be) shall be allocated among such persons in proportion to their respective interests in the gross sales from such property or facility.

"(4) SPECIAL RULES APPLICABLE TO GAS FROM GEOPRESSURED BRINE, DEVONIAN SHALE, COAL SEAMS, OR A TIGHT FORMATION.—

"(A) CREDIT ALLOWED ONLY FOR NEW PRODUCTION.—The amount of the credit allowable under subsection (a) shall be determined without regard to any production attributable to a property from which gas from Devonian shale, coal seams, geopressured brine, or a tight formation was produced in marketable quantities before January 1, 1980.

"(B) REFERENCE PRICE AND APPLICATION OF PHASEOUT FOR DEVONIAN SHALE.—

"(i) REFERENCE PRICE FOR DEVONIAN SHALE.—For purposes of this section, the term 'reference price' for gas from Devonian shale sold during calendar years 1980, 1981, and 1982 shall be the average wellhead price per thousand cubic feet for such year of high cost natural gas (as defined in section 107(c) (2), (3), and (4) of the Natural Gas Policy Act of 1978 and determined under section 503 of that Act) as estimated by the Secretary after consultation with the Federal Energy Regulatory Commission.

15 USC 3317.
15 USC 3413.

"(ii) DIFFERENT PHASEOUT TO APPLY FOR 1980, 1981, AND 1982.—For purposes of applying paragraphs (1) and (2) of subsection (b) with respect to sales during calendar years 1980, 1981, and 1982 of gas from Devonian shale, '$4.05' shall be substituted for '$23.50' and '$1.03' shall be substituted for '$6.00'.

"(5) PHASEOUT DOES NOT APPLY FOR FIRST 3 YEARS OF PRODUCTION FROM FACILITY PRODUCING QUALIFYING PROCESSED WOOD OR STEAM FROM SOLID AGRICULTURAL BYPRODUCTS.—In the case of a facility for the production of—

"(A) qualifying processed wood fuel,

or

"(B) steam from solid agricultural byproducts,

paragraph (1) of subsection (b) shall not apply with respect to the amount of the credit allowable under subsection (a) for fuels sold during the 3-year period beginning on the date the facility is placed in service.

"(6) BARREL-OF-OIL EQUIVALENT.—The term 'barrel-of-oil equivalent' with respect to any fuel means that amount of such fuel which has a Btu content of 5.8 million; except that in the case of qualified fuels described in subparagraph (C), (D), or (E) of subsection (c)(1), the Btu content shall be determined without regard to any material from a source not described in such subparagraph.

"(7) BARREL DEFINED.—The term 'barrel' means 42 United States gallons.

94 STAT. 272

"(8) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

26 USC 52.
26 USC 1371.

"(9) PASS-THROUGH IN THE CASE OF SUBCHAPTER S CORPORATIONS, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (d) and (e) of section 52 shall apply.

26 USC 52.

15 USC 3301 note.
15 USC 3317.
15 USC 3331.

"(e) CREDIT NOT ALLOWABLE IF TAXPAYER MAKES ELECTION UNDER NATURAL GAS POLICY ACT OF 1978.—If the taxpayer makes an election under section 107(d) of the Natural Gas Policy Act of 1978 to have subsections (a) and (b) of section 107 of that Act, and subtitle B of title I of that Act, apply with respect to gas described in subsection (c)(1)(B)(i) produced from any well on a property, then the credit allowable by subsection (a) shall not be allowed with respect to any gas produced on that property.

"(f) APPLICATION OF SECTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to qualified fuels—

"(A) which are—

"(i) produced from a well drilled after December 31, 1979, and before January 1, 1990, or

"(ii) produced in a facility placed in service after December 31, 1979, and before January 1, 1990, and

"(B) which are sold after December 3, 1979, and before January 1, 2001.

"(2) SPECIAL RULES APPLICABLE TO QUALIFIED PROCESSED WOOD AND SOLID AGRICULTURAL BYPRODUCT STEAM.—

"(A) CREDIT ALLOWED ONLY FOR CERTAIN PRODUCTION.—In the case of qualifying processed wood fuel and steam from solid agricultural byproducts, this section shall apply only with respect to—

"(i) qualifying processed wood fuel produced in facilities placed in service after December 3, 1979, and before January 1, 1982, which is sold before the later of—

"(I) October 1, 1983, or

"(II) the date which is 3 years after the date on which the facility is placed in service; and

"(ii) steam produced in facilities placed in service after December 31, 1979, from solid agricultural byproducts which is sold before January 1, 1985.

"(B) EXPANDED PRODUCTION OF STEAM TREATED AS NEW FACILITY PRODUCTION.—For purposes of this subsection and subsection (d)(5), in the case of a facility for the production of steam from solid agricultural byproducts which was placed in service before January 1, 1980, any production of steam attributable to an expansion of the capacity of the facility to produce such steam through placing additional or replacement equipment in service after December 31, 1979, shall be treated as if it were produced by a facility placed in service on the date on which such equipment is placed in service."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 44C the following new item:

"Sec. 44D. Credit for producing fuel from a nonconventional source."

(2) Subsection (b) of section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44C" and inserting in lieu thereof "44C, and 44D". 26 USC 6096.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years ending after December 31, 1979. 26 USC 44D note.

SEC. 232. ALCOHOL FUELS.

94 STAT. 273

(a) EXTENSION OF EXEMPTION THROUGH 1992.—

(1) GASOLINE.—Subsection (c) of section 4081 (relating to gasoline mixed with alcohol) is amended by adding at the end thereof the following new paragraph: 26 USC 4081. *Post*, pp. 276, 277.

"(4) TERMINATION.—Paragraph (1) shall not apply to any sale after December 31, 1992."

(2) SPECIAL FUELS.—Subsection (k) of section 4041 (relating to fuels containing alcohol) is amended by adding at the end thereof the following new paragraph: 26 USC 4041.

"(3) TERMINATION.—Paragraph (1) shall not apply to any sale or use after December 31, 1992."

(3) TECHNICAL AMENDMENT.—Subsections (a)(2) and (b)(2) of the Energy Tax Act of 1978 are each amended by striking out ", and before October 1, 1984". 26 USC 4041 note, 4081 note.

(b) CREDIT AGAINST INCOME TAX.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowed) is amended by inserting before section 45 the following new section:

26 USC 44E.

"SEC. 44E. ALCOHOL USED AS FUEL.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the alcohol mixture credit, plus

"(2) the alcohol credit.

"(b) DEFINITION OF ALCOHOL MIXTURE CREDIT AND ALCOHOL CREDIT.—For purposes of this section—

"(1) ALCOHOL MIXTURE CREDIT.—

"(A) IN GENERAL.—The alcohol mixture credit of any taxpayer for any taxable year is 40 cents for each gallon of alcohol used by the taxpayer in the production of a qualified mixture.

"(B) QUALIFIED MIXTURE.—The term 'qualified mixture' means a mixture of alcohol and gasoline or of alcohol and a special fuel which—

"(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the taxpayer producing such mixture.

"(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Alcohol used in the production of a qualified mixture shall be taken into account—

"(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

"(ii) for the taxable year in which such sale or use occurs.

"(D) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified mixture.

"(2) ALCOHOL CREDIT.—

"(A) IN GENERAL.—The alcohol credit of any taxpayer for any taxable year is 40 cents for each gallon of alcohol which is not in a mixture with gasoline or a special fuel (other than any denaturant) and which during the taxable year—

"(i) is used by the taxpayer as a fuel in a trade or business, or

94 STAT. 274

"(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

"(B) USER CREDIT NOT TO APPLY TO ALCOHOL SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any alcohol which was sold in a retail sale described in subparagraph (A)(ii).

"(3) SMALLER CREDIT FOR LOWER PROOF ALCOHOL.—In the case of any alcohol with a proof which is at least 150 but less than 190, paragraphs (1)(A) and (2)(A) shall be applied by substituting "30 cents" for "40 cents".

"(4) ADDING OF DENATURANTS NOT TREATED AS MIXTURE.—The adding of any denaturant to alcohol shall not be treated as the production of a mixture.

"(c) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—The amount of the credit allowable under this section with respect to any alcohol shall, under regulations prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such alcohol solely by reason of the application of section 4041(k) or 4081(c).

Ante, p. 273.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) Alcohol defined.—

"(A) In general.—The term 'alcohol' includes methanol and ethanol but does not include—

"(i) alcohol produced from petroleum, natural gas, or coal, or

"(ii) alcohol with a proof of less than 150.

"(B) Determination of proof.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(2) Special fuel defined.—The term 'special fuel' includes any liquid fuel (other than gasoline) which is suitable for use in an internal combustion engine.

"(3) Mixture or alcohol not used as a fuel, etc.—

"(A) Mixtures.—If—

"(i) any credit was allowable under this section with respect to alcohol used in the production of any qualified mixture, and

"(ii) any person—

"(I) separates the alcohol from the mixture, or

"(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to 40 cents a gallon (30 cents in the case of alcohol with a proof less than 190) for each gallon of alcohol in such mixture.

"(B) Alcohol.—If—

"(i) any credit was allowable under this section with respect to the retail sale of any alcohol, and

"(ii) any person mixes such alcohol or uses such alcohol other than as a fuel,

then there is hereby imposed on such person a tax equal to 40 cents a gallon (30 cents in the case of alcohol with a proof less than 190) for each gallon of such alcohol.

"(C) Applicable laws.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter. 26 USC 4081.

"(4) Volume of alcohol.—For purposes of determining— 94 STAT. 275

"(A) under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), or

"(B) under section 4041(k) or 4081(c) the percentage of any mixture which consists of alcohol, *Ante*, p. 273.

the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 5 percent of the volume of such alcohol (including denaturants).

"(5) Pass-through in the case of subchapter S corporations, etc.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (d) and (e) of section 52 shall apply. 26 USC 1371. 26 USC 52.

"(e) Limitation Based on Amount of Tax.—

"(1) In general.—The amount of the credit allowed by this section for the taxable year shall not exceed the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowed under a section of this subpart having a lower number designation than this section, other than credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a). 26 USC 31, 39, 43. 26 USC 53.

"(2) Carryover of unused credit.—

"(A) In general.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be an alcohol fuel credit carryover to each of the 7 taxable years following the unused credit year, and shall be added to the amount allowable as credit under subsection (a) for such years. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 7 taxable years to which (by reason of the preceding sentence) such credit may be carried, and then to each of the other 6 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such succeeding taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(f) TERMINATION.—

"(1) IN GENERAL.—This section shall not apply to any sale or use after December 31, 1992.

"(2) NO CARRYOVERS TO YEARS AFTER 1994.—No amount may be carried under subsection (e)(2) to any taxable year beginning after December 31, 1994."

94 STAT. 276

(2) TECHNICAL AMENDMENTS RELATED TO CARRYOVER OF CREDIT.—

26 USC 55. (A) Paragraph (3) of section 55(c) is amended by adding at the end thereof the following new sentence:

Ante, p. 273. "In determining any carryover under section 44E(e)(2), a rule similar to the rule set forth in subparagraph (A) shall be treated as inserted in this paragraph before subparagraph (A), and the applications of subparagraphs (A), (B), and (C) shall be adjusted accordingly."

26 USC 381. (B) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(27) CREDIT UNDER SECTION 44E FOR ALCOHOL USED AS FUEL.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44E, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44E in respect of the distributor or transferor corporation."

26 USC 383. (C) Section 383 (relating to special limitations on unused investment credits, work incentive credits, new employee credits, foreign taxes, and capital losses), as in effect for taxable years beginning after June 30, 1982, is amended—

(i) by inserting "to any unused credit of the corporation under section 44E(e)(2)," after "section 53(c),", and

(ii) by striking out "**NEW EMPLOYEE CREDITS**" in the section heading and inserting in lieu thereof "**NEW EMPLOYEE CREDITS, ALCOHOL FUEL CREDITS**".

(D) Section 383 (as in effect on the day before the date of

26 USC 1 note. the enactment of the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44E(e)(2)," after "section 53(c),", and

(ii) by striking out "**NEW EMPLOYEE CREDITS**" in the section heading and inserting in lieu thereof "**NEW EMPLOYEE CREDITS, ALCOHOL FUEL CREDITS**".

(3) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Paragraph (3) of section 4081(c) (defining alcohol) is amended by adding at the end thereof the following new sentence: "Such term does not include alcohol with a proof of less than 190 (determined without regard to any added denaturants)." 26 USC 4081.

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting immediately after the item relating to section 44D the following new item:

"Sec. 44E. Alcohol used as fuel."

(C) Section 6096(b) (relating to designation of income tax payments to Presidential Election Campaign Fund), as amended by section 231, is amended by striking out "and 44D" and inserting "44D, and 44E". 26 USC 6096.

(c) CREDIT TO BE INCLUDED IN INCOME.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

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"**SEC. 86. ALCOHOL FUEL CREDIT.** 26 USC 86.

"Gross income includes an amount equal to the amount of the credit allowable to the taxpayer under section 44E for the taxable year (determined without regard to subsection (e) thereof)." *Ante*, p. 273.

(2) TECHNICAL AMENDMENT.—Subparagraph (B) of section 55(b)(1) (defining alternative minimum taxable income) is amended by striking out "section 667" and inserting in lieu thereof "section 86 or 667". 26 USC 55.

(3) CONFORMING AMENDMENT.—The table of sections for such part II is amended by inserting at the end thereof the following new item:

"Sec. 86. Alcohol fuel credit."

(d) REFUND OF TAX ON GASOLINE USED TO PRODUCE CERTAIN ALCOHOL FUELS.—

(1) GENERAL RULE.—Section 6427 (relating to fuels not used for taxable purposes) is amended— 26 USC 6427.

(A) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k), respectively; and

(B) by inserting after subsection (e) the following new subsection:

"(f) GASOLINE USED TO PRODUCE CERTAIN ALCOHOL FUELS.—

"(1) IN GENERAL.—Except as provided in subsection (i), if any gasoline on which tax is imposed by section 4081 is used by any person in producing a mixture described in section 4081(c) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the aggregate amount of the tax imposed on such gasoline. The preceding sentence shall not apply with respect to any mixture sold or used after December 31, 1992. 26 USC 4081. *Ante*, pp. 273, 276. *Infra*.

"(2) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under subsection (d) or (e) of this section or under section 6420 or 6421 with respect to any gasoline with respect to which an amount is payable under paragraph (1)." 26 USC 6420, 6421.

(2) QUARTERLY REFUND ALLOWED WHERE $200 OR MORE IS PAYABLE.—

(A) Subparagraph (A) of section 6427(g)(2) (as redesignated by paragraph (1)) is amended by striking out "or" at the end of clause (i), by inserting "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause: 26 USC 6427.

"(iii) $200 or more is payable under subsection (f),".

(B) Subparagraph (B) of section 6427(g)(2) (as redesignated by paragraph (1)) is amended to read as follows:

"(B) SPECIAL RULE.—If the requirements of clause (ii) or clause (iii) of subparagraph (A) are met by any person for any quarter but the requirements of subparagraph (A)(i) are not met by such person for such quarter, such person may file a claim under subparagraph (A) for such quarter only with respect to amounts referred to in the clause (or clauses) of subparagraph (A) the requirements of which are met by such person for such quarter."

26 USC 4081.

(3) TREATMENT OF SUBSEQUENT SEPARATION.—Paragraph (2) of section 4081(c) (relating to later separation of gasoline) is amended by inserting "(or with respect to which a credit or payment was allowed or made by reason of section 6427(f)(1))" after "this subsection".

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(4) TECHNICAL AMENDMENTS.—

26 USC 39.

(A) Subsections (a)(4) and (b) of section 39 are each amended by striking out "6427(h)" and inserting in lieu thereof "6427(i)".

26 USC 6427.

(B) Subsections (a), (b)(1), (c), (d), and (e)(1) of section 6427 are each amended by striking out "(h)" and inserting in lieu thereof "(i)".

Ante, p. 277.

(C) Subsection (g)(1) of such section 6427 (as redesignated by paragraph (1)(A)) is amended by striking out "(a), (b), (c), (d), or (e)" and inserting in lieu thereof "(a), (b), (c), (d), (e), or (f)".

(D) Subsection (i)(2) of such section 6427 (as redesignated by paragraph (1)(A)) is amended by striking out "(f)(2)" and inserting in lieu thereof "(g)(2)".

26 USC 7210, 7603, 7604, 7605, 7609, 7610.

(E) Sections 7210, 7603, 7604(b), 7604(c)(2), 7605(a), 7609(c)(1), and 7610(c) are each amended by striking out "6427(g)(2)" each place it appears and inserting in lieu thereof "6427(h)(2)".

(e) EXEMPTION FROM DISTILLED SPIRITS RULES.—

26 USC 5182.

(1) IN GENERAL.—Subchapter B of chapter 51 (relating to distilled spirits, wines, and beers) is amended by redesignating section 5181 as section 5182 and by inserting after section 5180 the following new section:

26 USC 5181.

"SEC. 5181. DISTILLED SPIRITS FOR FUEL USE.

"(a) IN GENERAL.—

"(1) PURPOSES FOR WHICH PLANT MAY BE ESTABLISHED.—On such application and bond and in such manner as the Secretary may prescribe by regulation, a person may establish a distilled spirits plant solely for the purpose of—

"(A) producing, processing, and storing, and

"(B) using or distributing,

distilled spirits to be used exclusively for fuel use.

"(2) REGULATIONS.—In prescribing regulations under paragraph (1) and in carrying out the provisions of this section, the Secretary shall, to the greatest extent possible, take steps to—

"(A) expedite all applications;

"(B) establish a minimum bond; and

"(C) generally encourage and promote (through regulation or otherwise) the production of alcohol for fuel purposes.

"(b) AUTHORITY TO EXEMPT.—The Secretary may by regulation provide for the waiver of any provision of this chapter (other than this section or any provision requiring the payment of tax) for any distilled spirits plant described in subsection (a) if the Secretary finds it necessary to carry out the provisions of this section.

"(c) SPECIAL RULES FOR SMALL PLANT PRODUCTION.—

"(1) APPLICATIONS.—

"(A) IN GENERAL.—An application for an operating permit for an eligible distilled spirits plant shall be in such a form and manner, and contain such information, as the Secretary may by regulations prescribe; except that the Secretary shall, to the greatest extent possible, take steps to simplify the application so as to expedite the issuance of such permits.

"(B) RECEIPT OF APPLICATION.—Within 15 days of receipt of an application under subparagraph (A), the Secretary shall send a written notice of receipt to the applicant, together with a statement as to whether the application meets the requirements of subparagraph (A). If such a notice is not sent and the applicant has a receipt indicating that the Secretary has received an application, paragraph (2) shall apply as if a written notice required by the preceding sentence, together with a statement that the application meets the requirements of subparagraph (A), had been sent on the 15th day after the date the Secretary received the application. 94 STAT. 279

"(C) MULTIPLE APPLICATIONS.—If more than one application is submitted with respect to any eligible distilled spirits plant in any calendar quarter, the provisions of this section shall apply only to the first application submitted with respect to such plant during such quarter. For purposes of the preceding sentence, if a corrected or amended first application is filed, such application shall not be considered as a separate application, and the 15-day period referred to in subparagraph (A) shall commence with receipt of the corrected or amended application.

"(2) DETERMINATION.—

"(A) IN GENERAL.—In any case in which the Secretary under paragraph (1)(B) has notified an applicant of receipt of an application which meets the requirements of paragraph (1)(A), the Secretary shall make a determination as to whether such operating permit is to be issued, and shall notify the applicant of such determination, within 45 days of the date on which notice was sent under paragraph (1)(B).

"(B) FAILURE TO MAKE DETERMINATION.—If the Secretary has not notified an applicant within the time prescribed under subparagraph (A), the application shall be treated as approved.

"(C) REJECTION OF APPLICATION.—If the Secretary determines under subparagraph (A) that a permit should not be issued—

"(i) the Secretary shall include in the notice to the applicant of such determination under subparagraph (A) detailed reasons for such determination, and

"(ii) such determination shall not prejudice any further application for such operating permit.

"(3) BOND.—No bond shall be required for an eligible distilled spirits plant. For purposes of section 5212 and subsection (e)(2) of this section, the premises of an eligible distilled spirits plant shall be treated as bonded premises. 26 USC 5212.

"(4) ELIGIBLE DISTILLED SPIRITS PLANT.—The term 'eligible distilled spirits plant' means a plant which is used to produce distilled spirits exclusively for fuel use and the production from which does not exceed 10,000 proof gallons per year.

"(d) WITHDRAWAL FREE OF TAX.—Distilled spirits produced under this section may be withdrawn free of tax from the bonded premises (and any premises which are not bonded by reason of subsection (c)(3)) of a distilled spirits plant exclusively for fuel use as provided in section 5214(a)(12). 26 USC 5214.

"(e) PROHIBITED WITHDRAWAL, USE, SALE, OR DISPOSITION.—

"(1) IN GENERAL.—Distilled spirits produced under this section shall not be withdrawn, used, sold, or disposed of for other than fuel use.

"(2) RENDERING UNFIT FOR USE.—For protection of the revenue and under such regulations as the Secretary may prescribe, distilled spirits produced under this section shall, before withdrawal from the bonded premises of a distilled spirits plant, be rendered unfit for beverage use by the addition of substances which will not impair the quality of the spirits for fuel use.

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"(f) DEFINITION OF DISTILLED SPIRITS.—For purposes of this section, the term 'distilled spirits' does not include distilled spirits produced from petroleum, natural gas, or coal".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

26 USC 5601.

(A) Section 5601(a) (relating to criminal penalties) is amended by adding the word "or" at the end of paragraph (14) and by inserting immediately after paragraph (14) the following new paragraph:

"(15) UNAUTHORIZED WITHDRAWAL, USE, SALE, OR DISTRIBUTION OF DISTILLED SPIRITS FOR FUEL USE.—Withdraws, uses, sells, or otherwise disposes of distilled spirits produced under section 5181 for other than fuel use;".

Ante, p. 278.

26 USC 5214.

(B) Section 5214(a) (relating to withdrawal of distilled spirits from bonded premises free of tax) is amended by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon and the word "or" and by adding at the end thereof the following new paragraph:

"(12) free of tax in the case of distilled spirits produced under section 5181."

Ante, p. 278.

26 USC 5004.

(C) Section 5004(a)(2)(B) (relating to lien for tax) is amended by striking out "or (11)," and inserting "(11), or (12),".

26 USC 5005.

(D) Section 5005(d) (relating to person liable for tax) is amended by striking out "or (11)," and inserting "(11), or (12),".

Repeal.
26 USC 4081 note.

(E) Section 221(d) of the Energy Tax Act of 1978 is repealed.

(F) The table of sections for subchapter B of chapter 51 is amended by striking out the item relating to section 5181 and by inserting after section 5180 the following new items:

"Sec. 5181. Distilled spirits for fuel use.
"Sec. 5182. Cross references."

Submittal to congressional committees.
26 USC 4041 note.

(f) STUDY OF IMPORTED ALCOHOL.—Within 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall furnish to the Committee on Finance of the United States Senate and to the Committee on Ways and Means of the United States House of Representatives recommendations as to what methods, if any, may be used to limit the importing of alcohol into the United States for fuel purposes, including, but not limited to—

(1) denial of the exemption under sections 4081(c) and 4041(k) of the Internal Revenue Code of 1954 or of the credit under section 44E of such Code to fuels produced from imported alcohol,

Ante, pp. 273, 276, 277.

(2) import quotas and duties on such alcohol, and

(3) strict surveillance of such imports to monitor their effect on the domestic fuel alcohol industry.

26 USC 4041 note.
Submittal to Congress.

(g) REPORTS.—Subsection (c) of section 221 of the Energy Tax Act of 1978 is amended to read as follows:

"(c) REPORTS.—On April 1 of each year, beginning with April 1, 1981, and ending with April 1, 1992, the Secretary of Energy, in consultation with the Secretary of the Treasury and the Secretary of Transportation, shall submit to the Congress a report on the use of alcohol in fuel. The report shall include—

"(1) a description of the firms engaged in the alcohol fuel industry,

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"(2) the amount of alcohol fuel sold in each State, and the amount of gasoline saved in each State by reason of the use of alcohol fuels, "(3) the revenue loss resulting from the exemptions from tax for alcohol fuels under sections 4041(k) and 4081(c) of the Internal Revenue Code of 1954 and the credit allowable under section 44E of such Code and the impact of such revenue loss on the Highway Trust Fund, and

Ante, pp. 273, 276, 277.

"(4) the cost of production and the retail cost of alcohol fuels as compared to gasoline and special fuels not mixed with alcohol."

(h) Effective Dates.—

(1) Subsections (b) and (c).—The amendments made by subsections (b) and (c) shall apply to sales or uses after September 30, 1980, in taxable years ending after such date.

26 USC 44E note.

(2) Subsection (d).—

26 USC 6427 note.

(A) In general.—The amendments made by subsection (d) shall take effect on January 1, 1979.

(B) Transitional rule.—Any mixture sold or used on or after January 1, 1979, and before the date of the enactment of this Act which is described in section 6427(f)(1) of the Internal Revenue Code of 1954 (as amended by subsection (d)) shall, for purposes of section 6427 of such Code, be treated as sold or used on the date of the enactment of this Act.

Ante, p. 277.

(3) Distilled spirits plants.—The amendments made by subsection (e) shall take effect on the first day of the first calendar month beginning more than 60 days after the date of the enactment of this Act.

26 USC 5181 note.

PART IV—ENERGY-RELATED USES OF TAX-EXEMPT BONDS

SEC. 241. SOLID WASTE DISPOSAL FACILITIES.

(a) In General.—Section 103 (relating to interest on governmental obligations) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

26 USC 103.

"(g) Qualified Steam-Generating or Alcohol-Producing Facilities.—

"(1) In general.—For purposes of subsection (b)(4)(E), the term 'solid waste disposal facility' includes—

Definitions.

"(A) a qualified steam-generating facility, and

"(B) a qualified alcohol-producing facility.

"(2) Qualified steam-generating facility defined.—For purposes of paragraph (1), the term 'qualified steam-generating facility' means a steam-generating facility for which—

"(A) more than half of the fuel (determined on a Btu basis) is solid waste or fuel derived from solid waste, and

"(B) substantially all of the solid waste derived fuel is produced at a facility which is—

"(i) located at or adjacent to the site for such steam-generating facility, and

"(ii) owned and operated by the person who owns and operates the steam-generating facility.

"(3) Qualified alcohol-producing facility.—For purposes of paragraph (1), the term 'qualified alcohol-producing facility' means a facility—

"(A) the primary product of which is alcohol,

"(B) more than half of the feedstock for which is solid 94 STAT. 282 waste or a feedstock derived from solid waste, and

"(C) substantially all of the solid waste derived feedstock for which is produced at a facility which is—

"(i) located at or adjacent to the site for such alcohol-producing facility, and

"(ii) owned and operated by the person who owns and operates the alcohol-producing facility.

"(4) Special rule in case of steam-generating facility.—A facility for producing solid waste derived fuel shall be treated as a facility which meets the requirements of clauses (i) and (ii) of paragraph (2)(B) if—

"(A) such facility and the steam-generating facility are owned and operated by or for a State or the same political subdivision or subdivisions of a State, and

"(B) substantially all of the solid waste used in producing the solid waste derived fuel at the facility producing such fuel is collected from the area in which the steam-generating facility is located."

26 USC 103 note.

(b) CERTAIN SOLID WASTE AND ENERGY-PRODUCING FACILITIES.—

Ante, p. 281.
Post, p. 286.

(1) GENERAL RULE.—For purposes of section 103 of the Internal Revenue Code of 1954, any obligation issued by an authority for 2 or more political subdivisions of a State which is part of an issue substantially all of the proceeds of which are to be used to provide solid waste-energy producing facilities shall be treated as an obligation of a political subdivision of a State which meets the requirements of section 103(b)(4)(E) of such Code (relating to solid waste disposal, etc., facilities). Nothing in the preceding sentence shall be construed to override the limitations of section 103(c) of such Code (relating to arbitrage bonds).

(2) SOLID WASTE-ENERGY PRODUCING FACILITIES.—For purposes of paragraph (1), the term "solid waste-energy producing facilities" means any solid waste disposal facility and any facility for the production of steam and electrical energy if—

(A) substantially all of the fuel for the facility producing steam and electrical energy is derived from solid waste from such solid waste disposal facility,

(B) both such solid waste disposal facility and the facility producing steam and electrical energy are owned and operated by the authority referred to in paragraph (1), and

(C) all of the electrical energy and steam produced by the facility for producing steam and electricity which is not used by such facility is sold, for purposes other than resale, to an agency or instrumentality of the United States.

(3) SOLID WASTE DISPOSAL FACILITY.—For purposes of paragraph (2), the term "solid waste disposal facility" means any solid waste disposal facility within the meaning of section 103(b)(4)(E) of the Internal Revenue Code of 1954 (determined without regard to section 103(g) of such Code).

(4) OBLIGATIONS MUST BE IN REGISTERED FORM.—This subsection shall not apply to any obligation which is not issued in registered form.

26 USC 103 note.

(c) SPECIAL RULE FOR CERTAIN ALCOHOL-PRODUCING FACILITIES.—

Ante, p. 281.

(1) IN GENERAL.—Subparagraph (C) of section 103(g)(3) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to any facility for the production of alcohol from solid waste if—

(A) substantially all of the solid waste derived feedstock for such facility is produced at a facility which—

(i) went into full production in 1977,

(ii) is located within the limits of a city, and

(iii) is located in the same metropolitan area as the alcohol-producing facility, and

(B) before March 1, 1980, there were negotiations between a governmental body and an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 with respect to the utilization of a special process for the production of alcohol at such alcohol-producing facility.

26 USC 501.

(2) LIMITATION.—The aggregate amount of obligations which may be issued by reason of paragraph (1) with respect to any project shall not exceed $30,000,000.

(3) TERMINATION.—This subsection shall not apply to obligations issued after December 31, 1985.

26 USC 103 note.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and the provisions of subsections (b) and (c) shall apply with respect to obligations issued after October 18, 1979.

SEC. 242. QUALIFIED HYDROELECTRIC GENERATING FACILITIES.

(a) QUALIFIED HYDROELECTRIC GENERATING FACILITIES.—

(1) IN GENERAL.—Paragraph (4) of section 103(b) (relating to certain exempt activities) is amended— 26 USC 103.

(A) by striking out "or" at the end of subparagraph (F),

(B) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", or", and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) qualified hydroelectric generating facilities."

(2) DEFINITIONS.—Subsection (b) of section 103 is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) QUALIFIED HYDROELECTRIC GENERATING FACILITIES.—For purposes of this section—

"(A) QUALIFIED HYDROELECTRIC GENERATING FACILITY.— The term 'qualified hydroelectric generating facility' means any qualified hydroelectric generating property which is owned by a State, political subdivision thereof, or agency or instrumentality of any of the foregoing.

"(B) QUALIFIED HYDROELECTRIC GENERATING PROPERTY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'qualified hydroelectric generating property' has the meaning given to such term by section 48(l)(13). *Ante* p. 262.

"(ii) DAM MUST BE OWNED BY GOVERNMENTAL BODY.— The term 'qualified hydroelectric generating property' does not include any property installed at the site of any dam described in section 48(l)(13)(B)(i)(I) unless such dam was owned by one or more governmental bodies described in subparagraph (A) on October 18, 1979, and at all times thereafter until the obligations are no longer outstanding.

"(C) LIMITATION.—Paragraph (4)(H) of this subsection shall not apply to any issue of obligations (otherwise qualifying under paragraph (4)(H)) if the portion of the proceeds of such issue which is used to provide qualified hydroelectric generating facilities exceeds (by more than an insubstantial amount) the product of—

"(i) the eligible cost of the facilities being provided in whole or in part from the proceeds of the issue, and

"(ii) the installed capacity fraction.

"(D) INSTALLED CAPACITY FRACTION.—The term 'installed capacity fraction' means the fraction—

"(i) the numerator of which is 25, reduced by 1 for each megawatt by which the installed capacity exceeds 100 megawatts, and

"(ii) the denominator of which is the number of megawatts of the installed capacity (but not in excess of 100).

For purposes of the preceding sentence, the term 'installed capacity' has the meaning given to such term by section 48(l)(13)(E). *Ante*, p. 262.

"(E) ELIGIBLE COST.—

"(i) IN GENERAL.—The eligible cost of any facilities is that portion of the total cost of such facilities which is reasonably expected—

"(I) to be the cost to the governmental body described in subparagraph (A), and

"(II) to be attributable to periods after October 18, 1979, and before 1986 (determined under rules similar to the rules of section 48(m)).

"(ii) LONGER PERIOD FOR CERTAIN HYDROELECTRIC GEN-

ERATING PROPERTY.—If an application has been docketed by the Federal Energy Regulatory Commission before January 1, 1986, with respect to the installation of any qualified hydroelectric generating property, clause (i)(II) shall be applied with respect to such property by substituting '1989' for '1986'.

"(F) CERTAIN PRIOR ISSUES TAKEN INTO ACCOUNT.—If the proceeds of 2 or more issues (whether or not the issuer of each issue is the same) are or will be used to finance the same facilities, then, for purposes of subparagraph (C), in determining the amount of the proceeds of any later issue used to finance such facilities, there shall be taken into account the proceeds used to finance such facilities of all prior such issues which are outstanding at the time of such later issue (not including as outstanding any obligation which is to be redeemed from the proceeds of the later issue)."

26 USC 103 note.
Ante, p. 283.

(b) APPLICATION OF SECTION 103(b)(4)(H) TO CERTAIN FACILITIES.—

(1) IN GENERAL.—For purposes of section 103(b)(4)(H) of the Internal Revenue Code of 1954 (relating to qualified hydroelectric generating facilities), in the case of a hydroelectric generating facility described in paragraph (2)—

(A) the facility shall be treated as a qualified hydroelectric generating facility (as defined in section 103(b)(8)(A) of such Code) without regard to clause (ii) of section 48(l)(13)(B) of such Code (relating to maximum generating capacity), and

(B) the fraction referred to in subparagraph (C) of section 103(b)(8) of such Code shall be deemed to be 1.

(2) FACILITIES TO WHICH PARAGRAPH (1) APPLIES.—A facility is described in this paragraph if—

(A) it would be a qualified hydroelectric generating facility (as defined in section 103(b)(8)(A) of such Code) if clause (ii) of section 48(l)(13)(B) did not apply,

(B) it constitutes an expansion of generating capacity at an existing hydroelectric generating facility,

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(C) such facility is located at 1 of 2 dams located in the same county where—

(i) the rated capacity of the hydroelectric generating facilities at each such dam on October 18, 1979, was more than 750 megawatts,

(ii) the construction of the first such dam began in 1956, power at such first dam was first generated in 1959, and full power production at such first dam began in 1961, and

(iii) the construction of the second such dam began in 1959, power at such second dam was first generated in 1963, and full power production at such second dam began in 1964,

(D) acquisition or construction of the existing facility referred to in subparagraph (B) was financed with the proceeds of an obligation described in section 103(a)(1) of such Code,

26 USC 103.

(E) the existing facility is owned and operated by a State, political subdivision of a State, or agency or instrumentality of any of the foregoing,

(F) no more than 60 percent of the electric power and energy produced by such existing facility and of the qualified hydroelectric generating facility is to be sold to anyone other than an exempt person (within the meaning of section 103(b)(3) of such Code), and

(G) the agency of the State in which the facility is located which has jurisdiction over water rights had granted, before October 18, 1979, a water right under which expanded power and energy generating capacity for the facility was contemplated.

(c) Effective Date.—The amendments made by subsection (a) and the provisions of subsection (b) shall apply with respect to obligations issued after October 18, 1979. 26 USC 103 note.

SEC. 243. RENEWABLE ENERGY PROPERTY. 26 USC 103 note.

(a) Certain State Obligations for Renewable Energy Property.—

(1) In general.—Paragraph (1) of subsection (b) of section 103 of the Internal Revenue Code of 1954 shall not apply to any obligation issued as part of an issue substantially all of the proceeds of which are to be used to provide renewable energy property, if—

(A) the obligations are general obligations of a State,

(B) the authority for the issuance of the obligations requires that taxes be levied in sufficient amount to provide for the payment of principal and interest on such obligations,

(C) the amount of such obligations, when added to the sum of the amounts of all such obligations previously issued by the State which are outstanding, does not exceed the smaller of—

(i) $500,000,000 or

(ii) one-half of 1 percent of the value of all property in the State,

(D) such obligations are issued pursuant to a program to provide financing for small scale energy projects which was established by a State the legislature of which, before October 18, 1979, approved a constitutional amendment to provide for such a program, and

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(E) such obligations meet the requirements of paragraph (1) of section 103(h) of the Internal Revenue Code of 1954. *Ante*, p. 281. *Infra*.

(2) Renewable energy property.—For purposes of this subsection, the term "renewable energy property" means property used to produce energy (including heat, electricity, and substitute fuels) from renewable energy sources (including wind, solar, and geothermal energy, waste heat, biomass, and water).

(b) Effective Date.—Subsection (a) shall apply with respect to obligations issued after the date of enactment of this Act.

SEC. 244. CERTAIN OBLIGATIONS MUST BE IN REGISTERED FORM AND NOT GUARANTEED OR SUBSIDIZED UNDER AN ENERGY PROGRAM.

(a) General Rule.—Section 103 (relating to interest on governmental obligations), as amended by section 241, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection: *Ante*, p. 281.

"(h) Certain Obligations Must Be in Registered Form and Not Guaranteed or Subsidized Under an Energy Program.—

"(1) In general.—An obligation to which this subsection applies shall be treated as an obligation not described in subsection (a) if—

"(A) such obligation is not issued in registered form,

"(B) the payment of principal or interest with respect to such obligation is guaranteed (in whole or in part) by the United States under a program a principal purpose of which is to encourage the production or conservation of energy, or

"(C) the payment of the principal or interest with respect to such obligation is to be made (in whole or in part) with funds provided under such a program of the United States, a State, or a political subdivision of a State.

"(2) Obligations to which this subsection applies.—This subsection shall apply to any obligations to which paragraph (1) of subsection (b) does not apply by reason of—

"(A) subsection (b)(4)(H) (relating to qualified hydroelectric generating facilities), or *Ante*, p. 283.

"(B) subsection (g) (relating to qualified steam-generating or alcohol-producing facilities)."

26 USC 103 note. (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to obligations issued on or after October 18, 1979.

PART V—TERTIARY INJECTANTS

SEC. 251. TERTIARY INJECTANTS.

(a) DEDUCTION FOR TERTIARY INJECTANTS.—

(1) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

26 USC 193. "SEC. 193. TERTIARY INJECTANTS.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction for the taxable year an amount equal to the qualified tertiary injectant expenses of the taxpayer for tertiary injectants injected during such taxable year.

Definitions. "(b) QUALIFIED TERTIARY INJECTANT EXPENSES.—For purposes of this section—

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"(1) IN GENERAL.—The term 'qualified tertiary injectant expenses' means any cost paid or incurred during the taxable year (whether or not chargeable to capital account) for any tertiary injectant (other than a hydrocarbon injectant which is recoverable) which is used as a part of a tertiary recovery method.

"(2) HYDROCARBON INJECTANT.—The term 'hydrocarbon injectant' includes natural gas, crude oil, and any other injectant which is comprised of more than an insignificant amount of natural gas or crude oil. The term does not include any tertiary injectant which is hydrocarbon-based, or a hydrocarbon-derivative, and which is comprised of no more than an insignificant amount of natural gas or crude oil. For purposes of this paragraph, that portion of a hydrocarbon injectant which is not a hydrocarbon shall not be treated as a hydrocarbon injectant.

"(3) TERTIARY RECOVERY METHOD.—The term 'tertiary recovery method' means—

10 CFR 212.78. *Ante*, p. 247. "(A) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the June 1979 energy regulations (as defined by section 4996(b)(8)(C)), or

"(B) any other method to provide tertiary enhanced recovery which is approved by the Secretary for purposes of this section.

"(c) APPLICATION WITH OTHER DEDUCTIONS.—No deduction shall be allowed under subsection (a) with respect to any expenditure—

26 USC 263. "(1) with respect to which the taxpayer has made an election under section 263(c), or

"(2) with respect to which a deduction is allowed or allowable to the taxpayer under any other provision of this chapter."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for such part VI is amended by adding at the end thereof the following new item:

"Sec. 193. Tertiary injectants."

(B) Section 263(a)(1) (relating to capital expenditures) is amended—

(i) by striking out "or" at the end of subparagraph (E),

(ii) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", or", and

(iii) by adding at the end thereof the following new subparagraph:

Ante, p. 286. "(G) expenditures for tertiary injectants with respect to which a deduction is allowed under section 193."

26 USC 1245. (C) Section 1245(a) (relating to gain from dispositions of certain depreciable property) is amended—

(i) by striking out "or 190" each place it appears in paragraphs (2)(D) and (3)(D) and inserting in lieu thereof "190, or 193",

(ii) by inserting "193," after "190," each place it appears in paragraph (2), and

(iii) by inserting "or 193" after "190" in the last sentence of paragraph (2).

(D) Section 1250(b)(3) (relating to depreciation adjustments) is amended by striking out "or 190" and inserting in lieu thereof "190, or 193". 26 USC 1250.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1979. 26 USC 193 note.

TITLE III—LOW-INCOME ENERGY ASSISTANCE

Home Energy Assistance Act of 1980.

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SHORT TITLE

Sec. 301. This title may be cited as the "Home Energy Assistance Act of 1980". 42 USC 8601 note.

STATEMENT OF FINDINGS AND PURPOSE

Sec. 302. (a) The Congress finds that— 42 USC 8601.

(1) recent dramatic increases in the cost of primary energy sources have caused corresponding sharp increases in the cost of home energy;

(2) reliable data projections show that the cost of home energy will continue to climb at excessive rates;

(3) the cost of essential home energy imposes a disproportionately larger burden on fixed-income, lower income, and lower middle income households and the rising cost of such energy is beyond the control of such households;

(4) fixed-income, lower-income, and lower-middle-income households should be protected from disproportionately adverse effects on their incomes resulting from national energy policy;

(5) adequate home heating is a necessary aspect of shelter and the lack of home heating poses a threat to life, health, or safety;

(6) adequate home cooling is necessary for certain individuals to avoid a threat to life, health, or safety;

(7) low-income households often lack access to energy supplies because of the structure of home energy distribution systems and prevailing credit practices; and

(8) assistance to households in meeting the burden of rising energy costs is insufficient from existing State and Federal sources.

(b) It is the purpose of this title to make grants to States to provide assistance to eligible households to offset the rising costs of home energy that are excessive in relation to household income. Grants.

DEFINITIONS

Sec. 303. As used in this title— 42 USC 8602.

(1) "household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent;

(2) "home energy" means a source of heating or cooling in residential dwellings;

(3) "lower living standard income level" means the income level (adjusted for regional, metropolitan, and nonmetropolitan differences and family size) determined annually by the Secretary of Labor based upon the most recent "lower living standard family budget" issued by the Secretary of Labor;

(4) "Secretary" means the Secretary of Health, Education, and Welfare; and

(5) "State" means each of the several States and the District of Columbia.

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HOME ENERGY GRANTS AUTHORIZED

42 USC 8603.

SEC. 304. (a) The Secretary is authorized to make grants, in accordance with the provisions of this title, to States on behalf of eligible households to assist such households to meet the rising costs of home energy.

(b) There are authorized to be appropriated $3,000,000,000 for the fiscal year 1981 to carry out the provisions of this title.

(c) For the purpose of affording adequate notice of assistance available under this title, appropriations under this title are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. Funds appropriated under subsection (b) of this section shall remain available until expended.

ELIGIBLE HOUSEHOLDS

42 USC 8604.

SEC. 305. (a) Eligible household means any household which the State determines is—

42 USC 601.
42 USC 408.
42 USC 1381.
7 USC 2011 note.

(1) a household in which one or more individuals are eligible for (A) aid to families with dependent children under the State's plan approved under part A of title IV of the Social Security Act (other than such aid in the form of foster care in accordance with section 408 of such Act), (B) supplemental security income payments under title XVI of the Social Security Act, (C) food stamps under the Food Stamp Act of 1977, or (D) payments under section 415, 521, 541, or 542 of title 38, United States Code (relating to certain veterans' benefits); and

(2) any other household with an income equal to or less than the lower living standard income level as determined pursuant to subsection (c) of this section.

(b) Notwithstanding clause (1) of subsection (a), a household which is eligible for supplemental security income payments under title XVI of the Social Security Act, but not eligible under subsection (a)(1)(A), (C), or (D) of this section, shall not be considered eligible for home energy assistance under this title if the eligibility of a household is dependent upon—

42 USC 1382.
42 USC 1396.

(1) an individual whose annual supplemental security income benefit rate is reduced pursuant to section 1611(e)(1) of the Social Security Act by reason of being in an institution receiving payments (under title XIX of that Act) with respect to that individual,

42 USC 1382a.

(2) an individual to whom the reduction specified in section 1612(a)(2)(A)(i) of that Act applies, or

42 USC 1382c.

(3) a child described in section 1614(f)(2) of that Act (who is living together with a parent or the spouse of a parent).

42 USC 601.

(c) In verifying income eligibility for the purpose of clause (2) of subsection (a), the State shall apply procedures and policies consistent with procedures and policies used by the State agency administering programs under part A of title IV of the Social Security Act.

ALLOTMENTS

42 USC 8605.

SEC. 306. (a)(1) From 95 per centum of the sums appropriated pursuant to section 304(b) for the fiscal year 1981, the Secretary shall allot to each State an amount which bears the same ratio to one-half of such 95 per centum as the aggregate residential energy expenditure in such State bears to the aggregate residential energy expenditure for all States.

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(2) From 95 per centum of such sums, the Secretary shall allot to each State an amount which bears the same ratio to one-half of such

95 per centum as the total number of heating degree days in such State squared, multiplied by the number of households in such State having incomes equal to or less than the lower living standard income level, bears to the sum of such products for all States.

(3)(A) If the allotment for any State determined under paragraphs (1) and (2) of this subsection is less than $100,000,000, the allotment of such State shall, subject to paragraphs (6) and (8) of this subsection, be the greater of its allotment as so determined under paragraphs (1) and (2) or the product of the total amount available for allotment under paragraphs (1) and (2) of this subsection and such State's alternative allotment percentage.

(B) If the allotment for any State determined under paragraphs (1) and (2) of this subsection is equal to or more than $100,000,000, the allotment of such State shall, subject to paragraphs (6) and (8) of this subsection and subparagraph (C) of this paragraph, be the greater of its allotment as so determined under such paragraphs (6) and (8) or the product of the total amount available for allotment under paragraphs (1) and (2) of this subsection and such State's alternative allotment percentage.

Appropriation authorization.

(C) There is authorized to be appropriated amounts not in excess of $90,000,000 for the fiscal year 1981 for the additional amounts to be allocated pursuant to subparagraph (B) of this paragraph.

(4) The alternative allotment percentage for any State shall be equal to (A) the percentage of 95 per centum of the total amount appropriated for the fiscal year pursuant to section 304(b) which the State would receive if its allotment were increased from the $25,000,000 authorized under this subsection to the extent necessary (as determined by the Secretary on the basis of what he determines to be the best available information) so that, if such allotment were divided in a manner such that the amount for all recipient households in such State consisting of only one individual were equal, and the amount for all other recipient households in such State were equal to 150 per centum of such amount for a one-individual household, sufficient additional amounts would be available to assure that the amount for each recipient household would be at least $120, or, unless the percentage determined under subparagraph (A) would be higher, (B) the percentage of 90 per centum of the total amount authorized to be appropriated for fiscal year 1981 under section 304(b) which would be allotted to such State if—

(i) of such 90 per centum (I) one-half was allotted to each State according to the ratios determined under paragraph (1) of subsection (a) of this section and (II) one-half was allotted to each State according to the ratios which would be determined under paragraph (2) of such subsection (a) if, for purposes of such paragraph, the word "squared" were deleted and the term "lower living standard" were defined as 125 per centum of the poverty level as determined in accordance with the criteria established by the Office of Management and Budget; and

(ii) the allotment of each State as determined under subdivision (i) were increased to the extent necessary (as determined by the Secretary on the basis of what he determines to be the best available information) so that, if such allotment were divided in a manner such that the amount for all recipient households in such State consisting of only one individual were equal, and the amount for all other recipient households in such State were equal to 150 per centum of such amount for a one-individual household, sufficient additional amounts would be available to assure that the amount for each recipient household would be at least $120.

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Appropriation authorization.

There are authorized to be appropriated $25,000,000 for the fiscal year 1981 for the additional amounts to be allocated to States pursuant to the application of subparagraph (A) of this paragraph. In the event that the aggregate of such additional amounts would exceed the amount appropriated under the preceding sentence, the additional amount applicable to each State shall be reduced on a pro rata basis.

"Recipient household."

(5) For purposes of this subsection, the term "recipient household" means—

7 USC 2012.

(A) a household that is an eligible household under section 3(i) of the Food Stamp Act of 1977 and participates in the food stamp program, but which is not a recipient household under subparagraph (B) or (C) of this paragraph;

42 USC 601.

(B) a household that contains any individual who receives aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act, but which is not a recipient household under subparagraph (C); and

42 USC 1381.
42 USC 1382e.
87 Stat. 155.

(C) a household that contains an individual who is an eligible individual or eligible spouse receiving supplemental security income benefits under title XVI of the Social Security Act, or an individual receiving payments from the Secretary under an agreement entered into by the Secretary under section 1616 of such Act or section 212 of Public Law 93-66.

For purposes of subparagraphs (B) and (C) the term "household" shall be defined by the Secretary, and shall not include an institution.

(6) The allotment of any State shall be increased under paragraph (3) of this subsection only if the increase is attributable in whole or part to the provisions of subparagraph (A) or (B)(ii) of paragraph (4).

(7) If the allotment for any State determined under paragraphs (1) and (2) of this subsection (without the application of paragraph (8)), is less than the lower of—

(A) the amount which would be allotted to such State if "one-half" in paragraph (1) of this subsection were replaced by "one-quarter" and "one-half" in paragraph (2) of this subsection were replaced by "three-quarters"; or

(B) the amount which would be allotted to such State if the word "squared" in paragraph (2) of this subsection were deleted,

then the allotment of such State shall, subject to paragraph (8) of this subsection, be increased to the lower of the allotment it would receive under subparagraph (A) or (B).

(8) The allotments for any fiscal year determined under paragraphs (1) and (2) of this subsection which are not increased pursuant to paragraphs (3)(A) and (7) of this subsection shall be adjusted to the extent necessary and on a pro rata basis to assure that the total of such allotments when added to the allotments which are increased pursuant to paragraphs (3)(A) and (7) of this subsection do not exceed the sum of (A) 95 per centum of the sums appropriated for such fiscal year pursuant to section 304(b) plus (B) the amount appropriated pursuant to the authorization in paragraph (4).

(9) If the amount appropriated for fiscal year 1981 is less than the sum of $3,000,000,000 plus such additional amounts as are necessary to carry out paragraphs (3) and (4), then each State's allotment shall be determined on the basis of an appropriation of such sum and shall be reduced on a pro rata basis as necessary.

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(b)(1) From the remainder of the sums appropriated pursuant to section 304(b) for each fiscal year, the Secretary shall—

(A) first reserve $2,500,000 to be apportioned on the basis of need between the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and

42 USC 2809.

(B) then transfer to the Director of the Community Services Administration $100,000,000, subject to the provisions of the second sentence of this paragraph for carrying out energy crisis related activities under section 222(a)(5) of the Economic Opportunity Act of 1964.

The percentage of the amount transferred under subparagraph (B) of this paragraph and available for use in each State shall be the same percentage as the percentage allotted to such State under this section for the total amounts available for allotment to States under subsection (a) of this section. Twenty per centum of the total amount transferred under subparagraph (B) may be utilized without regard to the requirements of the preceding sentence.

(2) Each jurisdiction to which paragraph (1)(A) applies may receive grants under this title upon an application submitted to the Secretary containing provisions which describe the programs for which assistance is sought under this title, and which are consistent with the requirements of section 308(b) of this title.

Incentive grants to States.

(3)(A)(i) The remainder of the sums appropriated pursuant to section 304(b) shall be distributed for home energy assistance programs in accordance with the provisions of this subparagraph. The Secretary shall make incentive grants to States to pay a Federal share of incentive fuel assistance programs for residential energy costs established by any State to serve the same population as the population eligible under this title.

(ii) No grant may be made under this subparagraph unless the State makes an application to the Secretary containing such provisions which the Secretary deems necessary and which describes the State program for which assistance is sought under this subparagraph.

(iii) The Federal share for any fiscal year for Federal assistance under this subparagraph shall not exceed 25 per centum.

(B) That part of the remainder of the sums appropriated pursuant to section 304(b) which is not required to carry out the provisions of subparagraph (A) of this paragraph shall be distributed by the Secretary in accordance with the allocation formula contained in subsection (a) of this section.

Outreach activities.

(4)(A) From the sums appropriated pursuant to section 304(b) and made available under paragraph (1)(B) of this subsection, the Director shall reserve a sum not to exceed $3,000,000 in each fiscal year for outreach activities designed to assure that eligible households with elderly members are made aware of the assistance available under this title. The Director shall enter into agreements with national aging organizations to carry out the provisions of this subparagraph.

(B) No payment may be made by the Director under this paragraph to any national aging organization unless the Director determines that such outreach activities will be coordinated with State outreach activities required under section 308(b)(16).

(c) The portion of any State's allotment under subsection (a) for a fiscal year, which the Secretary determines will not be required for the period such allotment is available for carrying out the purposes of this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary may fix, to other States based on need and ability to expend the funds consistent with the provisions of this title and taking into account the proportion of the original allotments made available to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this title, and the total reduction shall be similarly reallotted among the States whose proportionate amounts are not so reduced. In carrying out the requirements of this subsection the Secretary shall take into account the climatic conditions and such other relevant factors as may be necessary to assure that no State loses funds necessary to carry out the purposes of this title. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

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Reallocations, advance notice and comment period.

(d)(1) Any allocations to a State may be reallocated only if the Secretary has provided thirty days advance notice to the chief executive and to the general public. During such period comments may be submitted to the Secretary.

Publication in Federal Register.

(2) After considering any comments submitted during such period, the Secretary shall notify the chief executive of any decision to

reallocate funds, and shall publish such decision in the Federal Register.

(e) The aggregate residential energy expenditure for each State and for all States shall be determined by the Secretary after consulting with the Secretary of Energy.

(f) The allotments made under this section shall be made on the basis of the latest reliable data available to the Secretary.

Indian tribe members, benefits provision.

(g)(1) In any State in which the Secretary determines (after having taken into account the amount of funds available to the State) that the members of an Indian tribe are not receiving benefits under this title that are equivalent to benefits provided to other households in the State, and if the Secretary further determines that the members of such tribe would be better served by means of grants made directly to provide such benefits, the Secretary shall reserve from sums that would otherwise be allotted to such State not less than 100 per centum of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all eligible Indians for whom a determination under this paragraph has been made bears to the population of all eligible households in such State.

(2) The sums reserved by the Secretary on the basis of a determination under this subsection shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or where there is no tribal organization, to such other entity as the Secretary determines has the capacity to provide assistance pursuant to this title.

Eligibility, submittal of plan.

(3) In order for a tribal organization or other entity to be eligible for an award for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe by regulation.

USES OF HOME ENERGY GRANTS

42 USC 8606.

SEC. 307. Grants for fiscal year 1981 under this title may be used for home energy assistance in accordance with plans approved under section 308.

94 STAT. 294

STATE PLANS

42 USC 8607.

SEC. 308. (a) Each State desiring to receive a home energy grant under this title shall submit a State plan to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary.

Requirements.

(b) Each such State plan shall—

(1) be submitted in accordance with the procedures, timetables, and standards established by the Secretary pursuant to subsection (d)(4) of this section;

(2) designate an agency of the State to be determined by the chief executive to administer the program authorized by this title and describe local administrative arrangements;

Assistance payments.

(3) provide for a State program for furnishing home energy assistance to eligible households through payments made in accordance with the provisions of the plan, to—

(A)(i) home energy suppliers,

(ii) eligible households whenever the chief executive determines such payments to be feasible, or when the eligible household is making undesignated payments for rising energy costs in the form of rent increases, or

(iii) any combination of home energy supplier and eligible household whenever the chief executive determines such payments to be feasible, and

12 USC 1701q.
42 USC 1485.
42 USC 1437 note.

(B) building operators, in housing projects established under sections 221(d)(3) and 236 of the National Housing Act of 1968, section 202 of the Housing Act of 1959, section 515 of the Housing Act of 1949, low rent housing established by the United States Housing Act of 1937, and section 8 of the

Housing Act of 1974, and State and local government-operated projects in an aggregate monthly amount computed on the basis of the number of eligible tenants making undesignated energy payments in the form of rent times of quotient of the exact costs of residential fuel costs paid as an undesignated part of rent divided by the number of tenants, the amount of such monthly quotient not to exceed a ceiling amount per eligible tenant as determined under regulations by the Secretary annually to be comparable to the amount established for other eligible households, if such operators give assurances to the State that tenants eligible for assistance under this title are not discriminated against with respect to rent;

(4) describe with particularity the procedures by which eligible households in the State are identified and certified as participants;

(5) describe energy usage and the average cost of home energy in the State identified by the type of fuel and by region of the State;

(6) describe the amount of assistance to be provided to or on behalf of participating households assuring (A) that priority is given to households with lowest incomes and to eligible households having at least one elderly or handicapped individual, and (B) that the highest level of assistance is provided to households with lowest incomes and the highest energy costs in relation to income, taking into account—

(i) the average home energy expenditure,

(ii) the proportional burden of energy costs in relation to ranges of income,

(iii) the variation in degree days in regions of the State in any State where appropriate, and

(iv) any other relevant consideration selected by the chief executive including provisions for payment levels for households making undesignated payments in the form of rent;

Home energy suppliers, agreements.

(7) provide, in accordance with clause (3)(A), for agreements with home energy suppliers under which—

(A) the State will pay on a timely basis by way of regular installments, as reimbursements or a line of credit, to the supplier designated by each participating household the amount of assistance determined in accordance with clause (6) and shall notify each participating household of the amount of assistance paid on its behalf;

(B) the home energy supplier will charge the household specified in subclause (A), in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) the home energy supplier will provide assurances that the home energy supplier will not discriminate against any eligible household in regard to terms and conditions of sale, credit, delivery and price; and

(D) subject to such subsection (f) of this section the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this clause will contain provisions to assure that no household receiving assistance under this title will have home energy terminated unless—

(i) the household has failed to pay the amount charged to such household in accordance with subclause (B) for at least two months,

(ii) the household receives a written termination notice not less than thirty days prior to the termination, and

(iii) the household is afforded, in a timely fashion before termination, an opportunity for a hearing by an agency designated by the State;

unless the supplier is located in a State in which the termination policy contains provisions for a longer grace period, or notification period, than that described in this clause;

Direct payments.

(8) provide for the direct payment to households to which subclauses (A)(ii) and (iii) of clause (3) applies;

Public participation.

(9) provide for public participation in the development of the plan;

Owners and renters, equal treatment.

(10) provide assurances that the State will treat owners and renters equitably under the program assisted under this title;

(11) provide that—

(A) the State may use for planning and administering the plan an amount of the funds received by such State under this title not to exceed 5 per centum of the cost of carrying out the plan except that—

(i) upon proof of unusual circumstances and upon application to the Secretary, the State may use an additional amount for planning and administering the plan not to exceed 2½ per centum of the cost of carrying out the plan, and

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(ii) in no case may the Federal share of the cost of planning and administering the plan exceed 50 per centum of such cost, and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the plan and will not use Federal funds for such remaining costs;

(12) describe the administrative procedures to be used in carrying out the plan;

Opportunity for hearing.

(13) provide an opportunity for a fair hearing before the State agency designated under clause (2) to any individual whose claim for assistance under the plan is denied or is not acted upon with reasonable promptness;

Weather-related and supply shortage emergencies.

(14) provide that, of the funds the State receives for each fiscal year, the State may reserve 3 per centum of the funds to be available for weather related and supply shortage emergencies, and if the State reserves such funds, the plan shall identify—

(A) the procedures for planning for such emergencies,

(B) the administrative procedures designating the emergency and implementing an emergency plan,

(C) the procedures for determining the assistance to be provided in such emergencies, and

(D) the procedures for the use of the funds under this clause for the purposes of this title in the event that there are no emergencies;

(15) provide assurance that there will be, to the maximum extent possible, referral of individuals to, and coordination with, existing Federal, State, and local weatherization and energy conservation efforts;

Outreach activities.

(16) provide for outreach activities designed to assure that all eligible households, particularly households with elderly or handicapped individuals, households with individuals who are unable to leave their residences, households with migrants, households with individuals with limited English proficiency, households with working poor individuals, households with children, and households in remote areas, are aware of the assistance available under this title by using community action agencies, area agencies on aging, State and local welfare agencies, volunteer programs carried out under the Domestic Volunteer Service Act of 1973, and other appropriate agencies and organizations within the State including home energy suppliers together with provisions for the reimbursement of such agencies, from administrative funds, for outreach and certification activities;

42 USC 4951 note.

(17) establish procedures for monitoring the assistance provided under the plan including monitoring and auditing any agreements entered into under clause (7) of this subsection and describe the documentation to be required of energy suppliers concerning energy supplied to eligible households;

(18) provide assurances that the State will not reduce regular benefit levels, from the levels of such benefits as of February 26, 1980, in existing federally assisted cash assistance programs, except that in a State which increases such programs solely for the purpose of energy assistance, such increase shall not be considered a part of the regular program for the purposes of this paragraph;

Fiscal control and fund accounting.

(19) provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper dispersal of and accounting for Federal funds paid to the State under this title;

Reports.

(20) provide that reports will be furnished in such form and contain such information as the Secretary may reasonably require, particularly for the carrying out of provisions of section 309; and

(21) provide assurances in the case described in section 305(a)(2) that the State will not establish any standards of eligibility under this title based on an assets test which counts cars, household and personal belongings, or primary residences and in the case of a household which the State determines to be eligible under section 305(a)(1), no such test will be established under this title.

Grants.

(c) The State is authorized to make grants to eligible households to meet the rising costs of cooling whenever the household establishes that such cooling is the result of medical need pursuant to standards established by the Secretary.

Plan approval and disapproval.

(d)(1) The Secretary shall approve any State plan, or modification thereof, that meets the requirements of subsections (b) and (c) and shall not finally disapprove, in whole or in part, any plan, or any notification thereof, for assistance under this title without first affording the State reasonable notice and opportunity for a hearing within the State. Whenever the Secretary disapproves a plan the Secretary shall, on a timely basis, assist the State to overcome the deficiencies in the plan.

Waiver.

(2) Where the Secretary determines that a waiver is likely to assist in promoting the objectives of this title, the Secretary may waive compliance with any of the requirements of subsection (b) to the extent and for the period the Secretary finds necessary to enable any such State to carry out the program assisted under this title.

(3) The Secretary shall carry out the functions of the Secretary under this section promptly.

(4) The Secretary, as soon as possible after the date of enactment of this title, shall establish criteria and standards for the State plan requirements under subsections (b) and (c) of this section, together with timetables for carrying out the plan.

(e) Any State which makes advances available for activities relating to the development of a State plan and for other activities under this title in substantial compliance with an approved State plan may be reimbursed for such advances from the allocation made to that State under section 306(a) when funds are appropriated to carry out the provisions of this title.

Exemption.

(f) A State agency may exempt small home energy suppliers from the requirements of subsection (b)(7)(D), of this section if the State agency determines that compliance with such subsection, will seriously jeopardize the ability of the small home energy supplier to conduct such business.

Credits against State tax.

(g) A State may use funds available under this title for the purpose of providing credits against State tax to energy suppliers who supply such energy at reduced rates to lower income households, but such credit may not exceed the amount of the loss of revenue to such supplier on account of such reduced rate. Any certifications for such tax credits shall be made by the State, but such State may utilize Federal data available to such State with respect to recipients of supplemental security income benefits if timely delivery of benefits to eligible households and suppliers will not be impeded by the implementation of such plan.

Direct payments.

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42 USC 1381.

(h) At the option of the State, any portion of such State's allotment may be reserved by the Secretary for the purpose of making direct payments to eligible households (except for individuals described in section 305(b) (1), (2), and (3)) containing a recipient of supplemental security income benefits under title XVI of the Social Security Act for home energy assistance in accordance with guidelines issued by the Secretary.

Form of payment.

(i) At the option of the State, payments described in subsection (b) of this section may be made, without limitation, in the form of a duly issued coupon, stamp, or certificate.

UNIFORM DATA COLLECTION

42 USC 8608.

SEC. 309. (a) The Secretary, after consultation with the Secretary of Energy, shall establish uniform standards for data collection which shall be used by States in all reports required under this title.

(b)(1) The standards established by the Secretary under this section shall apply to (A) information concerning home energy consumption, (B) the cost and type of fuels used, (C) the type of fuel used by various income groups, (D) the number and income levels of households assisted by this title, and (E) any other information which the Secretary determines to be reasonably necessary to carry out the provisions of this title.

(2) In carrying out this section, the Secretary shall analyze information supplied by the Secretary of Energy on the price structure of various types of fuel, particularly the increases in such price structure as it relates to the financial assistance provided under this title.

Report to Congress.

(c) The Secretary shall report annually to Congress concerning data collected under subsection (b).

PAYMENTS

42 USC 8609.

SEC. 310. (a) From the amount allotted to each State pursuant to section 306, the Secretary shall pay to the State which has an application approved under section 308 an amount equal to the amount needed for the purposes set forth in the State plan.

(b) Payments under this title may be made in installments in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

WITHHOLDING

42 USC 8610.

SEC. 311. Whenever the Secretary, after reasonable notice and opportunity for hearing within the State to any State, finds that there has been a substantial failure to comply with any provision set forth in the State plan of that State approved under section 308, the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this title.

CRIMINAL PENALTIES

42 USC 8611.

SEC. 312. Whoever violates provisions of this title or who knowingly provides false information in any report required under this title shall be fined not more than $10,000 or imprisoned not more than five years or both.

ADMINISTRATION

Sec. 313. (a)(1) **The Secretary may delegate any functions under this title, except the making of regulations, to any officer or employee of the Department of Health, Education, and Welfare.**

42 USC 8612.
Delegation of authority.

(2) The Secretary shall issue regulations under this title, within sixty days after the date of enactment of this title.

Regulations.

(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution, to the extent such services and facilities are otherwise authorized to be made available for such purpose, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

Federal agency services and facilities, utilization.

94 STAT. 299

(c)(1) Notwithstanding any other provision of law, the amount of any fuel assistance payments or allowances provided to an eligible household under this title shall not be considered income or resources of such household (of any member thereof) for any purpose under any Federal or State law, including any law relating to taxation, public assistance or welfare program.

(2) Section 5(d) of the Food Stamp Act of 1977 is amended by striking out "and (10)" and inserting in lieu thereof the following: "(10) during fiscal year 1981, any income attributable to an increase in State public assistance grants which is intended primarily to meet the increased cost of home energy, and (11)".

7 USC 2014.

(d) The Secretary shall establish procedures for Federal monitoring of State administration of programs assisted under this title.

Federal monitoring.
42 USC 8612.

(e) The Secretary shall coordinate the administration of the program established under this title with appropriate programs authorized by the Economic Opportunity Act of 1964 and any other existing Federal energy programs which provide related assistance programs.

42 USC 2701 note.

(f) The Secretary, after consultation with the Secretary of the Department of Energy, the Director of the Community Services Administration, the Secretary of Housing and Urban Development and the Secretary of Agriculture, shall establish procedures for referrals for participation in Federal weatherization programs under section 308(b)(15).

(g) The Secretary, in cooperation with such other agencies as may be appropriate, shall develop and implement the capacity for estimating total annual energy expenditures of low-income households in each State. The Secretary shall submit to the Congress his estimates pursuant to this subsection together with a description of the manner in which they were determined prior to the beginning of each calendar year starting with 1981.

Total annual energy expenditure estimates.
Submittal to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. REPEAL OF CARRYOVER BASIS.

(a) In General.—Subsections (a), (d), and (e) of section 2005 of the Tax Reform Act of 1976 (relating to carryover basis), and subsection (a), paragraphs (2) through (9) of subsection (c), and paragraphs (1) and (3) of subsection (r) of section 702 of the Revenue Act of 1978, and the amendments made by those subsections or paragraphs are hereby repealed.

26 USC 306 and note, 691, 1001, 1014, 1016, 1023, 1024, 1223, 1246, 6039A, 6694, 6698.

(b) Revival of Prior Law.—Except to the extent necessary to carry out subsection (d), the Internal Revenue Code of 1954 shall be applied and administered as if the provisions repealed by subsection (a), and the amendments made by those provisions, had not been enacted.

26 USC 1023 note.

(c) Conforming Changes.—

26 USC 1016.

94 STAT. 300

(1) Subsection (c) of section 1016 (relating to increase in basis in case of certain involuntary conversions) is amended to read as follows:

"(c) INCREASE IN BASIS IN THE CASE OF CERTAIN INVOLUNTARY CONVERSIONS.—

"(1) IN GENERAL.—If—

"(A) there is a compulsory or involuntary conversion (within the meaning of section 1033) of any property, and 26 USC 1033.

"(B) an additional estate tax is imposed on such conversion under section 2032A(c), 26 USC 2032A.

then the adjusted basis of such property shall be increased by the amount of such tax.

"(2) TIME ADJUSTMENT MADE.—Any adjustment under paragraph (1) shall be deemed to have occurred immediately before the compulsory or involuntary conversion.".

(2)(A) Section 1040 (relating to satisfaction of a pecuniary bequest) is amended to read as follows:

26 USC 1040.

"SEC. 1040. USE OF FARM, ETC., REAL PROPERTY TO SATISFY PECUNIARY BEQUEST.

"(a) GENERAL RULE.—If the executor of the estate of any decedent satisfies the right of a qualified heir (within the meaning of section 2032A(e)(1)) to receive a pecuniary bequest with property with respect to which an election was made under section 2032A, then gain on such exchange shall be recognized to the estate only to the extent that, on the date of such exchange, the fair market value of such property exceeds the value of such property for purposes of chapter 11 (determined without regard to section 2032A).

"(b) SIMILAR RULE FOR CERTAIN TRUSTS.—To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where—

"(1) by reason of the death of the decedent, a qualified heir has a right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

"(2) the trustee of the trust satisfies such right with property with respect to which an election was made under section 2032A.

"(c) BASIS OF PROPERTY ACQUIRED IN EXCHANGE DESCRIBED IN SUBSECTION (a) OR (b).—The basis of property acquired in an exchange with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange."

(B) The item relating to section 1040 in the table of sections for part III of subchapter O of chapter 1 is amended to read as follows:

"Sec. 1040. Use of farm, etc., real property to satisfy pecuniary bequest."

26 USC 2614.

(3) The second sentence of section 2614(a) (relating to special rules for generation-skipping transfers) is amended to read as follows: "If property is transferred in a generation-skipping transfer subject to tax under this chapter which occurs at the same time as, or after, the death of the deemed transferor, the basis of such property shall be adjusted in a manner similar to the manner provided under section 1014(a)."

26 USC 1014 note.

(d) ELECTION OF CARRYOVER BASIS RULES BY CERTAIN ESTATES.—Notwithstanding any other provision of law, in the case of a decedent dying after December 31, 1976, and before November 7, 1978, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1954) of such decedent's estate may irrevocably elect, within 120 days following the date of enactment of this Act and in such manner as the Secretary of the Treasury or his delegate shall prescribe, to have the basis of all property acquired from or passing from the decedent (within the meaning of section 1014(b) of the Internal Revenue Code of 1954) determined for all purposes under such Code as though the provisions of section 2005 of the Tax Reform

26 USC 2203.

94 STAT. 301

26 USC 1014.

Act of 1976 (as amended by the provisions of section 702(c) of the Revenue Act of 1978) applied to such property acquired or passing from such decedent.

90 Stat. 1872.
92 Stat. 2925.

(e) **Effective Date.**—The amendments made by this section shall apply in respect of decedents dying after December 31, 1976.

26 USC 1023 note.

SEC. 402. DISAPPROVAL OF PRESIDENTIAL ACTIONS ADJUSTING OIL IMPORTS.

Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by adding at the end thereof the following new subsection:

"(e)(1) An action taken by the President under subsection (b) to adjust imports of petroleum or petroleum products shall cease to have force and effect upon the enactment of a disapproval resolution, provided for in paragraph (2), relating to that action.

"(2)(A) This paragraph is enacted by the Congress—

"(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of disapproval resolutions and such procedures supersede other rules only to the extent that they are inconsistent therewith; and

"(ii) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

"(B) For purposes of this subsection, the term 'disapproval resolution' means only a joint resolution of either House of Congress the matter after the resolving clause of which is as follows: 'That the Congress disapproves the action taken under section 232 of the Trade Expansion Act of 1962 with respect to petroleum imports under ———————— dated ————————.', the first blank space being filled with the number of the proclamation, Executive order, or other Executive act issued under the authority of subsection (b) of such section 232 for purposes of adjusting imports of petroleum or petroleum products and the second blank being filled with the appropriate date.

"Disapproval resolution."

19 USC 1862.

"(C)(i) All disapproval resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all disapproval resolutions introduced in the Senate shall be referred to the Committee on Finance.

Resolutions, referral to congressional committees.

"(ii) No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this clause by unanimous consent."

SEC. 403. QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES.

(a) **Treatment of Qualified Liquidations.**—

(1) **In general.**—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

94 STAT. 302

"SEC. 473. QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES.

26 USC 473.

"(a) **General Rule.**—If, for any liquidation year—

"(1) there is a qualified liquidation of goods which the taxpayer inventories under the LIFO method, and

"(2) the taxpayer elects to have the provisions of this section apply with respect to such liquidation,

then the gross income of the taxpayer for such taxable year shall be adjusted as provided in subsection (b).

"(b) **Adjustment for Replacements.**—If the liquidated goods are replaced (in whole or in part) during any replacement year and such replacement is reflected in the closing inventory for such year, then the gross income for the liquidation year shall be—

"(1) decreased by an amount equal to the excess of—

"(A) the aggregate replacement cost of the liquidated goods so replaced during such year, over

"(B) the aggregate cost of such goods reflected in the opening inventory of the liquidation year, or

"(2) increased by an amount equal to the excess of—

"(A) the aggregate cost reflected in such opening inventory of the liquidated goods so replaced during such year, over

"(B) such aggregate replacement cost.

"(c) QUALIFIED LIQUIDATION DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified liquidation' means—

"(A) a decrease in the closing inventory of the liquidation year from the opening inventory of such year, but only if

"(B) the taxpayer establishes to the satisfaction of the Secretary that such decrease is directly and primarily attributable to a qualified inventory interruption.

"(2) QUALIFIED INVENTORY INTERRUPTION DEFINED.—

"(A) IN GENERAL.—The term 'qualified inventory interruption' means a regulation, request, or interruption described in subparagraph (B) but only to the extent provided in the notice published pursuant to subparagraph (B).

"(B) DETERMINATION BY SECRETARY.—Whenever the Secretary, after consultation with the appropriate Federal officers, determines—

"(i) that—

"(I) any Department of Energy regulation or request with respect to energy supplies, or

"(II) any embargo, international boycott, or other major foreign trade interruption,

has made difficult or impossible the replacement during the liquidation year of any class of goods for any class of taxpayers, and

"(ii) that the application of this section to that class of goods and taxpayers is necessary to carry out the purposes of this section,

Publication in Federal Register.

he shall publish a notice of such determinations in the Federal Register, together with the period to be affected by such notice.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

94 STAT. 303

"(1) LIQUIDATION YEAR.—The term 'liquidation year' means the taxable year in which occurs the qualified liquidation to which this section applies.

"(2) REPLACEMENT YEAR.—The term 'replacement year' means any taxable year in the replacement period; except that such term shall not include any taxable year after the taxable year in which replacement of the liquidated goods is completed.

"(3) REPLACEMENT PERIOD.—The term 'replacement period' means the shorter of—

"(A) the period of the 3 taxable years following the liquidation year, or

"(B) the period specified by the Secretary in a notice published in the Federal Register with respect to that qualified inventory interruption.

Any period specified by the Secretary under subparagraph (B) may be modified by the Secretary in a subsequent notice published in the Federal Register.

26 USC 472.

"(4) LIFO METHOD.—The term 'LIFO method' means the method of inventorying goods described in section 472.

"(5) ELECTION.—

"(A) In general.—An election under subsection (a) shall be made subject to such conditions, and in such manner and form and at such time, as the Secretary may prescribe by regulation.

"(B) Irrevocable election.—An election under this section shall be irrevocable and shall be binding for the liquidation year and for all determinations for prior and subsequent taxable years insofar as such determinations are affected by the adjustments under this section.

"(e) Replacement; Inventory Basis.—For purposes of this chapter—

"(1) Replacements.—If the closing inventory of the taxpayer for any replacement year reflects an increase over the opening inventory of such goods for such year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a qualified liquidation) and not previously replaced.

"(2) Amount at which replacement goods taken into account.—In the case of any qualified liquidation, any goods considered under paragraph (1) as having been acquired in replacement of the goods liquidated in such liquidation shall be taken into purchases and included in the closing inventory of the taxpayer for the replacement year at the inventory cost basis of the goods replaced.

"(f) Special Rules for Application of Adjustments.—

"(1) Period of limitations.—If—

"(A) an adjustment is required under this section for any taxable year by reason of the replacement of liquidated goods during any replacement year, and

"(B) the assessment of a deficiency, or the allowance of a credit or refund of an overpayment of tax attributable to such adjustment, for any taxable year, is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), 26 USC 7122.

then such deficiency may be assessed, or credit or refund allowed, within the period prescribed for assessing a deficiency or allowing a credit or refund for the replacement year if a notice for deficiency is mailed, or claim for refund is filed, within such 94 STAT. 304 period.

"(2) Interest.—Solely for purposes of determining interest on any overpayment or underpayment attributable to an adjustment made under this section, such overpayment or underpayment shall be treated as an overpayment or underpayment (as the case may be) for the replacement year.

"(g) Coordination With Section 472.—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this section with the provisions of section 472." 26 USC 472.

(2) Clerical amendment.—The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 473. Qualified liquidations of LIFO inventories."

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall apply to qualified liquidations (within the meaning of section 473(c) of the Internal Revenue Code of 1954) in taxable years ending after October 31, 1979. 26 USC 473 note. *Ante*, p. 302.

(b) Recognition of Gain on Certain Dispositions of LIFO Inventories.—

(1) Amendment of section 336.—Section 336 (relating to general rule for liquidations) is amended to read as follows:

"SEC. 336. DISTRIBUTIONS OF PROPERTY IN LIQUIDATION. 26 USC 336.

"(a) General Rule.—Except as provided in subsection (b) of this section and in section 453(d) (relating to disposition of installment 26 USC 453.

obligations), no gain or loss shall be recognized to a corporation on the distribution of property in partial or complete liquidation.

"(b) LIFO Inventory.—

"(1) In general.—If a corporation inventorying goods under the LIFO method distributes inventory assets in partial or complete liquidation, then the LIFO recapture amount with respect to such assets shall be treated as gain to the corporation recognized from the sale of such inventory assets.

26 USC 334.
26 USC 332.

"(2) Exception where basis determined under section 334(b)(1).—Paragraph (1) shall not apply to any liquidation under section 332 for which the basis of property received is determined under section 334(b)(1).

"(3) LIFO recapture amount.—For purposes of this subsection, the term 'LIFO recapture amount' means the amount (if any) by which—

26 USC 471.

"(A) the inventory amount of the inventory assets under the first-in, first-out method authorized by section 471, exceeds

"(B) the inventory amount of such assets under the LIFO method.

"(4) Definitions.—For purposes of this subsection—

26 USC 472.

"(A) LIFO method.—The term 'LIFO method' means the method authorized by section 472 (relating to last-in, first-out inventories).

26 USC 311.

"(B) Other definitions.—The term 'inventory assets' has the meaning given to such term by subparagraph (A) of section 311(b)(2), and the term 'inventory amount' has the meaning given to such term by subparagraph (B) of section 311(b)(2) (as modified by paragraph (3) of section 311(b))."

26 USC 337.

(2) Section 337 liquidations.—

94 STAT. 305

(A) Section 337 (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsection:

"(f) Special Rule for LIFO Inventories.—

"(1) In general.—In the case of a corporation inventorying goods under the LIFO method, this section shall apply to gain from the sale or exchange of inventory assets (which under subsection (b)(2) constitute property) only to the extent that such gain exceeds the LIFO recapture amount with respect to such assets.

Ante, p. 304.

"(2) Definitions.—The terms used in this subsection shall have the same meaning as when used in section 336(b).

"(3) Cross reference.—

> **"For treatment of gain from the sale or exchange of an installment obligation as gain resulting from the sale or exchange of the property in respect of which the obligation was received, see the last sentence of section 453(d)(1)."**

26 USC 453.
26 USC 337.

Ante, p. 304.

(B) Subparagraph (B) of section 453(d)(4) (relating to liquidations to which section 337 applies) is amended by adding at the end thereof the following new sentence: "In the case of any installment obligation which would have met the requirements of clauses (i) and (ii) of the first sentence of this subparagraph but for section 337(f), gain shall be recognized to such corporation by reason of such distribution only to the extent gain would have been recognized under section 337(f) if such corporation had sold or exchanged such installment obligation on the day of such distribution."

26 USC 336 note.

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall apply to distributions and dispositions pursuant to plans of liquidation adopted after December 31, 1981.

SEC. 404. EXEMPTION OF CERTAIN INTEREST INCOME FROM TAX.

(a) In General.—Section 116 (relating to partial exclusion of dividends received by individuals) is amended to read as follows:

"SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS. 26 USC 116.

"(a) Exclusion From Gross Income.—Gross income does not include the sum of the amounts received during the taxable year by an individual as—

"(1) a dividend from a domestic corporation, or

"(2) interest.

"(b) Limitations.—

"(1) Maximum dollar amount.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $200 ($400 in the case of a joint return under section 6013). 26 USC 6013.

"(2) Certain dividends excluded.—Subsection (a)(1) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations). 26 USC 501. 26 USC 521.

"(c) Definitions; Special Rules.—For purposes of this section—

"(1) Interest defined.—The term 'interest' means—

"(A) interest on deposits with a bank (as defined in section 581),

"(B) amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by—

"(i) a mutual savings bank, cooperative bank, domestic building and loan association, industrial loan association or bank, or credit union, or

94 STAT. 306

"(ii) any other savings or thrift institution which is chartered and supervised under Federal or State law, the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law,

"(C) interest on—

"(i) evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a domestic corporation in registered form, and

"(ii) to the extent provided in regulations prescribed by the Secretary, other evidences of indebtedness issued by a domestic corporation of a type offered by corporations to the public,

"(D) interest on obligations of the United States, a State, or a political subdivision of a State (not excluded from gross income of the taxpayer under any other provision of law), and

"(E) interest attributable to participation shares in a trust established and maintained by a corporation established pursuant to Federal law.

"(2) Distributions from regulated investment companies and real estate investment trusts.—Subsection (a) shall apply with respect to any dividend from—

"(A) a regulated investment company, subject to the limitations provided in section 854(b)(2), or *Post*, p. 307.

"(B) real estate investment trust, subject to the limitations provided in section 857(c). *Post*, p. 307.

"(3) Certain nonresident aliens ineligible for exclusion.—In the case of a nonresident alien individual, subsection (a) shall apply only—

"(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends and interest which are effectively connected with the conduct of a trade or business within the United States, or 26 USC 871.

"(B) in determining the tax imposed for the taxable year pursuant to section 877(b)." 26 USC 877.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 is amended by inserting "and interest" after "dividends" in the item relating to section 116. *Ante*, p. 305.

26 USC 265. (2) The first sentence of paragraph (2) of section 265 (relating to interest) is amended by inserting after "subtitle" the following: ", or to purchase or carry obligations or shares, or to make deposits or other investments, the interest on which is described in section 116(c) to the extent such interest is excludable from gross income under section 116".

26 USC 584. (3) Paragraph (2) of section 584(c) (relating to income of participants in fund) is amended by inserting "or interest" after "dividends" each place it appears in the caption and text thereof.

26 USC 643. (4) Paragraph (7) of section 643(a) (relating to definition of distributable net income) is amended by inserting "or interest" after "dividends" each place it appears in the caption or text thereof.

94 STAT. 307

26 USC 702. (5) Paragraph (5) of section 702(a) (relating to income and credits of partners) is amended by inserting "or interest" after "dividends".

26 USC 854. (6) Subsection (b) of section 854 (relating to other dividends) is amended—

(A) by inserting "AND TAXABLE INTEREST" in the caption after "DIVIDENDS",

(B) by striking out the caption of paragraph (1) and inserting in lieu thereof "DEDUCTION UNDER SECTION 243.—",

(C) by striking out "the exclusion under section 116 and" in paragraph (1),

(D) by redesignating paragraphs (2) and (3) as (3) and (4),

(E) by inserting after paragraph (1) the following new paragraph:

Ante, p. 305. "(2) EXCLUSION UNDER SECTION 116.—In the case of a dividend (other than a dividend described in subsection (a)) received from a regulated investment company—

26 USC 852. "(A) which meets the requirements of section 852(a) for the taxable year in which it paid the dividend,

"(B) the aggregate interest received by which during the taxable year is less than 75 percent of its gross income, and

"(C) the aggregate dividends received by which during the taxable year is less than 75 percent of its gross income,

then, in computing the exclusion under section 116, there shall be taken into account only that portion of the dividend which bears the same ratio to the amount of such dividend as the sum of the aggregate dividends received and aggregate interest received bears to gross income. For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year." 26 USC 163.

(F) by striking out "section 116(b)" in subparagraph (B) of paragraph (4) (as redesignated by subparagraph (D) of this paragraph) and inserting in lieu thereof "section 116(b)(2)",

(G) by striking out "section 116(c)" in subparagraph (B) of paragraph (4) (as so redesignated) and inserting in lieu thereof "section 116(c)(2)", and

(H) by adding at the end of paragraph (4) (as redesignated) the following new subparagraph:

"Aggregate interest received." "(C) The term 'aggregate interest received' includes only interest described in section 116(c)(1)."

(7) The table of sections for part I of subchapter M of chapter 1 is amended by inserting "and taxable interest" after "dividends" in the item relating to section 854.

26 USC 857. (8) Subsection (c) of section 857 (relating to restrictions applica-

ble to dividends received from real estate investment trusts) is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) CAPITAL GAIN DIVIDEND.—For purposes of section 116 (relating to exclusion for dividends and interest received by individuals), a capital gain dividend (as defined in subsection (b)(3)(C)) received from a real estate investment trust shall not be considered a dividend.

"(2) OTHER DIVIDENDS.—In the case of a dividend received from a real estate investment trust (other than a dividend described in paragraph (1)), if—

"(A) the real estate investment trust meets the requirements of this part for the taxable year during which it paid the dividend, and 94 STAT. 308

"(B) the aggregate interest received by the real estate investment trust for the taxable year is less than 75 percent of its gross income,

then, in computing the exclusion under section 116, there shall be taken into account only that portion of the dividend which bears the same ratio to the amount of such dividend as aggregate interest received bears to gross income. *Ante*, p. 305.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received for the taxable year, and 26 USC 163.

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b). 26 USC 857.

"(4) AGGREGATE INTEREST RECEIVED.—For purposes of this subsection, the term 'aggregate interest received' means only interest described in section 116(c)(1).

"(5) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as a dividend for purposes of the exclusion under section 116 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(6) CROSS REFERENCE.—

"For restriction on dividends received by a corporation, see section 243(c)(2)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980, and before January 1, 1983. 26 USC 116 note.

Approved April 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-304 (Comm. on Ways and Means) and No. 96-817 (Comm. of Conference).
SENATE REPORT No. 96-394 (Comm. on Finance).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): June 28, considered and passed House.
        Nov. 15, 16, 19, 20, 26-30, Dec. 3-7, 10-15, 17, considered and passed Senate, amended.
    Vol. 126 (1980): Mar. 12, 13, House agreed to conference report.
        Mar. 19-21, 24-27, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
    Vol. 16, No. 14 (1980): Apr. 2, Presidential statement.

94 STAT. 421

Public Law 96-256
96th Congress

An Act

May 30, 1980
[H.R. 7471]

To extend the present public debt limit through June 5, 1980.

Public debt limit, extension.
31 USC 757b note.
93 Stat. 589.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 101 of the Act of September 29, 1979, entitled "An Act to provide for a temporary increase in the public debt limit, and to amend the Rules of the House of Representatives to make possible the establishment of the public debt limit in the future as a part of the congressional budget process" (Public Law 96-78) is amended by striking out "May 31, 1980" and inserting in lieu thereof "June 5, 1980".

Approved May 30, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
May 30, considered and passed House and Senate.

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94 STAT. 439

Public Law 96-264
96th Congress

An Act

June 6, 1980
[H.R. 7428]

To extend the present public debt limit through June 30, 1980.

Public debt limit, temporary increase; oil import fee, termination.
31 USC 757b note.
93 Stat. 589; *Ante*, p. 421.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 101 of the Act of September 29, 1979, entitled "An Act to provide for a temporary increase in the public debt limit, and to amend the Rules of the House of Representatives to make possible the establishment of the public debt limit in the future as a part of the congressional budget process" (Public Law 96-78) is amended by striking out "June 5, 1980" and inserting in lieu thereof "June 30, 1980".

19 USC 1862 note.

SEC. 2. TERMINATION OF APRIL 2, 1980, OIL IMPORT FEE.

45 FR 22864.

Notwithstanding any other provision of law, the action taken by the President under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) with respect to petroleum imports under Proclamation 4744, dated April 2, 1980, as amended, shall cease to have force and effect upon the date of the enactment of this Act.

THOMAS P. O'NEILL, JR.
Speaker of the House of Representatives.

WARREN G. MAGNUSON
President of the Senate pro Tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
June 5, 1980.

The House of Representatives having proceeded to reconsider the bill (H.R. 7428) entitled "An Act to extend the present public debt limit through June 30, 1980", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

EDMUND L. HENSHAW, JR.
Clerk.

By Thomas E. Ladd
Assistant to the Clerk.

I certify that this Act originated in the House of Representatives.

EDMUND L. HENSHAW, JR.
Clerk.

By Thomas E. Ladd
Assistant to the Clerk.

IN THE SENATE OF THE UNITED STATES, 94 STAT. 440
June 6 (legislative day, January 3), 1980.

The Senate having proceeded to reconsider the bill (H.R. 7428) entitled "An Act to extend the present public debt limit through June 30, 1980", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

J. S. KIMMITT
Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1049 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 4, considered and passed House; considered and passed Senate, amended.
  June 5, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 23:
  June 5, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 5, House overrode veto.
  June 6, Senate overrode veto.

Public Law 96-286 94 STAT. 598
96th Congress

Joint Resolution

To provide for a temporary increase in the public debt limit.

June 28, 1980
[H.J. Res. 569]

Public debt limit, temporary increase.
31 USC 757b note.

***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* During the period beginning on the date of the enactment of this Act and ending on February 28, 1981, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $525,000,000,000.**

Approved June 28, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 13 considered and passed House.
  June 26, considered and passed Senate.

94 STAT. 3204

Public Law 96-541
96th Congress

An Act

Dec. 17, 1980
[H.R. 6975]

To extend certain temporary tax provisions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Temporary tax provisions, extension.

SECTION 1. 18-MONTH EXTENSION OF PROVISIONS RELATING TO EMPLOYMENT STATUS FOR EMPLOYMENT TAXES.

26 USC 3401 note.

(a) In General.—Subsection (a) of section 530 of the Revenue Act of 1978 (relating to termination of certain employment tax liability for periods before 1981) is amended—

(1) by striking out "January 1, 1981" in paragraphs (1)(A) and (3) and inserting in lieu thereof "July 1, 1982",

(2) by striking out "1981" in the subsection heading and inserting in lieu thereof "July 1, 1982", and

(3) by striking out "1979 and 1980" in the heading for paragraph (3) and inserting in lieu thereof "prior".

(b) Prohibition Against Regulations and Rulings on Employment Status.—Subsection (b) of section 530 of the Revenue Act of 1978 is amended by striking out "January 1, 1981" and inserting in lieu thereof "July 1, 1982".

SEC. 2. THREE-YEAR EXTENSION OF PROVISIONS RELATING TO HISTORIC PRESERVATION.

26 USC 191.

(a) Amortization of Certain Rehabilitation Expenditures.—Section 191 of the Internal Revenue Code of 1954 (relating to amortization of certain rehabilitation expenditures for certified historic structures) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Application of Section.—This section shall apply with respect to additions to capital account made after June 14, 1976, and before January 1, 1984.".

26 USC 280B.

(b) Denial of Deductions for Certain Demolitions.—Section 280B of such Code (relating to denial of deduction for demolition of certain historic structures) is amended by adding at the end thereof the following new subsection:

"(c) Application of Section.—This section shall apply with respect to demolitions commencing after June 30, 1976, and before January 1, 1984.".

26 USC 167.

(c) Depreciation of Improvements.—Subsection (n) of section 167 of such Code (relating to depreciation of improvements) is amended by adding at the end thereof the following new paragraph:

"(4) Application of subsection.—This subsection shall apply to that portion of the basis which is attributable to construction, reconstruction, or erection after December 31, 1975, and before January 1, 1984.".

(d) Depreciation of Certain Substantially Rehabilitated Historic Property.—Subsection ([illegible]) of section 167 of such Code (relating to depreciation of substanti[illegible] rehabilitated historic property) is amended by adding at the [illegible] thereof the following new paragraph:

94 STAT. 3205

"(3) Application of [illegible]section.—This subsection shall apply with respect to additions to capital account occurring after June 30, 1976, and before January 1, 1984.".

Repeals.

(e) Conforming Amendment.—The following provisions of section 2124 of the Tax Reform Act of 1976 are hereby repealed:

26 USC 191 note.
26 USC 280B note.
26 USC 167 note.

(1) paragraph (4) of subsection (a),
(2) paragraph (3) of subsection (b),
(3) paragraph (2) of subsection (c), and
(4) paragraph (2) of subsection (d).

SEC. 3. TWO-YEAR EXTENSION OF PROVISION FOR 60-MONTH DEPRECIATION OF EXPENDITURES TO REHABILITATE LOW-INCOME RENTAL HOUSING.

Subsection (k) of section 167 of the Internal Revenue Code of 1954 (relating to depreciation of expenditures to rehabilitate low-income rental housing) is amended by striking out "January 1, 1982" each place it appears and inserting in lieu thereof "January 1, 1984".

26 USC 167.

SEC. 4. TWO-YEAR EXTENSION OF CREDIT OR REFUND OF TAX ON FUELS USED IN CERTAIN TAXICABS.

Paragraph (3) of section 6427(e) of the Internal Revenue Code of 1954 (relating to termination of credit or refund of tax on fuels used in certain taxicabs) is amended by striking out "1980" and inserting in lieu thereof "1982".

26 USC 6427.

SEC. 5. EXTENSION OF CERTAIN PROVISIONS RELATING TO EXCLUSION OF SCHOLARSHIP INCOME.

(a) Federal Grants Not Includable in Gross Income Merely Because the Recipient Is Required to Render Future Service as a Federal Employee.—

(1) In general.—Section 117 of the Internal Revenue Code of 1954 (relating to scholarships and fellowship grants) is amended by adding at the end thereof the following new subsection:

26 USC 117.

"(c) Federal Grants for Tuition and Related Expenses Not Includable Merely Because There Is Requirement of Future Service as Federal Employee.—

"(1) In general.—If—

"(A) an amount received by an individual under a Federal program would be excludable under subsections (a) and (b) as a scholarship or fellowship grant but for the fact that the individual is required to perform future service as a Federal employee, and

"(B) the individual establishes that, in accordance with the terms of the grant, such amount was used for qualified tuition and related expenses,

gross income shall not include such amount.

"(2) Qualified tuition and related expenses defined.—For purposes of this subsection—

"(A) In general.—The term 'qualified tuition and related expenses' means—

"(i) tuition and fees required for the enrollment or attendance of a student at an institution of higher education, and

"(ii) fees, books, supplies, and equipment required for courses of instruction at an institution of higher education.

"(B) Institution of higher education.—The term 'institution of higher education' means an educational institution in any State which—

94 STAT. 3206

"(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

"(ii) is legally authorized within such State to provide a program of education beyond high school,

"(iii) provides an educational program for which it awards a bachelor's or higher degree, provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized health profession, and

"(iv) is a public or other nonprofit institution.

"(3) Service as federal employee.—For purposes of this subsection, service in a health manpower shortage area shall be treated as service as a Federal employee.".

(2) Effective date.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1980.

26 USC 117 note.

(b) National Research Service Awards.—Paragraph (2) of section 161(b) of the Revenue Act of 1978 (relating to national research service awards) is amended by striking out "1980" and inserting in lieu thereof "1981".

SEC. 6. REVISING AND MAKING PERMANENT RULES ALLOWING DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.

26 USC 170.

(a) In General.—Paragraph (3) of section 170(f) of the Internal Revenue Code of 1954 (relating to denial of deduction in case of certain contributions of partial interests in property) is amended by striking out subparagraphs (B) and (C) thereof and inserting in lieu thereof the following new subparagraph:

"(B) Exceptions.—Subparagraph (A) shall not apply to—

"(i) a contribution of a remainder interest in a personal residence or farm,

"(ii) a contribution of an undivided portion of the taxpayer's entire interest in property, and

"(iii) a qualified conservation contribution.".

(b) Qualified Conservation Contribution Defined.—Section 170 of such Code is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Qualified Conservation Contribution.—

Supra.

"(1) In general.—For purposes of subsection (f)(3)(B)(iii), the term 'qualified conservation contribution' means a contribution—

"(A) of a qualified real property interest,

"(B) to a qualified organization,

"(C) exclusively for conservation purposes.

"(2) Qualified real property interest.—For purposes of this subsection, the term 'qualified real property interest' means any of the following interests in real property:

"(A) the entire interest of the donor other than a qualified mineral interest,

"(B) a remainder interest, and

"(C) a restriction (granted in perpetuity) on the use which may be made of the real property.

94 STAT. 3207

"(3) Qualified organization.—For purposes of paragraph (1), the term 'qualified organization' means an organization which—

"(A) is described in clause (v) or (vi) of subsection (b)(1)(A), or

26 USC 501.
26 USC 509.

"(B) is described in section 501(c)(3) and—

"(i) meets the requirements of section 509(a)(2), or

"(ii) meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.

"(4) Conservation purpose defined.—

"(A) In general.—For purposes of this subsection, the term 'conservation purpose' means—

"(i) the preservation of land areas for outdoor recreation by, or the education of, the general public,

"(ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,

"(iii) the preservation of open space (including farmland and forest land) where such preservation is—

"(I) for the scenic enjoyment of the general public, or

"(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy,

and will yield a significant public benefit, or

"(iv) the preservation of an historically important land area or a certified historic structure.

"(B) Certified historic structure.—For purposes of subparagraph (A)(iv), the term 'certified historic structure' means any building, structure, or land area which—

"(i) is listed in the National Register, or "(ii) is located in a registered historic district (as defined in section 191(d)(2)) and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district.

26 USC 191.

A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on the due date (including extensions) for filing the transferor's return under this chapter for the taxable year in which the transfer is made.

"(5) EXCLUSIVELY FOR CONSERVATION PURPOSES.—For purposes of this subsection—

"(A) CONSERVATION PURPOSE MUST BE PROTECTED.—A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.

"(B) NO SURFACE MINING PERMITTED.—In the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.

"(6) QUALIFIED MINERAL INTEREST.—For purposes of this subsection, the term 'qualified mineral interest' means—

"(A) subsurface oil, gas, or other minerals, and

"(B) the right to access to such minerals.".

(c) DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES MADE PERMANENT.—Section 309(b)(1) of the Tax Reduction and Simplification Act of 1977 and section 2124(e)(4) of the Tax Reform Act of 1976 are each amended by striking out ", and before June 14, 1981".

26 USC 170 note.
26 USC 170 note.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to transfers made after the date of the enactment of this Act in taxable years ending after such date.

26 USC 170 note.

94 STAT. 3208

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1108 (Comm. on Ways and Means).
SENATE REPORT No. 96-1007 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 21, considered and passed House.
Oct. 2, considered and passed Senate, amended.
Dec. 1, House agreed to Senate amendments.

Public Law 96-556
96th Congress

94 STAT. 3261

Joint Resolution

To provide for a temporary increase in the public debt limit.

Dec. 19, 1980
[H.J. Res. 570]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, During the period beginning on October 1, 1980, and ending on September 30, 1981, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $535,100,000,000.

Public debt limit, temporary increase.
31 USC 757b note.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
June 13, considered and passed House.
Dec. 12, considered and passed Senate.

94 STAT. 3464

Public Law 96-595
96th Congress

An Act

Dec. 24, 1980
[H.R. 4968]

To amend the Internal Revenue Code of 1954 with respect to net operating loss carryovers of taxpayers who cease to be real estate investment trusts, to increase interest rates on certain United States retirement bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. NET OPERATING LOSS CARRYOVER FOR CERTAIN REITS.

26 USC 172.

(a) IN GENERAL.—Subparagraph (E) of section 172(b)(1) of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended to read as follows:

"(E)(i) A net operating loss for a REIT year—

"(I) shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and

"(II) shall be a net operating loss carryover to each of the 8 taxable years following the taxable year of such loss.

"(ii) In the case of any net operating loss for a taxable year which is not a REIT year—

"(I) such loss shall not be carried back to any taxable year which is a REIT year, and

"(II) the number of taxable years to which such loss may be a net operating loss carryover under subparagraph (B) shall be increased (to a number not greater than 8) by the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I).

"REIT year."

"(iii) For purposes of this subparagraph, the term 'REIT year' means any taxable year for which the provisions of part II of subchapter M (relating to real estate investment trusts) apply to the taxpayer.".

26 USC 172 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the determination of the net operating loss deduction for taxable years ending after October 4, 1976. For purposes of applying the preceding sentence to any net operating loss for a taxable year which is not a REIT year and which ends on or before October 4, 1976, subclause (II) of section 172(b)(1)(E)(ii) of the Internal Revenue Code of 1954 shall be applied by substituting "the number of REIT years to which such loss was a net operating loss carryback" for "the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I)". In the case of a net operating loss for a taxable year described in the preceding sentence, subclause (II) of section 172(b)(1)(E)(ii) of such Code shall not apply to any taxpayer which acted so as to cause it to cease to qualify as a "real estate investment trust" within the meaning of section 856 of such Code if the principal purpose for such action was to secure the benefit of the allowance of a net operating loss carryover under section 172(b)(1)(B) of such Code.

26 USC 172.

26 USC 856.

94 STAT. 3465

SEC. 2. INCREASES IN INTEREST RATES PAYABLE ON UNITED STATES RETIREMENT PLAN AND INDIVIDUAL RETIREMENT BONDS.

(a) IN GENERAL.—The first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by adding at the end thereof the following new paragraph:

26 USC 405, 409.

"The Secretary of the Treasury, with the approval of the President, may provide by regulations that the investment yield on any offerings of bonds issued under this Act which are described in section 405(b) or 409(a) of the Internal Revenue Code of 1954 (relating to retirement plan bonds and individual retirement bonds, respectively) be increased for the interest accrual periods specified in such regulations so that the investment yield on such bonds for such periods is consistent with the investment yield on new offerings of such bonds.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the investment yield on bonds issued before, on, or after the date of the enactment of this Act, but only for purposes of increasing the investment yield on such bonds for interest accrual periods beginning after the date of enactment of this Act. 31 USC 752 note.

SEC. 3. GENERAL STOCK OWNERSHIP CORPORATIONS.

(a) In General.—Subchapter U of the Internal Revenue Code of 1954 (relating to general stock ownership corporations) is amended— 26 USC 1391.

(1) by inserting "or the estate of a deceased shareholder" after "State" in section 1391(a)(4)(D)(ii);

(2) by striking out "Individuals" in the caption of section 1391(c) and inserting in lieu thereof "Individual";

(3) by striking out "1393" in section 1392(a) and inserting in lieu thereof "1396(b)";

(4) by striking out "and all succeeding years" in section 1392(b)(1);

(5) by striking out "section, the term 'taxable income'" in section 1393(a)(2) and inserting in lieu thereof "subchapter, the taxable income";

(6) by striking out "a GSOC" in sections 1393(a)(2), 1393(b)(3), 1394(c), and 1396(b) and inserting in lieu thereof "an electing GSOC";

(7) by striking out "GSOC's" in the heading for section 1394 and inserting in lieu thereof "GSOC";

(8) by striking out "the GSOC" in sections 1393(b)(3) and 1394(d) and inserting in lieu thereof "an electing GSOC";

(9) by striking out "A GSOC" in section 1396(a) and inserting in lieu thereof "An electing GSOC";

(10) by adding at the end of section 1396(b) the following: "Such tax shall be deductible as an ordinary and necessary expense of the corporation under section 162."; and

(11) by amending the table of sections for such subchapter to read as follows:

"Subchapter U—General Stock Ownership Corporations

"Sec. 1391 Definitions.
"Sec. 1392. Election by GSOC.
"Sec. 1393. GSOC taxable income taxed to shareholders.
"Sec. 1394. Rules applicable to distributions of an electing GSOC.
"Sec. 1395. Adjustment to basis of stock of shareholders.
"Sec. 1396. Minimum distributions.
"Sec. 1397. Special rules applicable to an electing GSOC.".

94 STAT. 3466

(b) Conforming Amendment.—The last sentence of section 6039B of such Code (relating to return of general stock ownership corporations) is amended by inserting "electing" after "Every". 26 USC 6039B.

(c) Effective Date.—The amendments made by this section shall apply with respect to corporations chartered after December 31, 1978, and before January 1, 1984. 26 USC 1391 note.

SEC. 4. CHARITABLE SERVICES PERFORMED ABROAD.

(a) In General.—Subsection (a) of section 911 of the Internal Revenue Code of 1954 (relating to income earned by individuals in certain camps) is amended by inserting "or who performs qualified charitable services in a lesser developed country," after "hardship area,". 26 USC 911.

(b) Dollar Limitations.—

(1) In general.—Subparagraph (A) of subsection (c)(1) of such section 911 of such Code is amended to read as follows:

"(A) Dollar limitations.—

"(i) Camp residents.—In the case of an individual who resides in a camp located in a hardship area, the amount excluded from the gross income of the individual under subsection (a) for any taxable year shall not exceed an amount which shall be computed on a daily basis at an annual rate of $20,000 for days during which he resides in a camp.

"(ii) EMPLOYEES OF CHARITABLE ORGANIZATIONS.—If any individual performs qualified charitable services in a lesser developed country during any taxable year, the amount of the earned income attributable to such services excluded from the gross income of the individual under subsection (a) for the taxable year shall not exceed an amount which shall be computed on a daily basis at an annual rate of $20,000.

"(iii) SPECIAL RULE.—If any individual performs qualified charitable services in a lesser developed country and performs other services while residing in a camp located in a hardship area during any taxable year, the amount of the earned income attributable to such other services excluded from the gross income of the individual under subsection (a) for the taxable year shall not (after the application of clause (i) with respect to such earned income) exceed $20,000 reduced by the amount of the earned income attributable to qualified charitable services excluded from gross income under subsection (a) for the taxable year.".

(2) DEFINITIONS.—Subsection (c)(1) of such section 911 of such Code is amended by adding at the end thereof the following:

"(D) QUALIFIED CHARITABLE SERVICES.—For purposes of this subsection, the term 'qualified charitable services' means services performed by an employee for an employer which—

"(i) meets the requirements of section 501(c)(3), and

"(ii) is not a private foundation (within the meaning of section 509(a)).

"(E) LESSER DEVELOPED COUNTRY.—The term 'lesser developed country' means any foreign country other than—

"(i) a country listed in the first sentence of section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462), or

"(ii) a country designated by the President as not being a lesser developed country.".

(c) TECHNICAL AMENDMENTS.—

26 USC 911.

(1) The heading for such section 911 of such Code is amended by inserting "OR FROM CHARITABLE SERVICES" after "CAMPS".

(2) The item relating to section 911 in the table of sections for subpart B of part III of subchapter N of chapter 1 of such Code is amended by inserting "or from charitable services" after "camps".

26 USC 911 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1978.

SEC. 5. ARBITRAGE REQUIREMENTS FOR MORTGAGE SUBSIDY BONDS.

26 USC 103A.

(a) GENERAL RULE.—Paragraph (4) of section 103A(i) of the Internal Revenue Code of 1954 (relating to requirements related to arbitrage) is amended by adding at the end thereof the following new subparagraphs:

"(C) REDUCTION WHERE ISSUER DOES NOT USE FULL 1 PERCENTAGE POINT UNDER PARAGRAPH (2).—

"(i) IN GENERAL.—The amount required to be paid or credited to mortgagors under subparagraph (A) (determined under this paragraph without regard to this subparagraph) shall be reduced by the unused paragraph (2) amount.

"(ii) UNUSED PARAGRAPH (2) AMOUNT.—For purposes of clause (i), the unused paragraph (2) amount is the amount which (if it were treated as an interest payment made by mortgagors) would result in the excess referred to in paragraph (2)(A) being equal to 1 percentage point.

Such amount shall be fixed and determined as of the yield determination date.

"(D) Election to pay United States.—Subparagraph (A) shall be satisfied with respect to any issue if the issuer elects before issuing the obligations to pay over to the United States—

"(i) not less frequently than once each 5 years after the date of issue, an amount equal to 90 percent of the aggregate amount which would be required to be paid or credited to mortgagors under subparagraph (A) (and not theretofore paid to the United States), and

"(ii) not later than 30 days after the redemption of the last obligation, 100 percent of such aggregate amount not theretofore paid to the United States.

"(E) Simplified accounting.—The Secretary shall permit any simplified system of accounting for purposes of this paragraph which the issuer establishes to the satisfaction of the Secretary will assure that the purposes of this paragraph are carried out.".

(b) Technical Amendment.—Paragraph (8) of section 103A(l) of such Code is amended by inserting "or paid to the United States" after "credited to mortgagors".

94 STAT. 3468

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 1102 of the Mortgage Subsidy Bond Tax Act of 1980.

26 USC 103A note.

Ante, p. 2660.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1045 (Comm. on Ways and Means).
SENATE REPORT No. 96-1037 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 17, considered and failed of passage.
  Nov. 17, considered and passed House.
  Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-596
96th Congress

94 STAT. 3469

An Act

To amend the Internal Revenue Code of 1954 with respect to the determination of second tier taxes, and for other purposes.

Dec. 24, 1980
[H.R. 5391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

SEC. 2. DETERMINATION OF SECOND TIER TAXES.

(a) Date for Determining Amount of Second Tier Taxes.—

(1) Substitution of taxable period for correction period.—The following provisions are each amended by striking out "correction period" and inserting in lieu thereof "taxable period":

26 USC 4941-4945, 4951, 4952, 4971, 4975.

(A) Section 4941(b)(1) (relating to additional taxes on self-dealer).

(B) Section 4941(e)(2)(B) (defining amount involved).

(C) Section 4942(b) (relating to additional tax on failure to distribute income).

(D) Section 4943(b) (relating to additional tax on excess business holdings).

(E) Section 4944(b)(1) (relating to additional taxes on investment which jeopardizes charitable purpose).

(F) Section 4945(b)(1) (relating to additional taxes on taxable expenditures).

(G) Section 4951(b)(1) (relating to additional taxes on self-dealer).

(H) Section 4951(e)(2)(B) (defining amount involved).

(I) Section 4952(b)(1) (relating to additional taxes on taxable expenditures).

(J) Section 4971(b) (relating to additional tax on failure to meet minimum funding standards).

(K) Section 4975(b) (relating to additional taxes on disqualified persons).

(L) Section 4975(f)(4)(B) (defining amount involved).

(2) DEFINITION OF TAXABLE PERIOD.—

(A) Paragraph (1) of section 4941(e) (defining taxable period) is amended to read as follows:

"(1) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212,

"(B) the date on which the tax imposed by subsection (a)(1) is assessed, or

"(C) the date on which correction of the act of self-dealing is completed."

26 USC 4942.

(B) Paragraph (1) of section 4942(j) is amended to read as follows:

"(1) TAXABLE PERIOD.—The term 'taxable period' means, with respect to the undistributed income for any taxable year, the period beginning with the first day of the taxable year and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212, or

"(B) the date on which the tax imposed by subsection (a) is assessed."

26 USC 4943.

(C) Paragraph (2) of section 4943(d) is amended to read as follows:

"(2) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any excess business holdings of a private foundation in a business enterprise, the period beginning on the first day on which there are excess holdings and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings, or

"(B) the date on which the tax imposed by subsection (a) in respect of such holdings is assessed."

26 USC 4944.

(D) Paragraph (1) of section 4944(e) is amended to read as follows:

"(1) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any investment which jeopardizes the carrying out of exempt purposes, the period beginning with the date on which the amount is so invested and ending on the earliest of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212,

"(B) the date on which the tax imposed by subsection (a)(1) is assessed, or

"(C) the date on which the amount so invested is removed from jeopardy."

(E) Paragraph (2) of section 4945(i) is amended to read as follows: 26 USC 4945.

"(2) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, or

"(B) the date on which the tax imposed by subsection (a)(1) is assessed."

(F) Paragraph (1) of section 4951(e) is amended to read as follows: 26 USC 4951.

"(1) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212,

"(B) the date on which the tax imposed by subsection (a)(1) is assessed, or 94 STAT. 3471

"(C) the date on which correction of the act of self-dealing is completed."

(G) Paragraph (2) of section 4952(e) is amended to read as follows: 26 USC 4952.

"(2) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, or

"(B) the date on which the tax imposed by subsection (a)(1) is assessed."

(H) Paragraph (3) of section 4971(c) is amended to read as follows: 26 USC 4971.

"(3) TAXABLE PERIOD.—The term 'taxable period' means, with respect to an accumulated funding deficiency, the period beginning with the end of the plan year in which there is an accumulated funding deficiency and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a), or

"(B) the date on which the tax imposed by subsection (a) is assessed."

(I) Paragraph (2) of section 4975(f) is amended to read as follows: 26 USC 4975.

"(2) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any prohibited transaction, the period beginning with the date on which the prohibited transaction occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212,

"(B) the date on which the tax imposed by subsection (a) is assessed, or

"(C) the date on which correction of the prohibited transaction is completed."

(3) TECHNICAL AMENDMENTS.—

(A) Subsection (e) of section 4941 is amended by striking out paragraph (4). 26 USC 4941.

(B) Subsection (j) of section 4942 is amended— 26 USC 4942.

(i) by striking out paragraph (2),

(ii) by striking out "paragraph (5)" in paragraph (3)(B)(i) and inserting in lieu thereof "paragraph (4)",

(iii) by redesignating paragraph (4) as paragraph (2), and

(iv) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

26 USC 4943. (C) Subsection (d) of section 4943 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

26 USC 4944. (D) Subsection (e) of section 4944 is amended by striking out paragraph (3).

26 USC 4951. (E) Subsection (e) of section 4951 is amended by striking out paragraph (4) and by redesignating paragraph (5) as paragraph (4).

26 USC 4975. (F) Subsection (f) of section 4975 is amended by striking out paragraph (6).

(4) CLERICAL AMENDMENTS.—

26 USC 4942. (A) Clause (ii) of section 4942(g)(2)(C) is amended by striking out "the initial correction period provided in subsection (j)(2)" and inserting in lieu thereof "the correction period (as defined in section 4962(e))".

26 USC 4943. (B) Subparagraph (A) of section 4943(d)(3) (as redesignated by paragraph (3)(c)) is amended by striking out "4942(j)(5)" and inserting in lieu thereof "4942(j)(4)".

26 USC 6213. (C) Subsection (e) of section 6213 (relating to suspension of filing period for certain excise taxes) is amended by striking out "section 4941(e)(4)" and all that follows through the end of such subsection and inserting in lieu thereof "section 4962(e)."

26 USC 6503. (D) Subsection (g) of section 6503 (relating to suspension of running of period of limitation pending correction) is amended by striking out "section 4941(e)(4)" and all that follows through the end of such subsection and inserting in lieu thereof "section 4962(e)."

(E) Section 6503 is amended by redesignating subsection (j) as subsection (i).

26 USC 6503 note. 26 USC 6503. (F) The amendments made by sections 1203(h)(1) and 1601(f)(2) of the Tax Reform Act of 1976, and the amendment made by section 362(d)(5) of the Revenue Act of 1978, shall be deemed to be amendments to section 6503(i) of the Internal Revenue Code of 1954 (as redesignated by subparagraph (E)).

26 USC 6214. (b) TAX COURT TO DETERMINE WHETHER TAXABLE EVENT HAS BEEN CORRECTED.—Subsection (c) of section 6214 (relating to determinations by Tax Court) is amended by adding at the end thereof the following new sentence: "The Tax Court, in redetermining a deficiency of any second tier tax (as defined in section 4962(b)), shall make a determination with respect to whether the taxable event has been corrected."

(c) ABATEMENT OF TAX WHERE THERE IS CORRECTION DURING CORRECTION PERIOD.—

(1) IN GENERAL.—Chapter 42 is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Abatement of Second Tier Taxes Where There Is Correction During Correction Period

"Sec. 4961. Abatement of second tier taxes where there is correction.
"Sec. 4962. Definitions.

26 USC 4961. **"SEC. 4961. ABATEMENT OF SECOND TIER TAXES WHERE THERE IS CORRECTION.**

"(a) GENERAL RULE.—If any taxable event is corrected during the correction period for such event, then any second tier tax imposed with respect to such event (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

"(b) SUPPLEMENTAL PROCEEDING.—If the determination by a court that the taxpayer is liable for a second tier tax has become final, such court shall have jurisdiction to conduct any necessary supplemental proceeding to determine whether the taxable event was corrected during the correction period. Such a supplemental proceeding may be begun only during the period which ends on the 90th day after the last day of the correction period. Where such a supplemental proceeding has begun, the reference in the second sentence of section 6213(a) to a final decision of the Tax Court shall be treated as including a final decision in such supplemental proceeding.

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"(c) Suspension of Period of Collection for Second Tier Tax.—

"(1) Proceeding in district court or court of claims.—If, not later than 90 days after the day on which the second tier tax is assessed, the first tier tax is paid in full and a claim for refund of the amount so paid is filed, no levy or proceeding in court for the collection of the second tier tax shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2) (and of any supplemental proceeding with respect thereto under subsection (b)). Notwithstanding section 7421(a), the collection by levy or proceeding may be enjoined during the time such prohibition is in force by a proceeding in the proper court.

"(2) Suit must be brought to determine liability.—If, within 90 days after the day on which his claim for refund is denied, the person against whom the second tier tax was assessed fails to begin a proceeding described in section 7422 for the determination of his liability for such tax, paragraph (1) shall cease to apply with respect to such tax, effective on the day following the close of the 90-day period referred to in this paragraph.

"(3) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 6502 on the collection by levy or by a proceeding in court with respect to any second tier tax described in paragraph (1) shall be suspended for the period during which the Secretary is prohibited from collecting by levy or a proceeding in court.

"(4) Jeopardy collection.—If the Secretary makes a finding that the collection of the second tier tax is in jeopardy, nothing in this subsection shall prevent the immediate collection of such tax.

"SEC. 4962. DEFINITIONS.

26 USC 4962.

"(a) First Tier Tax.—For purposes of this subchapter, the term 'first tier tax' means any tax imposed by subsection (a) of section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(b) Second Tier Tax.—For purposes of this subchapter, the term 'second tier tax' means any tax imposed by subsection (b) of section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(c) Taxable Event.—For purposes of this subchapter, the term 'taxable event' means any act (or failure to act) giving rise to liability for tax under section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(d) Correct.—For purposes of this subchapter—

"(1) In general.—Except as provided in paragraph (2), the term 'correct' has the same meaning as when used in the section which imposes the second tier tax.

"(2) Special rules.—The term 'correct' means—

"(A) in the case of the second tier tax imposed by section 4942(b), reducing the amount of the undistributed income to zero,

"(B) in the case of the second tier tax imposed by section 4943(b), reducing the amount of the excess business holdings to zero, and

"(C) in the case of the second tier tax imposed by section 4944, removing the investment from jeopardy.

"(e) Correction Period.—For purposes of this subchapter—

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"(1) In general.—The term 'correction period' means, with respect to any taxable event, the period beginning on the date on which such event occurs and ending 90 days after the date of mailing under section 6212 of a notice of deficiency with respect to the second tier tax imposed on such taxable event, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a) (determined without regard to the last sentence of section 4961(b)), and

"(B) any other period which the Secretary determines is reasonable and necessary to bring about correction of the taxable event.

"(2) SPECIAL RULES FOR WHEN TAXABLE EVENT OCCURS.—For purposes of paragraph (1), the taxable event shall be treated as occurring—

"(A) in the case of section 4942, on the first day of the taxable year for which there was a failure to distribute income,

"(B) in the case of section 4943, on the first day on which there are excess business holdings,

"(C) in the case of section 4971, on the last day of the plan year in which there is an accumulated funding deficiency, and

"(D) in any other case, the date on which such event occurred."

26 USC 7422.
26 USC 4940 *et seq.*, 4971 *et seq.*

(2) CIVIL ACTIONS FOR REFUNDS.—Paragraph (1) of section 7422(g) (relating to special rules for certain excise taxes imposed by chapter 42 or 43) is amended to read as follows:

"(1) RIGHT TO BRING ACTIONS.—

"(A) IN GENERAL.—With respect to any taxable event, payment of the full amount of the first tier tax shall constitute sufficient payment in order to maintain an action under this section with respect to the second tier tax.

"(B) DEFINITIONS.—For purposes of subparagraph (A), the terms 'taxable event', 'first tier tax', and 'second tier tax' have the respective meanings given to such terms by section 4962."

(3) CLERICAL AMENDMENT.—The table of subchapters for chapter 42 is amended by adding at the end thereof the following new item:

"SUBCHAPTER C. Abatement of second tier taxes where there is correction during correction period."

26 USC 4961 note.

(d) EFFECTIVE DATES.—

(1) FIRST TIER TAXES.—The amendments made by this section with respect to any first tier tax shall take effect as if included in the Internal Revenue Code of 1954 when such tax was first imposed.

(2) SECOND TIER TAXES.—The amendments made by this section with respect to any second tier tax shall apply only with respect to taxes assessed after the date of the enactment of this Act. Nothing in the preceding sentence shall be construed to permit the assessment of a tax in a case to which, on the date of the enactment of this Act, the doctrine of res judicata applies.

(3) FIRST AND SECOND TIER TAX.—For purposes of this subsection, the terms "first tier tax" and "second tier tax" have the respective meanings given to such terms by section 4962 of the Internal Revenue Code of 1954.

26 USC 4962.

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SEC. 3. TREATMENT OF CERTAIN CHARITABLE TRUSTS FOR PURPOSES OF THE MINIMUM TAX.

26 USC 57.

(a) GENERAL RULE.—Subparagraph (C) of section 57(b)(2) (relating to treatment of certain charitable contributions of trusts for purposes of the minimum tax) is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively, and by inserting after clause (iii) the following new clause:

"(iv) deductions allowable to a trust—

"(I) all the income interests in which are devoted to one or more of the purposes described in section

170(c) (determined without regard to section 170(c)(2)(A)),

"(II) all of the interests (other than income interests) in which are held by a corporation, and

"(III) the grantor of which is a corporation."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1975. 26 USC 57 note.

SEC. 4. EXCISE TAXES ON TIRES.

(a) Reductions in Rate of Tax.—

(1) In general.—

(A) Section 4071(a)(1) is amended by striking out "10 cents" and inserting "9.75 cents". 26 USC 4071.

(B) Section 4071(a)(2) is amended by striking out "5 cents" and inserting "4.875 cents".

(C) Section 4071(d)(1) is amended by striking out "5 cents" and inserting "4.875 cents".

(2) Effective date.—The amendments made by this subsection shall apply on and after January 1, 1981. 26 USC 4071 note.

(b) Determination of Overpayment.— 26 USC 4071 note.

(1) In general.—The determination of the extent to which any overpayment of tax imposed by section 4071(a) (1) or (2) or section 4071(b) has arisen by reason of an adjustment of a tire after the original sale pursuant to a warranty or guarantee, and the allowance of a credit or refund of any such overpayment, shall be determined in accordance with the principles set forth in regulations and rulings relating thereto to the extent in effect on March 31, 1978. *Supra.*

(2) Effective date.—This subsection shall apply to the adjustment of any tire after March 31, 1978, and prior to January 1, 1983.

(c) Tires and Inner Tubes.—

(1) In general.—Paragraph (1) of section 6416(b) (relating to price readjustments) is amended to read as follows: 26 USC 6416.

"(1) Price readjustments.—

"(A) In general.—Except as provided in subparagraph (B) or (C), if the price of any article in respect of which a tax, based on such price, is imposed by chapter 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, including a readjustment for local advertising (but only to the extent provided in section 4216(e) (2) and (3)), the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. 26 USC 4061 *et seq.*

"(B) Further manufacture.—Subparagraph (A) shall not apply in the case of an article in respect of which tax was computed under section 4223(b)(2); but if the price for which such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment.

"(C) Adjustment of tire price.—No credit or refund of any tax imposed by section 4071(a) (1) or (2) or section 4071(b) shall be allowed or made by reason of an adjustment of a tire pursuant to a warranty or guarantee." *Ante*, p. 3475.

(2) Effective date.—The amendments made by this subsection shall apply to the adjustments of any tire after December 31, 1982. 26 USC 6416 note.

SEC. 5. TAX TREATMENT OF PROCEEDS HELD IN TRUST FOR KLAMATH INDIAN TRIBE.

(a) In General.—The first section of the Act entitled "An Act to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe", approved 25 USC 564j note.

August 9, 1975, is amended by striking out "gain resulting from" and inserting in lieu thereof "all amounts realized by the trust from".

25 USC 564j note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all amounts whether received before, on, or after the date of the enactment of this Act.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-912 (Comm. on Ways and Means).
SENATE REPORT No. 96-1034 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 20, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.

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94 STAT. 3485

Public Law 96-598
96th Congress

An Act

Dec. 24, 1980
[H.R. 3317]

To amend the Internal Revenue Code of 1954 with respect to excise tax refunds in the case of certain uses of tread rubber, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment; tread rubber, excise tax refunds.
26 USC 6416.

SECTION 1. EXCISE TAX REFUNDS IN CASE OF CERTAIN USES OF TREAD RUBBER.

(a) REFUNDS FOR CERTAIN USES.—Subparagraph (G) of section 6416(b)(2) of the Internal Revenue Code of 1954 (relating to special cases in which tax payments considered overpayments) is amended to read as follows:

"(G) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4)—

"(i) used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)),

"(ii) destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process,

"(iii) used in the recapping or retreading of a tire the sale of which is later adjusted pursuant to a warranty or guarantee, in which case the overpayment shall be in proportion to the adjustment in the sales price of such tire, or

"(iv) used in the recapping or retreading of a tire, if such tire is by any person exported, used or sold for use as supplies for vessels or aircraft, sold to a State or local government for the exclusive use of a State or local government, or sold to a nonprofit educational organization for its exclusive use,

unless credit or refund of such tax is allowable under paragraph (3);".

(b) USE IN FURTHER MANUFACTURE, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 6416(b) of such Code (relating to tax-paid articles used for further manufacture, etc.) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4) used in the recapping or retreading of a tire, such tire is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft, unless credit or refund of such tax is allowable under subparagraph (C);".

(2) TECHNICAL AMENDMENTS.—

26 USC 6416.

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(A) Subparagraph (E) of section 6416(b)(2) of such Code is amended by inserting after "paragraph (3)" the following: "(or in the case of the tread rubber on a recapped or retreaded tire, resold for use as provided in subparagraph (D) of paragraph (3)),".

(B) Subparagraph (C) of section 6416(a)(1) of such Code is amended by striking out "(b)(3)(C)" and inserting in lieu thereof "(b)(3) (C) or (D)".

(C) Subparagraph (A) of section 6416(b)(3) of such Code is amended by inserting "(D)," after "(C),".

(D) Subparagraph (A) of section 6416(b)(4) of such Code is amended by striking out "section 4071" and inserting in lieu thereof "section 4071, or a recapped or retreaded tire in respect of which tax under section 4071(a)(4) was paid on the tread rubber used in the recapping or retreading,".

26 USC 6511.

(c) STATUTE OF LIMITATIONS.—Section 6511 of such Code (relating to limitations on credit or refund) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) SPECIAL RULE FOR CERTAIN TREAD RUBBER TAX CREDITS OR REFUNDS.—The period for allowing a credit or making a refund of any overpayment of tax arising by reason of subparagraph (G)(iii) of section 6416(b)(2) with respect to any adjustment of sales price of a tire pursuant to a warranty or guarantee shall not expire if claim therefor is filed before the date which is one year after the day on which such adjustment is made.".

Ante, p. 3485.

26 USC 4071.

(d) IMPORTED RECAPPED OR RETREADED UNITED STATES TIRES.—Section 4071 of such Code (relating to excise tax on tires and tubes) is amended by adding at the end thereof the following new subsection:

"(f) IMPORTED RECAPPED OR RETREADED UNITED STATES TIRES.—

"(1) IN GENERAL.—For purposes of subsection (a)(4), in the case of a tire which has been exported from the United States, recapped or retreaded (other than from bead to bead) outside the United States, and imported into the United States—

"(A) the person importing such tire shall be treated as importing the tread rubber used in such recapping or retreading (determined as of the completion of the recapping or retreading), and

"(B) the sale of such tire by the importer thereof shall be treated as the sale of such tread rubber.

"(2) EXCEPTION FOR CERTAIN TAXABLE SALES.—Paragraph (1) shall not apply with respect to the sale of any tire if such tire is sold on or in connection with the sale of an article on which tax is imposed under section 4061.".

26 USC 4071 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

26 USC 1034 note.

SEC. 2. NONRECOGNITION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—In the case of an individual—

(1) who sold his principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1954) in 1977,

(2) who purchased property on which to construct a new principal residence (within the meaning of such section)—

(A) the construction of which commenced during such year, and

(B) the construction of which was terminated before completion,

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(3) who brought an action, and obtained a judgment, against

the builder who commenced construction of the new residence but failed to complete it,

(4) who suspended construction of such residence so that the partially constructed residence could be used as evidence in connection with the prosecution of the builder (without regard to whether it was so used), and

(5) who failed to meet the requirements of such section with respect to occupancy of the new principal residence because of such suspension of construction,

the Secretary of the Treasury, in the administration of section 1034(c) of the Internal Revenue Code of 1954 (relating to rules for application of section 1034), shall apply paragraph (5) of such section as if "5 years" were substituted for "2 years" where it appears in the last sentence of such paragraph.

(b) EFFECTIVE DATE.—The provisions of the first section of this Act shall apply with respect to taxable years beginning after December 31, 1976, and before January 1, 1983.

SEC. 3. DISCLOSURE OF TAX RETURNS TO STATE AUDIT AGENCIES.

26 USC 6103.

(a) GENERAL RULE.—Subsection (d) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of return information to State tax officials) is amended to read as follows:

"(d) DISCLOSURE TO STATE TAX OFFICIALS.—

26 USC 1, 1401, 1501, 2001, 2501, 3101, 3301, 3401, 4001, 4061, 4981, 5001, 5701, 4481.

"(1) IN GENERAL.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in, the administration of such laws, including any procedures with respect to locating any person who may be entitled to a refund. Such inspection shall be permitted, or such disclosure made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or to receive the returns or return information on behalf of such agency, body, or commission. Such representatives shall not include any individual who is the chief executive officer of such State or who is neither an employee or legal representative of such agency, body, or commission nor a person described in subsection (n). However, such return information shall not be disclosed to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation.

"(2) DISCLOSURE TO STATE AUDIT AGENCIES.—

"(A) IN GENERAL.—Any returns or return information obtained under paragraph (1) by any State agency, body, or commission may be open to inspection by, or disclosure to, officers and employees of the State audit agency for the purpose of, and only to the extent necessary in, making an audit of the State agency, body, or commission referred to in paragraph (1).

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"(B) STATE AUDIT AGENCY.—For purposes of subparagraph (A), the term 'State audit agency' means any State agency, body, or commission which is charged under the laws of the State with the responsibility of auditing State revenues and programs.".

26 USC 6103 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. TREATMENT OF BONNER'S FERRY RESTORIUM UNDER THE SUPPLEMENTARY SECURITY INCOME PROGRAM.

42 USC 1381

(a) TREATMENT AS NON-PUBLIC INSTITUTION.—For purposes of title XVI of the Social Security Act, the Boundary County Restorium (popularly known as the Bonner's Ferry Restorium) in Bonner's Ferry, Idaho, shall not be considered a public institution (within the meaning of section 1611(e)(1)(C) of such Act).

42 USC 1382.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to supplemental security income benefits payable under title XVI of the Social Security Act for months beginning with November 1980.

SEC. 5. TREATMENT OF CERTAIN EXPENSES INCLUDIBLE IN THE INCOME OF THE RECIPIENT.

(a) IN GENERAL.—Subsection (e) of section 274 of the Internal Revenue Code of 1954 (relating to specific exceptions to application of disallowance of certain entertainment, etc., expenses) is amended by inserting after paragraph (9) the following new paragraph:

26 USC 274.

"(10) EXPENSES INCLUDIBLE IN INCOME OF PERSONS WHO ARE NOT EMPLOYEES.—Expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award under section 74. The preceding sentence shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included (or would be so required except that the amount is less than $600) in any information return filed by such taxpayer under part III of subchapter A of chapter 61 and is not so included."

26 USC 6031.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any expenses paid or incurred after December 31, 1980, in taxable years ending after such date.

26 USC 274 note.

SEC. 6. PRESERVING EXISTING TAX STATUS OF WINE AND FLAVORS USED IN THE PRODUCTION OF DISTILLED SPIRITS.

(a) ALLOWANCE OF CREDIT.—Subpart A of part I of subchapter A of chapter 51 of the Internal Revenue Code of 1954 (relating to distilled spirits) is amended by adding at the end thereof the following new section:

SEC. 5010. CREDIT FOR WINE CONTENT AND FOR FLAVORS CONTENT.

26 USC 5010.

"(a) ALLOWANCE OF CREDIT.—

"(1) WINE CONTENT.—On each proof gallon of the wine content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to the excess of—

"(A) $10.50, over

"(B) the rate of tax which would be imposed on the wine under section 5041(b) but for its removal to bonded premises.

"(2) FLAVORS CONTENT.—On each proof gallon of the flavors content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to $10.50.

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"(3) FRACTIONAL PART OF PROOF GALLON.—In the case of any fractional part of a proof gallon of the wine content, or of the flavors content, of distilled spirits, a proportionate credit shall be allowed.

"(b) TIME FOR DETERMINING AND ALLOWING CREDIT.—

"(1) IN GENERAL.—The credit allowable by subsection (a)—

"(A) shall be determined at the same time the tax is determined under section 5006 (or 7652) on the distilled spirits containing the wine or flavors, and

"(B) shall be allowable at the time the tax imposed by section 5001 (or 7652) on such distilled spirits is payable as if the credit allowable by this section constituted a reduction in the rate of tax.

"(2) DETERMINATION OF CONTENT IN THE CASE OF IMPORTS.—For purposes of this section, the wine content, and the flavors content, of imported distilled spirits shall be established by such chemical analysis, certification, or other methods as may be set forth in regulations prescribed by the Secretary.

"(c) DEFINITIONS.—For purposes of this section—

"(1) WINE CONTENT.—

"(A) IN GENERAL.—The term 'wine content' means alcohol derived from wine.

"(B) WINE.—The term 'wine'—

"(i) means wine on which tax would be imposed by paragraph (1), (2), or (3) of section 5041(b) but for its removal to bonded premises, and

"(ii) does not include any substance which has been subject to distillation at a distilled spirits plant after receipt in bond.

"(2) FLAVORS CONTENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'flavors content' means alcohol derived from flavors of a type for which drawback is allowable under section 5134.

"(B) EXCEPTIONS.—The term 'flavors content' does not include—

"(i) alcohol derived from flavors made at a distilled spirits plant, and

"(ii) in the case of any distilled spirits product, alcohol derived from flavors to the extent such alcohol exceeds (on a proof gallon basis) 2½ percent of the finished product."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A of part I of subchapter A of chapter 51 of such Code is amended by adding at the end thereof the following new item:

"Sec. 5010. Credit for wine content and for flavors content."

26 USC 5010 note. (c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1980.

26 USC 5212. (d) TRANSFERS OF ALCOHOL.—Section 5212 of the Internal Revenue Code of 1954 (relating to the transfer of spirits in bond) is amended by

94 STAT. 3490

adding at the end thereof the following new sentence: "The provisions of this section restricting transfers to bulk distilled spirits shall not apply to alcohol bottled under the provisions of section 5235 which is to be withdrawn for industrial purposes."

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-560 (Comm. on Ways and Means).
SENATE REPORT No. 96-898 (Comm. on Finance).
CONGRESSIONAL RECORD:
  Vol. 125 (1979): Nov. 27, considered and passed House.
  Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.
    Dec. 10, House agreed to Senate amendments with amendments.
    Dec. 12, Senate agreed to House amendments.

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94 STAT. 3495

Public Law 96-601
96th Congress

An Act

Dec. 24, 1980
[H.R. 5505]

To simplify certain provisions of the Internal Revenue Code of 1954, and for other purposes.

Internal Revenue Code of 1954, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954. 26 USC 1.

SEC. 2. TRANSFER OF DOMESTIC WINE TO CUSTOMS BONDED WAREHOUSE FOR CERTAIN PURPOSES.

(a) TRANSFER TO CUSTOMS BONDED WAREHOUSE.—Paragraph (4) of section 5362(c) (relating to withdrawals of wine free of tax or without payment of tax) is amended to read as follows:

26 USC 5362.

"(4) without payment of tax for transfer to any customs bonded warehouse;".

(b) WITHDRAWAL FROM CUSTOMS BONDED WAREHOUSES FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.—Section 5362 is amended by adding at the end thereof the following new subsection:

"(e) WITHDRAWAL FROM CUSTOMS BONDED WAREHOUSES FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, wine entered into customs bonded warehouses under subsection (c)(4) may, under such regulations as the Secretary may prescribe, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations, and individuals who are entitled to withdraw imported wines from such warehouses free of tax. Wines transferred to customs bonded warehouses under subsection (c)(4) shall be entered, stored, and accounted for in such warehouses under such regulations and bonds as the Secretary may prescribe, and may be withdrawn therefrom by such governments, organizations, and individuals free of tax under the same conditions and procedures as imported wines.

"(2) WITHDRAWAL FOR DOMESTIC USE.—Wine entered into customs bonded warehouses under subsection (c)(4) for purposes of removal under paragraph (1) may be withdrawn therefrom for domestic use. Wines so withdrawn shall be treated as American goods exported and returned.

"(3) SALE OR UNAUTHORIZED USE PROHIBITED.—Wine withdrawn from customs bonded warehouses or otherwise brought into the United States free of tax for the official or family use of foreign governments, organizations, or individuals authorized to obtain wine free of tax shall not be sold and shall not be disposed of or possessed for any use other than an authorized use. The provisions of paragraphs (1)(B) and (3) of section 5043(a) are hereby extended and made applicable to any person selling, disposing of, or possessing any wine in violation of the preceding sentence, and to the wine involved in any such violation.".

26 USC 5043.

94 STAT. 3496

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

26 USC 5362 note.

SEC. 3. EXEMPT STATUS OF AUXILIARIES OF CERTAIN FRATERNAL BENEFICIARY SOCIETIES.

(a) GENERAL RULE.—Subsection (i) of section 501 is amended by adding at the end thereof the following new sentence: "The preceding sentence to the extent it relates to discrimination on the basis of religion shall not apply to—

26 USC 501.

"(1) an auxiliary of a fraternal beneficiary society if such society—

"(A) is described in subsection (c)(8) and exempt from tax under subsection (a), and

"(B) limits its membership to the members of a particular religion, or

"(2) a club which in good faith limits its membership to the members of a particular religion in order to further the teachings or principles of that religion, and not to exclude individuals of a particular race or color.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after October 20, 1976.

26 USC 501 note.

SEC. 4. EXTENSION OF WITHHOLDING TO PAYMENTS OF SICK PAY MADE BY THIRD PARTIES.

26 USC 3402.

(a) GENERAL RULE.—Paragraph (1) of section 3402(o) (relating to extension of withholding to certain payments other than wages) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any payment to an individual of sick pay which does not constitute wages (determined without regard to this subsection), if at the time the payment is made a request that such sick pay be subject to withholding under this chapter is in effect,".

(b) AMOUNT TO BE DEDUCTED AND WITHHELD.—Subsection (o) of section 3402 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

"(3) AMOUNT WITHHELD FROM ANNUITY PAYMENTS OR SICK PAY.—If a payee makes a request that an annuity or any sick pay be subject to withholding under this chapter, the amount to be deducted and withheld under this chapter from any payment to which such request applies shall be an amount (not less than a minimum amount determined under regulations prescribed by the Secretary) specified by the payee in such request. The amount deducted and withheld with respect to a payment which is greater or less than a full payment shall bear the same relation to the specified amount as such payment bears to a full payment.

"(4) REQUEST FOR WITHHOLDING.—A request that an annuity or any sick pay be subject to withholding under this chapter—

"(A) shall be made by the payee in writing to the person making the payments and shall contain the social security number of the payee,

94 STAT. 3497

"(B) shall specify the amount to be deducted and withheld from each full payment, and

"(C) shall take effect—

"(i) in the case of sick pay, with respect to payments made more than 7 days after the date on which such request is furnished to the payor, or

"(ii) in the case of an annuity, at such time (after the date on which such request is furnished to the payor) as the Secretary shall by regulations prescribe.

Such a request may be changed or terminated by furnishing to the person making the payments a written statement of change or termination which shall take effect in the same manner as provided in subparagraph (C). At the election of the payor, any such request (or statement of change or revocation) may take effect earlier than as provided in subparagraph (C).

"(5) SPECIAL RULE FOR SICK PAY PAID PURSUANT TO CERTAIN COLLECTIVE-BARGAINING AGREEMENTS.—In the case of any sick pay paid pursuant to a collective-bargaining agreement between employee representatives and one or more employers which contains a provision specifying that this paragraph is to apply to sick pay paid pursuant to such agreement and contains a provision for determining the amount to be deducted and withheld from each payment of such sick pay—

"(A) the requirement of paragraph (1)(C) that a request for withholding be in effect shall not apply, and

"(B) except as provided in subsection (n), the amounts to be deducted and withheld under this chapter shall be determined in accordance with such agreement.

The preceding sentence shall not apply with respect to sick pay paid pursuant to any agreement to any individual unless the social security number of such individual is furnished to the payor and the payor is furnished with such information as is necessary to determine whether the payment is pursuant to the agreement and to determine the amount to be deducted and withheld.".

(c) DEFINITION OF SICK PAY.—Paragraph (2) of section 3402(o) (relating to definitions) is amended by adding at the end thereof the following new subparagraph: 26 USC 3402.

"(C) SICK PAY.—For purposes of this subsection, the term 'sick pay' means any amount which—

"(i) is paid to an employee pursuant to a plan to which the employer is a party, and

"(ii) constitutes remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries.".

(d) TECHNICAL AMENDMENT.—Subparagraph (B) of section 3402(o)(2) (defining annuity) is amended by striking out ", but only to the extent that the amount is includible in the gross income of such individual".

(e) REPORTING REQUIREMENTS.—Section 6051 (relating to receipts for employees) is amended by adding at the end thereof the following new subsection: 26 USC 6051.

"(f) STATEMENTS REQUIRED IN CASE OF SICK PAY PAID BY THIRD PARTIES.—

"(1) STATEMENTS REQUIRED FROM PAYOR.—

"(A) IN GENERAL.—If, during any calendar year, any person makes a payment of third-party sick pay to an employee, such person shall, on or before January 15 of the succeeding year, furnish a written statement to the employer in respect of whom such payment was made showing— 94 STAT. 3498

"(i) the name and, if there is withholding under section 3402(o), the social security number of such employee, 26 USC 3402.

"(ii) the total amount of the third-party sick pay paid to such employee during the calendar year, and

"(iii) the total amount (if any) deducted and withheld from such sick pay under section 3402.

For purposes of the preceding sentence, the term 'third-party sick pay' means any sick pay (as defined in section 3402(o)(2)(C)) which does not constitute wages for purposes of chapter 24 (determined without regard to section 3402(o)(1)). "Third-party sick pay." 26 USC 3401 *et seq.*

"(B) SPECIAL RULES.—

"(i) STATEMENTS ARE IN LIEU OF OTHER REPORTING REQUIREMENTS.—The reporting requirements of subparagraph (A) with respect to any payments shall, with respect to such payments, be in lieu of the requirements of subsection (a) and of section 6041. 26 USC 6041.

"(ii) PENALTIES MADE APPLICABLE.—For purposes of sections 6674 and 7204, the statements required to be furnished by subparagraph (A) shall be treated as statements required under this section to be furnished to employees. 26 USC 6674, 7204.

"(2) INFORMATION REQUIRED TO BE FURNISHED BY EMPLOYER.—Every employer who receives a statement under paragraph (1)(A) with respect to sick pay paid to any employee during any calendar year shall, on or before January 31 of the succeeding year, furnish a written statement to such employee showing—

"(A) the information shown on the statement furnished under paragraph (1)(A), and

"(B) if any portion of the sick pay is excludable from gross income under section 104(a)(3), the portion which is not so excludable and the portion which is so excludable. 26 USC 104.

To the extent practicable, the information required under the preceding sentence shall be furnished on or with the statement (if any) required under subsection (a).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the first day of the first calendar month beginning more than 120 days after the date of the enactment of this Act. 26 USC 3402 note.

SEC. 5. RHODE ISLAND INDIAN CLAIMS SETTLEMENT ACT.

(a) IN GENERAL.—The Rhode Island Indian Claims Settlement Act (Public Law 95-395) is amended by adding at the end thereof the following new title:

"TITLE II—TAX TREATMENT

"EXEMPTION FROM TAXATION

25 USC 1715. "SEC. 201. (a) Except as otherwise provided in subsections (b) and (c), the settlement lands received by the State Corporation shall not be subject to any form of Federal, State, or local taxation while held by the State Corporation.

"(b) The exemption provided in subsection (a) shall not apply to any income-producing activities occurring on the settlement lands.

94 STAT. 3499 "(c) Nothing in this Act shall prevent the making of payments in lieu of taxes by the State Corporation for services provided in connection with the settlement lands.

"DEFERRAL OF CAPITAL GAINS

25 USC 1716. 26 USC 1. "SEC. 202. For purposes of the Internal Revenue Code of 1954, any sale or disposition of private settlement lands pursuant to the terms and conditions of the settlement agreement shall be treated as an involuntary conversion within the meaning of section 1033 of the 26 USC 1033. Internal Revenue Code of 1954.".

25 USC 1715 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 1978.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-545 (Comm. on Ways and Means).
SENATE REPORT No. 96-1033 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 30, considered and passed House.
Vol. 126 (1980): Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.

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94 STAT. 3503 Public Law 96-603
96th Congress

An Act

Dec. 28, 1980
[H.R. 4155]

To amend the Internal Revenue Code of 1954 to simplify private foundation return and reporting requirements, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. SIMPLIFICATION OF PRIVATE FOUNDATION RETURN AND REPORTING REQUIREMENTS.

(a) AMENDMENT OF SECTION 6033.—Section 6033 of the Internal 26 USC 6033. Revenue Code of 1954 (relating to returns by exempt organizations) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) ADDITIONAL PROVISIONS RELATING TO PRIVATE FOUNDATIONS.—In the case of an organization which is a private foundation (within 26 USC 509. the meaning of section 509(a))—

"(1) the Secretary shall by regulations provide that the private foundation shall include in its annual return under this section such information (not required to be furnished by subsection (b) or the forms or regulations prescribed thereunder) as would have been required to be furnished under section 6056 (relating to annual reports by private foundations) as such section 6056 was in effect on January 1, 1979, 26 USC 6056.

"(2) a copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual returns), together with proof of publication thereof, shall be filed by the foundation together with the annual return under this section, and 26 USC 6104.

"(3) the foundation managers shall furnish copies of the annual return under this section to such State officials, at such times, and under such conditions, as the Secretary may by regulations prescribe.

Nothing in paragraph (1) shall require the inclusion of the name and address of any recipient (other than a disqualified person within the meaning of section 4946) of 1 or more charitable gifts or grants made by the foundation to such recipient as an indigent or needy person if the aggregate of such gifts or grants made by the foundation to such recipient during the year does not exceed $1,000. 26 USC 4946.

"(d) SECTION TO APPLY TO NONEXEMPT CHARITABLE TRUSTS AND NONEXEMPT PRIVATE FOUNDATIONS.—The following organizations shall comply with the requirements of this section in the same manner as organizations described in section 501(c)(3) which are exempt from tax under section 501(a): 26 USC 501.

"(1) NONEXEMPT CHARITABLE TRUSTS.—A trust described in section 4947(a)(1) (relating to nonexempt charitable trusts). 26 USC 4947.

"(2) NONEXEMPT PRIVATE FOUNDATIONS.—A private foundation which is not exempt from tax under section 501(a)."

(b) PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL RETURNS.—

(1) IN GENERAL.—The first sentence of subsection (d) of section 6104 of such Code (relating to public inspection of private foundations' annual reports) is amended to read as follows: "The annual return required to be filed under section 6033 (relating to returns by exempt organizations) by any organization which is a private foundation within the meaning of section 509(a) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the date of the publication of notice of its availability." 26 USC 6104. 26 USC 6033. 26 USC 509.

(2) CONFORMING AMENDMENTS.—Such subsection (d) is amended—

(A) by striking out "ANNUAL REPORTS" in the heading and inserting in lieu thereof "ANNUAL RETURNS"; and

(B) by striking out "annual report" each place it appears in the second and third sentences and inserting in lieu thereof "annual return".

(c) REPEAL OF PRIVATE FOUNDATION ANNUAL REPORTING REQUIREMENTS.—Subpart D of part III of subchapter A of chapter 61 of such Code (relating to information concerning private foundations) is hereby repealed. 26 USC 6056.

(d) TECHNICAL AMENDMENTS.—

(1) Section 6034 of such Code (relating to returns by trust described in section 4947(a) or claiming charitable deductions under section 642(c)) is amended— 26 USC 6034.

(A) by striking out "section 4947(a)" in subsection (a) and inserting in lieu thereof "section 4947(a)(2)";

(B) by adding at the end of subsection (b) the following new sentence: "This section shall not apply in the case of a trust described in section 4947(a)(1).";

(C) by striking out "EXCEPTION" in the heading of subsection (b) and inserting in lieu thereof "EXCEPTIONS"; and

(D) by striking out "SECTION 4947(a)" in the section heading and inserting in lieu thereof "SECTION 4947(a)(2)".

(2)(A) The first sentence of section 6652(d)(3) of such Code 26 USC 6652.

(relating to annual reports) is amended to read as follows: "In the case of a failure to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual returns), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary and in the same manner as tax) by the person failing to meet such requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure with respect to any one annual return shall not exceed $5,000."

(B) The heading of paragraph (3) of section 6652(d) of such Code is amended by striking out "REPORTS" and inserting in lieu thereof "RETURNS".

26 USC 6104.

(3) Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by striking out "6056,".

26 USC 6685.

(4) Section 6685 of such Code (relating to assessable penalties with respect to private foundation annual reports) is amended to read as follows:

94 STAT. 3505

"SEC. 6685. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL RETURNS.

26 USC 7207.

26 USC 6104.

"In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to comply with the requirements of section 6104(d) (relating to private foundations' annual returns) and who fails to so comply with respect to any return, if such failure is willful, shall pay a penalty of $1,000 with respect to each such return."

26 USC 7207.

(5) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "sections 6047 (b) or (c), 6056, or 6104(d)" and inserting in lieu thereof "subsection (b) or (c) of section 6047 or pursuant to subsection (d) of section 6104".

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by striking out "4947(a)" in the item relating to section 6034 and inserting in lieu thereof "4947(a)(2)".

(2) The table of subparts for part III of subchapter A of chapter 61 of such Code is amended by striking out the item relating to subpart D.

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out "reports" in the item relating to section 6685 and inserting in lieu thereof "returns".

26 USC 6033 note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980.

SEC. 2. ALLOWANCE OF DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS.

(a) ALLOWANCE.—Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to pension, profit sharing, stock bonus plans, etc.) is amended by inserting after section 404 the following new section:

26 USC 404A.

"SEC. 404A. DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS.

"(a) GENERAL RULE.—Amounts paid or accrued by an employer under a qualified foreign plan—

"(1) shall not be allowable as a deduction under section 162, 212, or 404, but

26 USC 162, 212, 404.

"(2) if they satisfy the conditions of section 162, shall be allowed as a deduction under this section for the taxable year for which such amounts are properly taken into account under this section.

"(b) RULES FOR QUALIFIED FUNDED PLANS.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, in the case of a qualified funded plan contributions are properly taken into account for the taxable year in which paid.

"(2) PAYMENT AFTER CLOSE OF TAXABLE YEAR.—For purposes of paragraph (1), a payment made after the close of a taxable year shall be treated as made on the last day of such year if the payment is made—

"(A) on account of such year, and

"(B) not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"(3) LIMITATIONS.—In the case of a qualified funded plan, the amount allowable as a deduction for the taxable year shall be subject to— 94 STAT. 3506

"(A) in the case of—

"(i) a plan under which the benefits are fixed or determinable, limitations similar to those contained in clauses (ii) and (iii) of subparagraph (A) of section 404(a)(1) (determined without regard to the last sentence of such subparagraph (A)), or 26 USC 404.

"(ii) any other plan, limitations similar to the limitations contained in paragraph (3) of section 404(a), and

"(B) limitations similar to those contained in paragraph (7) of section 404(a).

"(4) CARRYOVER.—If—

"(A) the aggregate of the contributions paid during the taxable year reduced by any contributions not allowable as a deduction under paragraphs (1) and (2) of subsection (g), exceeds

"(B) the amount allowable as a deduction under subsection (a) (determined without regard to subsection (d)),

such excess shall be treated as an amount paid in the succeeding taxable year.

"(5) AMOUNTS MUST BE PAID TO QUALIFIED TRUST, ETC.—In the case of a qualified funded plan, a contribution shall be taken into account only if it is paid—

"(A) to a trust (or the equivalent of a trust) which meets the requirements of section 401(a)(2), 26 USC 401.

"(B) for a retirement annuity, or

"(C) to a participant or beneficiary.

"(c) RULES RELATING TO QUALIFIED RESERVE PLANS.—For purposes of this section—

"(1) IN GENERAL.—In the case of a qualified reserve plan, the amount properly taken into account for the taxable year is the reasonable addition for such year to a reserve for the taxpayer's liability under the plan. Unless otherwise required or permitted in regulations prescribed by the Secretary, the reserve for the taxpayer's liability shall be determined under the unit credit method modified to reflect the requirements of paragraphs (3) and (4). All benefits paid under the plan shall be charged to the reserve.

"(2) INCOME ITEM.—In the case of a plan which is or has been a qualified reserve plan, an amount equal to that portion of any decrease for the taxable year in the reserve which is not attributable to the payment of benefits shall be included in gross income.

"(3) RIGHTS MUST BE NONFORFEITABLE, ETC.—In the case of a qualified reserve plan, an item shall be taken into account for a taxable year only if—

"(A) there is no substantial risk that the rights of the employee will be forfeited, and

"(B) such item meets such additional requirements as the Secretary may by regulations prescribe as necessary or appropriate to ensure that the liability will be satisfied.

"(4) SPREADING OF CERTAIN INCREASES AND DECREASES IN RESERVES.—There shall be amortized over a 10-year period any increase or decrease to the reserve on account of—

"(A) the adoption of the plan or a plan amendment,

"(B) experience gains and losses, and

"(C) any change in actuarial assumptions,

94 STAT. 3507 "(D) changes in the interest rate under subsection (g)(3)(B), and

"(E) such other factors as may be prescribed by regulations.

"(d) AMOUNTS TAKEN INTO ACCOUNT MUST BE CONSISTENT WITH AMOUNTS ALLOWED UNDER FOREIGN LAW.—

"(1) GENERAL RULE.—In the case of any plan, the amount allowed as a deduction under subsection (a) for any taxable year shall equal—

"(A) the lesser of—

"(i) the cumulative United States amount, or

"(ii) the cumulative foreign amount, reduced by

"(B) the aggregate amount determined under this section for all prior taxable years.

"(2) CUMULATIVE AMOUNTS DEFINED.—For purposes of paragraph (1)—

"(A) CUMULATIVE UNITED STATES AMOUNT.—The term 'cumulative United States amount' means the aggregate amount determined with respect to the plan under this section for the taxable year and for all prior taxable years to which this section applies. Such determination shall be made for each taxable year without regard to the application of paragraph (1).

"(B) CUMULATIVE FOREIGN AMOUNT.—The term 'cumulative foreign amount' means the aggregate amount allowed as a deduction under the appropriate foreign tax laws for the taxable year and all prior taxable years to which this section applies.

"(3) EFFECT ON EARNINGS AND PROFITS, ETC.—In determining the earnings and profits and accumulated profits of any foreign corporation with respect to a qualified foreign plan, the amount determined under paragraph (1) with respect to any plan for any taxable year shall in no event exceed the amount allowed as a deduction under the appropriate foreign tax laws for such taxable year.

"(e) QUALIFIED FOREIGN PLAN.—For purposes of this section, the term 'qualified foreign plan' means any written plan of an employer for deferring the receipt of compensation but only if—

"(1) such plan is for the exclusive benefit of the employer's employees or their beneficiaries,

"(2) 90 percent or more of the amounts taken into account for the taxable year under the plan are attributable to services—

"(A) performed by nonresident aliens, and

"(B) the compensation for which is not subject to tax under this chapter, and

"(3) the employer elects (at such time and in such manner as the Secretary shall by regulations prescribe) to have this section apply to such plan.

"(f) FUNDED AND RESERVE PLANS.—For purposes of this section—

"(1) QUALIFIED FUNDED PLAN.—The term 'qualified funded plan' means a qualified foreign plan which is not a qualified reserve plan.

"(2) QUALIFIED RESERVE PLAN.—The term 'qualified reserve plan' means a qualified foreign plan with respect to which an election made by the taxpayer is in effect for the taxable year. An election under the preceding sentence shall be made in such manner and form as the Secretary may by regulations prescribe

94 STAT. 3508 and, once made, may be revoked only with the consent of the Secretary.

"(g) Other Special Rules.—

"(1) No deduction for certain amounts.—Except as provided in section 404(a)(5), no deduction shall be allowed under this section for any item to the extent such item is attributable to services— 26 USC 404.

"(A) performed by a citizen or resident of the United States who is an officer, shareholder, or highly compensated, or

"(B) performed in the United States the compensation for which is subject to tax under this chapter.

"(2) Taxpayer must furnish information.—

"(A) In general.—No deduction shall be allowed under this section with respect to any plan for any taxable year unless the taxpayer furnishes to the Secretary with respect to such plan (at such time as the Secretary may by regulations prescribe)— Deductions.

"(i) a statement from the foreign tax authorities specifying the amount of the deduction allowed in computing taxable income under foreign law for such year with respect to such plan,

"(ii) if the return under foreign tax law shows the deduction for plan contributions or reserves as a separate, identifiable item, a copy of the foreign tax return for the taxable year, or

"(iii) such other statement, return, or other evidence as the Secretary prescribes by regulation as being sufficient to establish the amount of the deduction under foreign law.

"(B) Redetermination where foreign tax deduction is adjusted.—If the deduction under foreign tax law is adjusted, the taxpayer shall notify the Secretary of such adjustment on or before the date prescribed by regulations, and the Secretary shall redetermine the amount of the tax for the year or years affected. In any case described in the preceding sentence, rules similar to the rules of subsection (c) of section 905 shall apply. 26 USC 905.

"(3) Actuarial assumptions must be reasonable; full funding.—

"(A) In general.—Except as provided in subparagraph (B), principles similar to those set forth in paragraphs (3) and (7) of section 412(c) shall apply for purposes of this section. 26 USC 412.

"(B) Interest rate for reserve plan.—

"(i) In general.—In the case of a qualified reserve plan, in lieu of taking rates of interest into account under subparagraph (A), the rate of interest for the plan shall be the rate selected by the taxpayer which is within the permissible range.

"(ii) Rate remains in effect so long as it falls within permissible range.—Any rate selected by the taxpayer for the plan under this subparagraph shall remain in effect for such plan until the first taxable year for which such rate is no longer within the permissible range. At such time, the taxpayer shall select a new rate of interest which is within the permissible range applicable at such time.

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"(iii) Permissible range.—For purposes of this subparagraph, the term 'permissible range' means a rate of interest which is not more than 20 percent above, and not more than 20 percent below, the average rate of interest for long-term corporate bonds in the appropriate country for the 15-year period ending on the last day before the beginning of the taxable year.

"(4) Accounting method.—Any change in the method (but not the actuarial assumptions) used to determine the amount allowed as a deduction under subsection (a) shall be treated as a change in accounting method under section 446(e). 26 USC 446.

26 USC 481. "(5) SECTION 481 APPLIES TO ELECTION.—For purposes of section 481, any election under this section shall be treated as a change in the taxpayer's method of accounting. In applying section 481 with respect to any such election, the period for taking into account any increase or decrease in accumulated profits, earnings and profits or taxable income resulting from the application of section 481(a)(2) shall be the year for which the election is made and the fourteen succeeding years.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section (including regulations providing for the coordination of the provisions of this section with section 404 in the case of a plan which has been subject to both of such sections)." 26 USC 404.

26 USC 679. (b) AMENDMENTS OF SECTION 679(a).—Subsection (a)(1) of section 679 of such Code (relating to foreign trusts having one or more United States beneficiaries) is amended by adding the phrase "Or section 404A" immediately after the phrase "section 404(a)(4)".

(c) TAXPAYER MUST NOTIFY SECRETARY WHERE THERE IS A REDETERMINATION OF TAX, ETC., UNDER FOREIGN LAW.—

26 USC 905. (1) AMENDMENT OF SECTION 905(c).—Subsection (c) of section 905 of such Code (relating to adjustments on payment of accrued taxes) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply (with respect to any period after the refund or adjustment in the foreign taxes) if the taxpayer fails to notify the Secretary (on or before the date prescribed by regulations for giving such notice) unless it is shown that such failure is due to reasonable cause and not due to willful neglect."

(2) CIVIL PENALTY FOR FAILURE TO NOTIFY.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by inserting after section 6688 the following new section:

26 USC 6689.

"SEC. 6689. FAILURE TO FILE NOTICE OF REDETERMINATION OF FOREIGN TAX.

"(a) CIVIL PENALTY.—If the taxpayer fails to notify the Secretary (on or before the date prescribed by regulations for giving such notice) of a foreign tax redetermination, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the deficiency attributable to such redetermination an amount (not in excess of 25 percent of the deficiency) determined as follows—

"(1) 5 percent of the deficiency if the failure is for not more than 1 month, with

"(2) an additional 5 percent of the deficiency for each month (or fraction thereof) during which the failure continues.

"(b) FOREIGN TAX REDETERMINATION DEFINED.—For purposes of this section, the term 'foreign tax redetermination' means any redetermination for which a notice is required under subsection (c) of section 905 or paragraph (2) of section 404A(g)." 26 USC 905. *Ante*, p. 3505.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for part I of subchapter D of chapter 1 of such Code is amended by inserting after the item relating to section 404 the following new item:

"Sec. 404A. Deduction for certain foreign deferred compensation plans."

(2) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting after the item relating to section 6688 the following new item:

"Sec. 6689. Failure to file notice of redetermination of foreign tax."

26 USC 404A note. (e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to employer contributions or accruals for taxable years beginning after December 31, 1979.

(2) ELECTION TO APPLY AMENDMENTS RETROACTIVELY WITH RESPECT TO FOREIGN SUBSIDIARIES.—

(A) IN GENERAL.—The taxpayer may elect to have the amendments made by this section apply retroactively with respect to its foreign subsidiaries.

(B) SCOPE OF RETROACTIVE APPLICATION.—Any election made under this paragraph shall apply with respect to all foreign subsidiaries of the taxpayer for the taxpayer's open period.

(C) DISTRIBUTIONS BY FOREIGN SUBSIDIARY MUST BE OUT OF POST-1971 EARNINGS AND PROFITS.—The election under this paragraph shall apply to distributions made by a foreign subsidiary only if made out of accumulated profits (or earnings and profits) earned after December 31, 1970.

(D) REVOCATION ONLY WITH CONSENT.—An election under this paragraph may be revoked only with the consent of the Secretary of the Treasury or his delegate.

(E) OPEN PERIOD.—For purposes of this subsection, the term "open period" means, with respect to any taxpayer, all taxable years which begin before January 1, 1980, and which begin after December 31, 1971, and for which, on December 31, 1980, the making of a refund, or the assessment of a deficiency, was barred by any law or rule of law.

(3) ALLOWANCE OF PRIOR DEDUCTIONS IN CASE OF CERTAIN FUNDED BRANCH PLANS.—

(A) IN GENERAL.—If—

(i) the taxpayer elects to have this paragraph apply, and

(ii) the taxpayer agrees to the assessment of all deficiencies (including interest thereon) arising from all erroneous deductions,

then an amount equal to 1/15th of the aggregate of the prior deductions which would have been allowable if the amendments made by this section applied to taxable years beginning before January 1, 1980, shall be allowed as a deduction for the taxpayer's first taxable year beginning in 1980, and an equal amount shall be allowed for each of the succeeding 14 taxable years.

(B) PRIOR DEDUCTION.—For purposes of subparagraph (A), the term "prior deduction" means a deduction with respect to a qualified funded plan (within the meaning of section 404A(f)(1) of the Internal Revenue Code of 1954) of the taxpayer—

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Ante, p. 3505.

(i) which the taxpayer claimed for a taxable year (or could have claimed if the amendments made by this section applied to taxable years beginning before January 1, 1980) beginning before January 1, 1980,

(ii) which was not allowable, and

(iii) with respect to which, on December 1, 1980, the assessment of a deficiency was not barred by any law or rule of law.

(4) TIME AND MANNER FOR MAKING ELECTIONS.—

(A) TIME.—An election under paragraph (2) or (3) may be made only on or before the due date (including extensions) for filing the taxpayer's return of tax under chapter 1 of the Internal Revenue Code of 1954 for its first taxable year ending on or after December 31, 1980.

26 USC 1 *et seq.*

(B) MANNER.—An election under paragraph (2) may be made only by a statement attached to the taxpayer's return for its first taxable year ending on or after December 31, 1980. An election under paragraph (3) may be made only if the taxpayer, on or before the last day for making the election, files with the Secretary of the Treasury or his delegate such amended return and such other information as the Secretary of the Treasury or his delegate may require, and agrees to the assessment of a deficiency for any closed year falling within the open period, to the extent such deficiency is attributable to the operation of such election.

SEC. 3. TREATMENT OF TRANSFERS OF PROVEN OIL OR GAS PROPERTIES BY INDIVIDUALS TO CORPORATIONS.

26 USC 613A.

(a) IN GENERAL.—Subsection (c) of section 613A of the Internal Revenue Code of 1954 (relating to exemption for independent producers and royalty owners) is amended by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) TRANSFERS BY INDIVIDUALS TO CORPORATIONS.—

"(A) IN GENERAL.—Paragraph (9)(A) shall not apply to a transfer by an individual of qualified property to a qualified transferee corporation solely in exchange for stock in such corporation.

"(B) 1,000-BARREL LIMIT FOR CORPORATION.—A tentative quantity shall be determined for the qualified transferee corporation under this subsection.

"(C) TRANSFEROR'S TENTATIVE QUANTITY REDUCED.—

"(i) IN GENERAL.—The tentative quantity for the transferor (and his family) for any period shall be reduced by the transferor's pro rata share of the corporation's depletable quantity for such period.

"(ii) PRO RATA SHARE.—For purposes of clause (i), a transferor's pro rata share for any period shall be—

"(I) in the case of production from property to which subparagraph (A) applies, that portion of the corporation's depletable quantity which is allocable to production from such property, and

"(II) in the case of production from all other property, that portion of the corporation's depletable quantity which is allocable to the production from such property, multiplied by a fraction the numerator of which is the fair market value of the transferor's stock in the corporation, and the denominator of which is the fair market value of all stock in the corporation.

"(iii) DEPLETABLE QUANTITY.—For purposes of this paragraph, a corporation's depletable quantity for any period in the lesser of—

"(I) such corporation's tentative quantity for such period (determined under paragraphs (3) and (8)), or

"(II) such corporation's average daily production for such period.

"(D) QUALIFIED TRANSFEREE CORPORATION DEFINED.—For purposes of this paragraph, the term 'qualified transferee corporation' means a corporation all of the outstanding stock of which has been issued to individuals solely in exchange for qualified property held by such individuals.

"(E) QUALIFIED PROPERTY DEFINED.—For purposes of this paragraph, the term 'qualified property' means oil or gas property with respect to which—

"(i) there has been no prior transfer to which paragraph (9)(A) applied, and

"(ii) the transferor has made an election to have this paragraph apply.

The term also includes cash (not to exceed $1,000 in the aggregate) which one or more individuals transfer to the corporation.

"(F) TRANSFEROR MUST RETAIN STOCK DURING LIFETIME.—If at any time during his lifetime any transferor disposes of stock in the corporation (other than to a member of his family), then the depletable quantity of the corporation (determined without regard to this subparagraph) shall be reduced (for all periods on or after the date of the disposition) by an amount which bears the same ratio to such quantity as the fair market value of the stock so disposed of bears to the aggregate fair market value of all stock of the corporation on such date of disposition.

"(G) SPECIAL RULES RELATING TO FAMILY OF TRANSFEROR.—

"(i) IN GENERAL.—For purposes of this paragraph—

"(I) the issuance of stock to a member of the family of the transferor shall be treated as issuance of stock to the transferor, and

"(II) during the lifetime of the transferor, stock transferred to a member of the family of the transferor shall be treated as held by the transferor.

If stock described in the preceding sentence ceases to be held by a member of the family of the transferor, the transferor shall be treated as having disposed of such stock at the time of such cessation.

"(ii) FAMILY DEFINED.—For purposes of this paragraph, the members of the family of an individual include only his spouse and minor children.

"(H) PROPERTY SUBJECT TO LIABILITIES.—For purposes of this paragraph, section 357 shall be applied as if— 26 USC 357.

"(i) references to section 351 include references to subparagraph (A) of this paragraph, and 26 USC 351.

"(ii) the reference in subsection (a)(1) of section 357 to the nonrecognition of gain includes a reference to the nonapplication of paragraph (9)(A) of this subsection. 26 USC 357.

94 STAT. 3513

"(I) ELECTION.—A transferor may make an election under this paragraph only in such manner as the Secretary may by regulations prescribe and only on or before the due date (including extensions) for filing the return of the corporation of the taxes imposed by this chapter for the corporation's first taxable year ending after the date of the transfer (or, if later, after the date of the enactment of this paragraph).

"(J) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to transfers in taxable years ending after December 31, 1974, but only for purposes of applying section 613A of the Internal Revenue Code of 1954 to periods after December 31, 1979. 26 USC 613A note. 26 USC 613A.

SEC. 4. CREDITS ALLOWABLE AGAINST MINIMUM TAX.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 55(c) (relating to credits allowable against alternative minimum tax) is amended to read as follows: 26 USC 55.

"(1) IN GENERAL.—For purposes of—

"(A) determining the amount of any credit allowable under subpart A of part IV of this subchapter (other than the foreign tax credit allowable under section 33(a)) against the tax imposed by subsection (a), the tax imposed by subsection (a) shall be treated as a tax imposed by this chapter only to the extent of the amount which would be determined under subsection (a)(1) if the alternative minimum taxable income was reduced by the sum of— 26 USC 31. 26 USC 33.

"(i) the net capital gain, and

"(ii) the adjusted itemized deductions, and

"(B) determining the amount of any such credit (including the credit allowable under section 33(a)) against the tax imposed by this chapter (other than the tax imposed by this section) for the current taxable year, this section shall be disregarded."

(2) METHOD OF DETERMINING CREDITS TAKEN INTO ACCOUNT.—Section 55(c) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph: 26 USC 55.

"(2) RULES FOR DETERMINING AMOUNT OF CREDIT ALLOWABLE.—For purposes of determining the amount of any credit under subpart A of part IV of this subchapter (other than the credits imposed by sections 31, 39, and 43) which can be taken against the tax imposed by subsection (a)—

26 USC 31.
26 USC 31, 39, 43.

"(A) the amount of such credit shall be increased by an amount equal to the lesser of—

"(i) the amount of such credit allowable in computing the regular tax for the current taxable year, or

"(ii) the excess of—

"(I) the amount of the tax imposed by subsection (a), over

"(II) the sum of the amounts determined under this subparagraph with respect to credits allowed under a section of such subpart having a higher number designation than such credit (other than the credits allowable by sections 31, 39, and 43), and

94 STAT. 3514
26 USC 31, 39, 43.

"(B) in the case of any credit under section 38, 40, or 44B, such credit shall be reduced, under regulations prescribed by the Secretary, by that portion of such credit which is not attributable to an active trade or business of the taxpayer."

26 USC 38, 40, 44B.

(3) Paragraph (4) of section 55(c) (relating to carryover and carryback of certain credits), as redesignated by paragraph (2), is amended to read as follows:

26 USC 55.

"(4) CARRYOVER AND CARRYBACK OF CERTAIN CREDITS.—

"(A) IN GENERAL.—For purposes of determining the amount of any carryover or carryback to any other taxable year of any credit allowable under subpart A of part IV of this subchapter (other than section 33), the amount of the limitation under section 44E(e)(1), 44C(b) (1) and (2), 53(b), 50A(a)(2), or 46(a)(3) (to the exent such limitation does not exceed the amount of the credit allowable in computing the regular tax for the current taxable year) shall be increased for the current taxable year by the amount determined under subparagraph (A) of paragraph (1) of this subsection, and decreased by—

26 USC 31, 33.
26 USC 44E, 44C, 53.
26 USC 50A, 46.

"(i) the sum of the credits allowed under a section having a lower number designation than the section allowing such credit (other than the credits allowable by sections 31, 33, 39, and 43) against the tax imposed by subsection (a), and

26 USC 31, 33, 39, 43.

"(ii) the amount determined with respect to such credit under paragraph (2)(B) for the current taxable year.

"(B) AMOUNT OF CREDIT.—Any increase under paragraph (2)(A) shall be taken into account in determining the amount of any carryover or carryback from the current taxable year."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 55(b) (defining regular tax) is amended by striking out "credit allowable under section 33" and inserting in lieu thereof "credits allowable under such subpart".

26 USC 55.
26 USC 33.

(2) Paragraph (3) of section 55(c) (relating to foreign tax credit), as redesignated by subsection (a)(2), is amended—

(A) by striking out subparagraph (B) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively;

(B) by striking out "subparagraph (C)" in subparagraphs (C) and (D)(i), as so redesignated, and inserting in lieu thereof "subparagraph (B)"; and

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(C) by striking out clause (ii) of subparagraph (D), as so redesignated, and inserting in lieu thereof the following:

"(ii) any increase under paragraph (2)(A) shall be taken into account."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1979. 26 USC 55 note.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1044 (Comm. on Ways and Means).
SENATE REPORT No. 96-1039 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 17, considered and passed House.
  Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.

Public Law 96-605
96th Congress

94 STAT. 3521

An Act

To make various changes in the tax laws.

Dec. 28, 1980
[H.R. 7956]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miscellaneous Revenue Act of 1980.

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) Short Title.—This Act may be cited as the "Miscellaneous Revenue Act of 1980". 26 USC 1 note.

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954. 26 USC 1.

TITLE I—AMENDMENTS RELATING TO INCOME TAX GENERALLY

SEC. 101. TREATMENT OF COMMUNITY INCOME WHERE SPOUSES LIVE APART.

(a) General Rule.—Part I of subchapter B of chapter 1 (defining gross income, adjusted gross income, taxable income, etc.) is amended by adding at the end thereof the following new section:

"SEC. 66. TREATMENT OF COMMUNITY INCOME WHERE SPOUSES LIVE APART. 26 USC 66.

"(a) General Rule.—If—

"(1) 2 individuals are married to each other at any time during a calendar year;

"(2) such individuals—

"(A) live apart at all times during the calendar year, and

"(B) do not file a joint return under section 6013 with each other for a taxable year beginning or ending in the calendar year;

"(3) one or both of such individuals have earned income for the calendar year which is community income; and

"(4) no portion of such earned income is transferred (directly or indirectly) between such individuals before the close of the calendar year,

then, for purposes of this title, any community income of such individuals for the calendar year shall be treated in accordance with the rules provided by section 879(a). 26 USC 879.

"(b) Definitions.—For purposes of this section—

"(1) Earned income.—The term 'earned income' has the meaning given to such term by section 911(b). 26 USC 911.

"(2) Community income.—The term 'community income' means income which, under applicable community property laws, is treated as community income.

94 STAT. 3522

"(3) Community property laws.—The term 'community property laws' means the community property laws of a State, a foreign country, or a possession of the United States."

(b) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 66. Treatment of community income where spouses live apart."

22 USC 66 note. (c) Effective Date.—The amendments made by this section shall apply to calendar years beginning after December 31, 1980.

SEC. 102. AMORTIZATION OF START-UP EXPENDITURES.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

26 USC 195.

"SEC. 195. START-UP EXPENDITURES.

"(a) Election To Amortize.—Start-up expenditures may, at the election of the taxpayer, be treated as deferred expenses. Such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the business begins).

"(b) Start-Up Expenditures.—For purposes of this section, the term 'start-up expenditure' means any amount—

"(1) paid or incurred in connection with—

"(A) investigating the creation or acquisition of an active trade or business, or

"(B) creating an active trade or business, and

"(2) which, if paid or incurred in connection with the expansion of an existing trade or business (in the same field as the trade or business referred to in paragraph (1)), would be allowable as a deduction for the taxable year in which paid or incurred.

"(c) Election.—

"(1) Time for making election.—An election under subsection (a) shall be made not later than the time prescribed by law for filing the return for the taxable year in which the business begins (including extensions thereof).

"(2) Scope of election.—The period selected under subsection (a) shall be adhered to in computing taxable income for the taxable year for which the election is made and all subsequent taxable years.

"(3) Manner of making election.—An election under subsection (a) shall be made in such manner as the Secretary shall by regulations prescribe.

"(d) Business Beginning.—For purposes of this section, an acquired trade or business shall be treated as beginning when the taxpayer acquires it."

(b) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 195. Start-up expenditures."

26 USC 195 note. (c) Effective Date.—The amendements made by this section shall apply to amounts paid or incurred after July 29, 1980, in taxable years ending after such date

SEC. 104. REVISION OF SOURCE RULES FOR INCOME FROM CERTAIN LEASED AIRCRAFT, VESSELS, AND SPACECRAFT.

94 STAT. 3523

(a) IN GENERAL.—Subsection (e) of section 861 (relating to election to treat income from certain aircraft and vessels as income from sources within the United States) is amended to read as follows: 26 USC 861.

"(e) INCOME FROM CERTAIN LEASED AIRCRAFT, VESSELS, AND SPACECRAFT TREATED AS INCOME FROM SOURCES WITHIN THE UNITED STATES.—

"(1) IN GENERAL.—For purposes of subsection (a) and section 862(a), if— 26 USC 862.

"(A) a taxpayer owning a craft which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such craft to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and 26 USC 38. 26 USC 48. 26 USC 1563.

"(B) such craft is manufactured or constructed in the United States,

then all amounts includible in gross income by the taxpayer with respect to such craft for any taxable year ending after the commencement of such lease (whether during or after the period of such lease), including gain from sale, exchange, or other disposition of such craft, shall be treated as income from sources within the United States.

"(2) CERTAIN TRANSFERS INVOLVING CARRYOVER BASIS.—If the taxpayer transfers or distributes a craft to which paragraph (1) applied and the basis of such craft in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, paragraph (1) shall continue to apply to such craft in the hands of the transferee or distributee.

"(3) CRAFT DEFINED.—For purposes of this subsection, the term 'craft' means a vessel, aircraft, or spacecraft.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property first leased after the date of the enactment of this Act. 26 USC 861 note.

SEC. 105. TAXATION OF HOMEOWNERS ASSOCIATIONS.

(a) GENERAL RULE.—Subsection (b) of section 528 (relating to tax imposed with respect to certain homeowners associations) is amended to read as follows: 26 USC 528.

"(b) TAX IMPOSED.—A tax is hereby imposed for each taxable year on the homeowners association taxable income of every homeowners association. Such tax shall be equal to 30 percent of the homeowners association taxable income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980. 26 USC 528 note.

SEC. 106. TREATMENT OF CERTAIN INCOME OF MUTUAL OR COOPERATIVE ELECTRIC AND TELEPHONE COMPANIES.

(a) TREATMENT OF CERTAIN INCOME FOR PURPOSES OF TAX EXEMPT STATUS.—Paragraph (12) of section 501(c) (relating to list of exempt organizations) is amended— 26 USC 501.

(1) by striking out "(12)" and inserting in lieu thereof "(12)(A)",

(2) by striking out the second sentence, and

(3) by adding at the end thereof the following new subparagraphs:

"(B) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account any income received or accrued—

"(i) from a nonmember telephone company for the performance of communication services which involve members of the mutual or cooperative telephone company,

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"(ii) from qualified pole rentals, or

"(iii) from the sale of display listings in a directory furnished to the members of the mutual or cooperative telephone company.

"(C) In the case of a mutual or cooperative electric company, subparagraph (A) shall be applied without taking into account any income received or accrued from qualified pole rentals.

"Qualified pole rental." "(D) For purposes of this paragraph, the term 'qualified pole rental' means any rental of a pole (or other structure used to support wires) if such pole (or other structure)—

"(i) is used by the telephone or electric company to support one or more wires which are used by such company in providing telephone or electric services to its members, and

"(ii) is used pursuant to the rental to support one or more wires (in addition to the wires described in clause (i)) for use in connection with the transmission by wire of electricity or of telephone or other communications.

"Rental." For purposes of the preceding sentence, the term 'rental' includes any sale of the right to use the pole (or other structure)."

26 USC 513. (b) ENGAGING IN POLE RENTALS TREATED AS NOT ENGAGING IN UNRELATED TRADE OR BUSINESS.—Section 513 (defining unrelated trade or business) is amended by adding at the end thereof the following new subsection:

"Unrelated trade or business." "(g) CERTAIN POLE RENTALS.—In the case of a mutual or cooperative telephone or electric company, the term 'unrelated trade or business' does not include engaging in qualified pole rentals (as

Supra. defined in section 501(c)(12)(D))."

(c) EFFECTIVE DATES.—

26 USC 501 note. (1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to all taxable years to which the Internal Revenue

26 USC 1. Code of 1954 applies.

26 USC 513 note. (2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1969.

SEC. 107. EXEMPTION FOR CERTAIN SUBSISTENCE ALLOWANCES RECEIVED BY CERTAIN POLICE OFFICERS BEFORE JANUARY 1, 1978.

26 USC 119 note. (a) GENERAL RULE.—Subsection (b) of section 3 of the Act of October 7, 1978, entitled "An Act to prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes" is amended—

(1) by striking out "January 1, 1977" and inserting in lieu thereof "January 1, 1974", and

(2) by striking out "calendar year 1977" and inserting in lieu thereof "calendar year 1974, 1975, 1976, or 1977".

26 USC 119 note. (b) STATUTE OF LIMITATIONS.—In the case of any allowance received during calendar year 1974, 1975, 1976, or 1977, subsections (a)(2) and (e) of such section 3 shall be applied by substituting the date one year after the date of the enactment of this Act for "April 15, 1979" each place it appears.

SEC. 108. TREATMENT OF CERTAIN EXPENSES INCLUDIBLE IN THE INCOME OF THE RECIPIENT.

26 USC 274. (a) IN GENERAL.—Subsection (e) of section 274 (relating to specific exceptions to application of disallowance of certain entertainment,

94 STAT. 3525 etc., expenses) is amended by inserting after paragraph (9) the following new paragraph:

"(10) EXPENSES INCLUDIBLE IN INCOME OF PERSONS WHO ARE NOT EMPLOYEES.—Expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or

26 USC 74. award under section 74. The preceding sentence shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included (or would be so required except that the amount is less than $600) in any information return filed by such

26 USC 6031. taxpayer under part III of subchapter A of chapter 61 and is not so included."

(b) Effective Date.—The amendment made by this section shall apply to any expenses paid or incurred after December 31, 1980, in taxable years ending after such date. 26 USC 274 note.

SEC. 109. INVESTMENT CREDIT FOR CERTAIN PROPERTY USED IN MARITIME SATELLITE COMMUNICATIONS.

(a) General Rule.—Paragraph (5) of section 48(a) (relating to property used by governmental units) is amended to read as follows: 26 USC 48.

"(5) Property used by governmental units.—Property used by the United States, any State or political subdivision thereof, any international organization, or any agency or instrumentality of any of the foregoing shall not be treated as section 38 property. 26 USC 38. For purposes of the preceding sentence, the International Telecommunications Satellite Consortium, the International Maritime Satellite Organization, and any successor organization of such Consortium or Organization shall not be treated as an international organization."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1979. 26 USC 48 note.

SEC. 110. ACQUISITION INDEBTEDNESS.

(a) In General.—Section 514(c) of the Internal Revenue Code of 1954 (defining acquisition indebtedness) is amended by adding at the end thereof the following new paragraph: 26 USC 514.

"(9) Real property acquired by qualified trust.—For purposes of this section—

"(A) In general.—Except as provided in subparagraph (B), the term 'acquisition indebtedness' does not include indebtedness incurred by a qualified trust in acquiring or improving any real property. Acquisition indebtedness.

"(B) Exceptions.—The provisions of subparagraph (A) shall not apply in any case in which—

"(i) the acquisition price is not a fixed amount determined as of the date of acquisition;

"(ii) the amount of any indebtedness or any other amount payable with respect to such indebtedness, or the time for making any payment of any such amount, is dependent, in whole or in part, upon any revenue, income, or profits derived from such real property;

"(iii) the real property is at any time after the acquisition leased by the qualified trust to the person selling such property to such trust or to any person who bears a relationship described in section 267(b) to such person; 26 USC 267.

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"(iv) the real property is acquired from, or is at any time after the acquisition leased by the qualified trust to, any person who—

"(I) bears a relationship which is described in section 4975(e)(2) (C), (E), or (G) to any plan with respect to which such trust was formed, or 26 USC 4975.

"(II) bears a relationship which is described in section 4975(e)(2) (F) or (H) to any person described in subclause (I); or

"(v) any person described in clause (iii) or (iv) provides the qualified trust with nonrecourse financing in connection with such transaction and such debt—

"(I) is subordinate to any other indebtedness on such property, or

"(II) bears interest at a rate which is significantly less than the rate available from any person not described in clause (iii) or (iv) at the time such indebtedness is incurred.

"(C) Qualified trust.—For purposes of this paragraph, the term 'qualified trust' means any trust which constitutes a qualified trust under section 401." 26 USC 401.

26 USC 514 note. (b) No PRECEDENT.—The amendment made by subsection (a) shall not be considered a precedent with respect to extending such amendment (or similar rules) to any other person.

26 USC 514 note. (c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980.

TITLE II—AMENDMENTS RELATING TO PENSION PLANS

Subtitle A—Prevention of Abuse of Certain Pension Plan Provisions

SEC. 201. PREVENTION OF ABUSE OF CERTAIN PENSION PLAN PROVISIONS THROUGH THE USE OF SEPARATE CORPORATIONS OR OTHER ORGANIZATIONS.

26 USC 414. (a) IN GENERAL.—Section 414 (relating to definitions and special rules relating to pension plan, etc.) is amended by adding at the end thereof the following new subsection:

"(m) EMPLOYEES OF AN AFFILIATED SERVICE GROUP.—

"(1) IN GENERAL.—For purposes of the employee benefit requirements listed in paragraph (4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

"(2) AFFILIATED SERVICE GROUP.—For purposes of this subsection, the term 'affiliated service group' means a group consisting of a service organization (hereinafter in this paragraph referred to as the 'first organization') and one or more of the following:

"(A) any service organization which—

"(i) is a shareholder or partner in the first organization, and

"(ii) regularly performs services for the first organization or is regularly associated with the first organization in performing services for third persons, and

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"(B) any other organization if—

"(i) a significant portion of the business of such organization is the performance of services (for the first organization, for organizations described in subparagraph (A), or for both) of a type historically performed in such service field by employees, and

"(ii) 10 percent or more of the interests in such organization is held by persons who are officers, highly compensated employees, or owners of the first organization or an organization described in subparagraph (A).

"(3) SERVICE ORGANIZATIONS.—For purposes of this subsection, the term 'service organization' means an organization the principal business of which is the performance of services.

"(4) EMPLOYEE BENEFIT REQUIREMENTS.—For purposes of this subsection, the employee benefit requirements listed in this paragraph are—

26 USC 401. "(A) paragraphs (3), (4), (7), and (16) of section 401(a),

26 USC 408, 410, 411, 415. "(B) sections 408(k), 410, 411, and 415,

26 USC 105. "(C) section 105(h), and

26 USC 125. "(D) section 125.

"(5) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) ORGANIZATION DEFINED.—The term 'organization' means a corporation, partnership, or other organization.

"(B) OWNERSHIP.—In determining ownership, the principles of section 267(c) shall apply. 26 USC 267.

Regulations. "(6) PREVENTION OF AVOIDANCE.—The Secretary shall prescribe such regulations as may be necessary to prevent the avoidance with respect to service organizations, through the use of separate organizations, of any employee benefit requirement listed in paragraph (4)."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (8) of section 105(h) (relating to amount paid to highly compensated individuals under a discriminatory self-insured medical expense reimbursement plan) is amended— 26 USC 105.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

(2) Paragraph (4) of section 125(g) (relating to special rules for cafeteria plans) is amended— 26 USC 125.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

(c) EFFECTIVE DATES.— 26 USC 414 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years ending after November 30, 1980.

(2) PLANS IN EXISTENCE ON NOVEMBER 30, 1980.—In the case of a plan in existence on November 30, 1980, the amendments made by this section shall apply to plan years beginning after November 30, 1980.

Subtitle B—Amendments Relating to Employee Stock Ownership Plans

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SEC. 221. CASH DISTRIBUTION OPTION AND PUT OPTION FOR STOCK BONUS PLANS.

(a) IN GENERAL.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting immediately before the last sentence thereof the following new paragraph: 26 USC 401.

"(23) A stock bonus plan which otherwise meets the requirements of this section shall not be considered to fail to meet the requirements of this section because it provides a cash distribution option to participants if that option meets the requirements of section 409A(h)(2)." 26 USC 409A.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to plan years beginning after December 31, 1980. 26 USC 401 note.

SEC. 222. LIMITATION ON ANNUAL ADDITIONS TO PARTICIPANT ACCOUNTS UNDER EMPLOYEE STOCK OWNERSHIP PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 415(c)(6) (relating to special limitation for employee stock ownership plan) is amended by inserting ", or purchased with cash contributed," after "contributed". 26 USC 415.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to years beginning after December 31, 1980. 26 USC 415 note.

SEC. 223. VALUATION OF EMPLOYER SECURITIES IN TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS.

(a) IN GENERAL.—Clause (i) of section 48(n)(6)(B) (defining value for employer securities) is amended by striking out "the due date for filing the return for the taxable year (determined with regard to extensions)" and inserting in lieu thereof "the date on which the securities are contributed to the plan". 26 USC 48.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1980. 26 USC 48 note.

SEC. 224. PARTICIPATION OF SUBSIDIARY CORPORATION IN TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN.

26 USC 409A.

(a) In General.—Paragraph (4) of section 409A(l) (defining controlled group of corporations) is amended—

(1) by striking out the caption and inserting in lieu thereof "(4) Application to controlled group of corporations.—",

(2) by striking out "Common parent may own only" in the caption of subparagraph (B) and inserting in lieu thereof "Where common parent owns at least", and

(3) by adding at the end thereof the following new subparagraph:

"(C) Where common parent owns 100 percent of first tier subsidiary.—For purposes of subparagraph (A), if the common parent owns directly stock possessing all of the voting power of all classes of stock and all of the nonvoting stock, in a first tier subsidiary, and if the first tier subsidiary owns directly stock possessing at least 50 percent of the voting power of all classes of stock, and at least 50 percent of each class of nonvoting stock, in a second tier subsidiary of the common parent, such second tier subsidiary (and all other corporations below it in the chain which would meet the 80 percent test of section 1563(a) if the second tier subsidiary were the common parent) shall be treated as includible corporations.".

26 USC 1563.

94 STAT. 3529

26 USC 409A note.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to qualified investment for taxable years beginning after December 31, 1978.

SEC. 225. PARTICIPATION RULES FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN WHICH IS ONLY EMPLOYER-PROVIDED ALTERNATIVE TO INDIVIDUAL RETIREMENT SAVINGS.

26 USC 410.

(a) In General.—Subsection (b) of section 410 (relating to eligibility) is amended—

(1) by redesignating paragraph (2) as (3),

(2) by striking out "paragraph (1)" in paragraph (3) (as so redesignated) and inserting in lieu thereof "paragraphs (1) and (2)", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) Special rule for certain plans.—A trust which is part of a tax credit employees stock ownership plan which is the only plan of an employer intended to qualify under section 401(a) shall not be treated as not a qualified trust under section 401(a) solely because it fails to meet the requirements of paragraph (1) if—

26 USC 401.

"(A) it benefits 50 percent or more of all the employees who are eligible under the plan (excluding employees who have not satisfied the minimum age and service requirements, if any, prescribed by the plan as a condition of participation), and

"(B) the sum of the amounts allocated to each participant's account for the year does not exceed 2 percent of the compensation of that participant for the year."

(b) Conforming Amendments.—

26 USC 401.

(1) The last sentence of section 401(a)(4) is amended by striking out "section 410(b)(2)(A)" and inserting in lieu thereof "section 410(b)(3)(A)".

(2) Subparagraph (B) of section 401(d)(3) is amended—

(A) by striking out "section 410(b)(2)(A)" and inserting in lieu thereof "section 410(b)(3)(A)", and

(B) by striking out "section 410(b)(2)(C)" and inserting in lieu thereof "section 410(b)(3)(C)".

26 USC 408.

(3) The last sentence of section 408(k)(2) is amended by striking out "section 410(b)(2)" and inserting in lieu thereof "section 410(b)(3)".

(4) Clause (i) of section 408(k)(3)(B) is amended by striking out

"section 410(b)(2)" and inserting in lieu thereof "section 410(b)(3)".

(c) **Effective Date.**—The amendments made by this section shall apply with respect to plan years beginning after December 31, 1980.

26 USC 401 note.

SEC. 226. APPLICATION OF CASH OR DEFERRED ARRANGEMENT RULES TO CAFETERIA PLANS.

26 USC 125.

(a) **In General.**—Paragraph (2) of section 125(d) (relating to deferred compensation plans excluded) is amended by adding at the end thereof the following: "The preceding sentence shall not apply in the case of a profit-sharing or stock bonus plan which includes a qualified cash or deferred arrangement (as defined in section 401(k)(2)) to the extent of amounts which a covered employee may elect to have the employer pay as contributions to a trust under such plan on behalf of the employee."

26 USC 401.

26 USC 125 note.

(b) **Effective Date.**—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1980.

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SEC. 227. ELIMINATION OF WITHHOLDING TAX ON PENSIONS PAID TO CERTAIN NONRESIDENT ALIENS.

26 USC 871.

(a) **In General.**—Section 871(f) (relating to taxation of nonresident alien individuals) is amended to read as follows:

"(1) **In general.**—For purposes of this section, gross income does not include any amount received as an annuity under a qualified annuity plan described in section 403(a)(1), or from a qualified trust described in section 401(a) which is exempt from tax under section 501(a), if—

26 USC 403.
26 USC 401.
26 USC 501.

"(A) all of the personal services by reason of which the annuity is payable were either—

"(i) personal services performed outside the United States by an individual who, at the time of performance of such personal services, was a nonresident alien, or

"(ii) personal services described in section 864(b)(1) performed within the United States by such individual, and

26 USC 864.

"(B) at the time the first amount is paid as an annuity under the annuity plan or by the trust, 90 percent or more of the employees for whom contributions or benefits are provided under such annuity plan, or under the plan or plans of which the trust is a part, are citizens or residents of the United States.

"(2) **Exclusion.**—Income received during the taxable year which would be excluded from gross income under this subsection but for the requirement of paragraph (1)(B) shall not be included in gross income if—

"(A) the recipient's country of residence grants a substantially equivalent exclusion to residents and citizens of the United States; or

"(B) the recipient's country of residence is a beneficiary developing country within the meaning of section 502 of the Trade Act of 1974 (19 U.S.C. 2462).".

(b) **Effective Date.**—The amendment made by subsection (a) shall apply to amounts received after July 1, 1979.

26 USC 871 note.

TITLE III—AMENDMENTS RELATING TO ESTATE TAX

SEC. 301. ADDITIONAL 3 YEARS ALLOWED TO AMEND GOVERNING INSTRUMENTS TO MEET REQUIREMENTS FOR GIFT OF SPLIT INTEREST TO CHARITY.

26 USC 2055.

(a) **Charitable Lead Trusts and Charitable Remainder Trusts in the Case of Estate Taxes.**—The first sentence of paragraph (3) of section 2055(e) (relating to disallowance of deductions in certain cases) is amended—

(1) by striking out "December 31, 1977" and inserting in lieu thereof "December 31, 1978"; and

(2) by striking out "December 31, 1978" each place it appears and inserting in lieu thereof "December 31, 1981".

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(b) Effective Date.—

26 USC 2055 note.

(1) In general.—The amendment made by subsection (a) shall apply in the case of decedents dying after December 31, 1969.

26 USC 2055 note.

92 Stat. 2884.

(2) Charitable lead trusts and charitable remainder trusts in the case of income and gift taxes.—Section 514(b) (and section 514(c) insofar as it relates to section 514(b)) of the Revenue Act of 1978 shall be applied as if the amendment made by subsection (a) had been included in the amendment made by section 514(a) of such Act.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. TREATMENT OF CERTAIN SOCIAL SECURITY TAX WAIVER EXEMPTIONS.

26 USC 3121 note.

(a) Waiver Certificate.—

26 USC 3121.

26 USC 3101.

(1) In general.—Notwithstanding any other provision of law, any waiver certificate filed by a qualified corporation (herinafter in this section referred to as the "corporation") under section 3121(k)(1) of the Internal Revenue Code of 1954 (relating to waiver of exemption from social security taxes by certain organizations) shall be deemed not to be effective, for purposes of the taxes imposed by section 3101 of such Code, with respect to any wages—

(A) paid by the Corporation to any employee thereof after December 31, 1972, and before April 1, 1975, if the Corporation furnishes to the Secretary of the Treasury or his delegate evidence reasonably satisfactory to him that the Corporation as refunded, prior to February 1, 1977, to such employee (or to his survivors or estate) the full amount of the taxes imposed by section 3101 of such Code on such wages, or

(B) paid after March 31, 1975, and prior to July 1, 1977, by the Corporation to an individual as an employee of the Corporation, if the Corporation furnishes to the Secretary of the Treasury or his delegate evidence reasonably satisfactory to him that (i) such individual was not an employee of the Corporation on June 30, 1978, and (ii) no amount of the taxes imposed by section 3101 of such Code on such wages were withheld by the Corporation from such wages.

(2) Application of paragraph (1).—

(A) Evidence to be submitted to secretary.—The provisions of paragraph (1) shall not apply to wages described in subparagraph (A) or (B) of such paragraph unless, prior to the close of the one-year period which begins on the date of the enactment of this Act, the Corporation furnishes to the Secretary of the Treasury or his delegate the evidence referred to in either such subparagraph.

26 USC 3111.

(B) Tax not imposed.—If the provisions of paragraph (1) apply with respect to any wages paid by the Corporation to an employee thereof, no taxes imposed on such wages by section 3101 of the Internal Revenue Code of 1954 shall be payable, and no interest or penalty with respect to the imposition of taxes by such section on such wages (or with respect to the imposition of taxes by such section or section 3111 of such Code on any wages paid by the Corporation prior to January 1, 1978) shall be imposed or collected.

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(C) Credit against tax.—Under regulations prescribed by the Secretary, there shall be allowed as a one-time credit against the tax imposed on the Corporation under section 3101 or 3111 of the Internal Revenue Code of 1954 (and any interest or penalties imposed thereon) an amount equal to the sum of—

26 USC 3101, 3111.

(i) all amounts of tax imposed by section 3101 of such Code which have been paid by the Corporation with respect to wages to which paragraph (1) applies, and

26 USC 3101.

(ii) all amounts paid by such Corporation as a penalty or as interest with respect to the tax imposed by section 3101 or 3111 of such Code on such wages.

(b) Treatment for Purposes of Social Security Act.—In the administration of titles II and XVIII of the Social Security Act, any wages paid to any individual to which the provisions of subsection (a) apply shall be treated as wages (within the meaning of section 209 of such Act) for purposes of determining—

42 USC 401, 1395.

42 USC 409.

(1) entitlement to, or amount of, any insurance benefit payable to such individual or any other person on the basis of the wages and self-employment income of such individual, or

(2) entitlement of such individual to benefits under title XVIII of such Act or entitlement of any other person to such benefits on the basis of the wages and self-employment income of such individual.

(c) Qualified Corporation Defined.—For purposes of this section, the term "qualified corporation" means any corporation which—

(1) filed a waiver certificate under section 3121 of the Internal Revenue Code of 1954 during 1968;

26 USC 3121.

(2) filed a second waiver certificate under such section during 1975 believing that no other waiver certificate had been filed;

(3) received a refund of the taxes imposed by sections 3101 and 3111 of such Code with respect to certain wages paid to more than 120 but less than 180 employees who did not concur in the filing of the second waiver certificate; and

26 USC 3101, 3111.

(4) was notified during 1977 by the Internal Revenue Service that the certificate had been filed during 1968.

(d) Liability for Taxes.—Except as provided in subsection (a)(2)(C)(ii), nothing in this section shall be construed to relieve the Corporation of any liability for the payment of the taxes imposed by section 3111 of the Internal Revenue Code of 1954 with respect to any wages paid by it to any individual for any period.

SEC. 402. TREATMENT OF AUTHORS AND ARTISTS AS EMPLOYEES.

(a) In General.—An author or artist performing services under contract with a corporation shall be considered as an employee of the corporation for the purpose of applying the provisions specified in section 7701(a)(20) of the Internal Revenue Code of 1954, if, on December 31, 1977, such author or artist was a participant in one or more of the pension, profit-sharing or annuity plans of such corporation which are described in subsection (b)(2).

26 USC 7701 note.

26 USC 7701.

(b) Definitions.—For purposes of this section—

(1) Contract.—The term "contract" means a contract which during its term—

(A) requires such author or artist to give the corporation first reading or first refusal on writings or drawings of specified types, and prohibits him from offering any such writing or drawing to any other publication unless it has been offered to and rejected by the corporation; or

(B) requires such author or artist to use his best efforts to produce work of specified types for the corporation.

(2) Corporation.—The term "corporation" means a corporation which for at least 15 years prior to January 1, 1978, had in effect one or more pension, profit-sharing and annuity plans, each of which—

(A) had contained from its inception a definition of the

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term "employee" that included the category of "authors and artists under contract", and

(B) had been determined by the Secretary of the Treasury (taking into account the definition described in subparagraph (A)) to be a qualified plan within part I of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1954 for all of such years.

26 USC 401.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years ending after December 31, 1980.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1278 (Comm. on Ways and Means).
SENATE REPORT No. 96-1036 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 9, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to certain Senate amendments, to others with amendments, and disagreed to those remaining; Senate agreed to certain House amendments and receded from its remaining amendments.

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Public Law 96-608
96th Congress

An Act

Dec. 28, 1980
[H.R. 5973]

To amend the Internal Revenue Code of 1954 to waive in certain cases the residency requirements for deductions or exclusions of individuals living abroad, to allow the tax-free rollover of certain distributions from money purchase pension plans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. RESIDENCY REQUIREMENTS FOR DEDUCTIONS OR EXCLUSIONS OF INDIVIDUALS LIVING ABROAD.

26 USC 913.

(a) GENERAL RULE.—Subsection (j) of section 913 of the Internal Revenue Code of 1954 (relating to deduction for certain expenses of living abroad) is amended by adding at the end thereof the following new paragraph:

"(4) WAIVER OF PERIOD OF STAY IN FOREIGN COUNTRY.—For purposes of paragraphs (1) and (2) of subsection (a), an individual who—

"(A) for any period is a bona fide resident of or is present in a foreign country,

"(B) leaves such foreign country after August 31, 1978—

"(i) during any period during which the Secretary determines, after consultation with the Secretary of State or his delegate, that individuals were required to leave such foreign country because of war, civil unrest, or similar adverse conditions in such foreign country which precluded the normal conduct of business by such individuals, and

"(ii) before meeting the requirements of such paragraphs (1) and (2), and

"(C) establishes to the satisfaction of the Secretary that he could reasonably have been expected to have met such requirements but for the conditions referred to in clause (i) of subparagraph (B),

shall be treated as having met such requirements with respect to the period described in subparagraph (A) during which he was a bona fide resident or was present in the foreign country."

(b) Effective Dates.— 26 USC 913 note.

(1) In general.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1977.

(2) Application for purposes of section 911.—In the case of an individual who leaves the foreign country after August 31, 1978, rules similar to the rules of section 913(j)(4) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall apply for purposes of applying section 911 of such Code for taxable years beginning in 1977 or 1978. 26 USC 911. *Supra.*

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SEC. 2. ROLLOVER TREATMENT FOR CERTAIN DISTRIBUTIONS FROM MONEY PURCHASE PENSION PLANS.

(a) General Rule.—Paragraph (6) of section 402(a) of the Internal Revenue Code of 1954 (relating to special rollover rules) is amended by adding at the end thereof the following new subparagraph: 26 USC 402.

"(E) Special rule where employer maintains money purchase pension plan and other pension plan.—

"(i) In general.—In the case of any distribution from a money purchase pension plan which is maintained by an employer, for purposes of paragraph (5)(D)(i)(II), subsection (e)(4)(C) shall be applied by not taking into account any pension plan maintained by such employer which is not a money purchase pension plan. The preceding sentence shall not apply to any distribution which is a qualifying rollover distribution without regard to this subparagraph.

"(ii) Treatment of subsequent distributions.—If—

"(I) any distribution of the balance to the credit of an employee from a money purchase pension plan maintained by an employer is treated as a qualifying rollover distribution by reason of clause (i), and

"(II) any portion of such distribution is transferred in a transfer to which paragraph (5)(A) applies,

then paragraph (2) of subsection (a), and paragraphs (1) and (3) of subsection (e), shall not apply to any distribution (after the taxable year in which the distribution described in subparagraph (A) of paragraph (5) is made) of the balance to the credit of such employee from any other pension plan maintained by such employer."

(b) Effective Dates.— 26 USC 402 note.

(1) In general.—The amendment made by subsection (a) shall apply to payments made in taxable years beginning after December 31, 1978.

(2) Transitional rule.—In the case of any payment made before January 1, 1982, in a taxable year beginning after December 31, 1978, which is treated as a qualifying rollover distribution (as defined in section 402(a)(5)(D)(i) of the Internal Revenue Code of 1954) by reason of the amendment made by subsection (a), the applicable period specified in section 402(a)(5)(C) of such Code shall not expire before the close of December 31, 1981.

SEC. 3. TREATMENT OF CERTAIN REPAYMENTS OF SUPPLEMENTAL UNEMPLOYMENT COMPENSATION BENEFITS.

(a) General Rule.—Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting after paragraph (15) the following new paragraph: 26 USC 62.

"(16) Certain required repayments of supplemental unemployment compensation benefits.—The deduction allowed by section 165 for the repayment to a trust described in paragraph (9) or (17) of section 501(c) of supplemental unemployment compensation benefits received from such trust if such repayment is required because of the receipt of trade readjustment allowances under section 231 or 232 of the Trade Act of 1974 (19 U.S.C. 2291 and 2292)." 26 USC 165. 26 USC 501.

(b) Effective Date.—The amendment made by subsection (a) shall 26 USC 62 note.

apply to repayments made in taxable years beginning after the date of the enactment of this Act.

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SEC. 4. TAX TREATMENT OF EXPENSES IN ATTENDING FOREIGN CONVENTIONS.

26 USC 274.

(a) IN GENERAL.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at foreign conventions, etc.) is amended to read as follows:

"(h) ATTENDANCE AT CONVENTIONS, ETC.—

"(1) IN GENERAL.—In the case of any individual who attends a convention, seminar, or similar meeting which is held outside the North American area, no deduction shall be allowed under section 162 or 212 for expenses allocable to such meeting unless the taxpayer establishes that the meeting is directly related to the active conduct of his trade or business or to an activity described in section 212 and that, after taking into account in the manner provided by regulations prescribed by the Secretary—

26 USC 162, 212.

"(A) the purpose of such meeting and the activities taking place at such meeting,

"(B) the purposes and activities of the sponsoring organizations or groups,

"(C) the residences of the active members of the sponsoring organization and the places at which other meetings of the sponsoring organization or groups have been held or will be held, and

"(D) such other relevant factors as the taxpayer may present,

it is as reasonable for the meeting to be held outside the North American area as within the North American area.

"(2) CONVENTIONS ON CRUISE SHIPS.—In the case of any individual who attends a convention, seminar, or other meeting which is held on any cruise ship, no deduction shall be allowed under section 162 or 212 for expenses allocable to such meeting.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) NORTH AMERICAN AREA.—The term 'North American area' means the United States, its possessions, and the Trust Territory of the Pacific Islands, and Canada and Mexico.

"(B) CRUISE SHIP.—The term 'cruise ship' means any vessel sailing within or without the territorial waters of the United States.

"(4) SUBSECTION TO APPLY TO EMPLOYER AS WELL AS TO TRAVELER.—

"(A) Except as provided in subparagraph (B), this subsection shall apply to deductions otherwise allowable under section 162 or 212 to any person, whether or not such person is the individual attending the convention, seminar, or similar meeting.

"(B) This subsection shall not deny a deduction to any person other than the individual attending the convention, seminar, or similar meeting with respect to any amount paid by such person to or on behalf of such individual if includible in the gross income of such individual. The preceding sentence shall not apply if the amount is required to be included in any information return filed by such person under part III of subchapter A of chapter 61 and is not so included.".

26 USC 6001.

26 USC 274 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to conventions, seminars, and meetings beginning after December 31, 1980, except that in the case of any convention, seminar, or meeting beginning after such date which was scheduled on or before such date, a person, in such manner as the Secretary of the Treasury or his delegate may prescribe, may elect to have the provisions of section 274(h) of the Internal Revenue Code of 1954 be applied to such convention, seminar or meeting without regard to such amendment.

94 STAT. 3553

Ante, p. 3552.

SEC. 5. TAXES ON SELF-DEALING IN THE CASE OF CERTAIN LEASES.

Section 4941(d)(2) of the Internal Revenue Code of 1954 (relating to special rules in the case of self-dealing) is amended— 26 USC 4941.

(1) by striking out "and" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(H) the leasing by a disqualified person to a private foundation of office space for use by the foundation in a building with other tenants who are not disqualified persons shall not be treated as an act of self-dealing if—

"(i) such leasing of office space is pursuant to a binding lease which was in effect on October 9, 1969, or pursuant to renewals of such a lease;

"(ii) the execution of such lease was not a prohibited transaction (within the meaning of section 503(b) or any corresponding provision of prior law) at the time of such execution; and 26 USC 503.

"(iii) the terms of the lease (or any renewal) reflect an arm's-length transaction."

SEC. 6. TREATMENT OF CERTAIN INDEBTEDNESS INCURRED BEFORE 1965 FOR PURPOSES OF SECTION 514.

(a) General Rule.—For purposes of applying section 514 of the Internal Revenue Code of 1954 with respect to any sale of real property during 1976, indebtedness incurred before January 1, 1965, by an organization to finance the construction of a building on such property shall not be treated as acquisition indebtedness if the parcel of real property on which such building was constructed— 26 USC 514.

(1) was acquired by such organization before January 1, 1952, and

(2) is contiguous to another parcel of real property which—

(A) was acquired by such organization before January 1, 1952, and

(B) was used by such organization, on January 1, 1952, and at all times thereafter before the date of the enactment of this Act, in a manner which meets the requirements of section 514(b)(1)(A) of such Code (relating to property used in carrying out exempt purpose). 26 USC 514.

(b) Effective Date.—The provisions of subsection (a) shall apply to sales during calendar year 1976.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-689 (Comm. on Ways and Means).
SENATE REPORT No. 96-1031 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 17, considered and passed House.
Vol. 126 (1980): Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

94 STAT. 3579

Public Law 96-613
96th Congress

An Act

Dec. 28, 1980
[H.R. 7171]

To make certain miscellaneous changes in the tax laws.

Tax laws, miscellaneous changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUITY CONTRACTS PURCHASED BY THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

26 USC 403.
26 USC 501.

(a) In General.—An annuity contract purchased by the Uniformed Services University of the Health Sciences for any employee who is a member of the civilian faculty or staff of such university shall, for purposes of section 403(b) of the Internal Revenue Code of 1954, be treated as an annuity contract purchased for an employee by an employer described in section 501(c)(3) of such Code which is exempt from tax under section 501(a) of such Code.

(b) Effective Date.—Subsection (a) shall apply to service after December 31, 1979, in taxable years ending after such date.

SEC. 2. RETIREMENT-REPLACEMENT-BETTERMENT METHOD OF DEPRECIATION.

26 USC 167.

(a) In General.—Section 167 of the Internal Revenue Code of 1954 (relating to allowance for depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) Retirement-Replacement-Betterment Method.—In the case of railroad track used by a common carrier by railroad (including a railroad switching company or a terminal company), the term 'reasonable allowance' as used in subsection (a) includes an allowance for such tract computed under the retirement-replacement-betterment method.".

26 USC 167 note.

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to taxable years ending after December 31, 1953.

SEC. 3. TREATMENT OF CERTAIN RAILROAD STOCK FOR PURPOSES OF CONSOLIDATED RETURN REGULATIONS.

26 USC 1502.
26 USC 374.
45 USC 701 note.

(a) In General.—For purposes of the consolidated return regulations prescribed under section 1502 of the Internal Revenue Code of 1954, if the determination of whether or not there has been a deemed disposition of stock in a transferor railroad (as defined in section 374(c)(5)(B) of such Code) depends on a determination of final value by the special court under the Regional Rail Reorganization Act of 1973, that deemed disposition shall not be treated as occurring before the earlier of—

(1) the date on which such determination becomes final, or

(2) the first date on which there is an actual disposition of the stock or a deemed disposition not described above.

(b) Effective Date.—Subsection (a) shall apply to taxable years ending after March 31, 1976.

26 USC 374 note.

SEC. 4. RESTORATION OF CERTAIN NET OPERATING LOSS CARRYOVERS TO RAILROADS IN CONRAIL PROCEEDINGS WHERE OTHER MEMBERS OF CONSOLIDATED GROUP HAD INCOME BECAUSE OF STOCK DISPOSITION.

94 STAT. 3580

26 USC 374.

(a) In General.—For purposes of subsection (e) of section 374 of the Internal Revenue Code of 1954 (relating to use of expired net operating loss carryovers to offset income arising from certain railroad reorganization proceedings), if—

(1) subparagraphs (A) and (B) of paragraph (1) of such subsection are satisfied with respect to a corporation,

(2) such corporation had a net operating loss for a taxable year which would have satisfied the requirements of clause (i) of subparagraph (C) of such paragraph (1) but for the fact that such

net operating loss was used to reduce the income of an affiliated group of corporations which filed a consolidated return, and

(3) any portion of the amount so used was included in an excess loss account which was required to be restored to the income of a member or members of the affiliated group (or would be required to be so restored but for an election under Regulation § 1.1502-19(a)(6)), 26 CFR 1.1502-19.

then an amount equal to the restoration amount shall be treated as meeting the requirements of subparagraph (C) of such paragraph (1).

(b) Restoration Amount Defined.—

(1) In general.—For purposes of subsection (a), the term "restoration amount" means, with respect to the net operating loss for any taxable year, an amount equal to the sum of—

(A) so much of the portion referred to in subsection (a)(3) as was required to be treated as ordinary income, and

(B) an amount equal to so much of such portion as was required to be treated as long-term capital gain, multiplied by the capital gain conversion fraction.

(2) Capital gain conversion fraction.—For purposes of paragraph (1), the capital gain conversion fraction is a fraction—

(A) the numerator of which is the rate of tax set forth in section 1201(a)(2) of such Code for the taxable year the portion was required to be included in income, and 26 USC 1201.

(B) the denominator of which is the highest rate of tax set forth in section 11(b) of such Code for such taxable year. 26 USC 11.

(3) FIFO rule for additions to excess loss account.—For purposes of this subsection, the amount in any excess loss account at the time of restoration (and the ordinary income portion of the restoration) shall be treated as attributable to net operating losses in the order of the years in which the respective net operating losses arose.

(4) Capital gain treatment.—For purposes of paragraph (1), any amount to which an election under Regulation § 1.1502-19(a)(6) applies shall be treated as long-term capital gain. 26 CFR 1.1502-19.

(c) Effective Date.—This section shall apply to restorations occurring after March 31, 1976.

SEC. 5. PREVENTION OF ABUSE OF CERTAIN PENSION PLAN PROVISIONS THROUGH THE USE OF SEPARATE CORPORATIONS OR OTHER ORGANIZATIONS.

(a) In General.—Section 414 (relating to definitions and special rules relating to pension plan, etc.) is amended by adding at the end thereof the following new subsection: 26 USC 414.

"(m) Employees of an Affiliated Service Group.—

"(1) In general.—For purposes of the employee benefit 94 STAT. 3581 requirements listed in paragraph (4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

"(2) Affiliated service group.—For purposes of this subsection, the term 'affiliated service group' means a group consisting of a service organization (hereinafter in this paragraph referred to as the 'first organization') and one or more of the following:

"(A) any service organization which—

"(i) is a shareholder or partner in the first organization, and

"(ii) regularly performs services for the first organization or is regularly associated with the first organization in performing services for third persons, and

"(B) any other organization if—

"(i) a significant portion of the business of such organization is the performance of services (for the first organization, for organizations described in subparagraph (A), or for both) of a type historically performed in such service field by employees, and

"(ii) 10 percent or more of the interests in such organization is held by persons who are officers, highly compensated employees, or owners of the first organization or an organization described in subparagraph (A).

"(3) Service organizations.—For purposes of this subsection, the term 'service organization' means an organization the principal business of which is the performance of services.

"(4) Employee benefit requirements.—For purposes of this subsection, the employee benefit requirements listed in this paragraph are—

26 USC 401.
"(A) paragraphs (3), (4), (7), and (16) of section 401(a),

26 USC 408, 410, 411, 415.
"(B) sections 408(k), 410, 411, and 415,

26 USC 105.
"(C) section 105(h), and

26 USC 125.
"(D) section 125.

"(5) Other definitions.—For purposes of this subsection—

"(A) Organization defined.—The term 'organization' means a corporation, partnership, or other organization.

26 USC 267.
"(B) Ownership.—In determining ownership, the principles of section 267(c) shall apply.

Regulations.
"(6) Prevention of avoidance.—The Secretary shall prescribe such regulations as may be necessary to prevent the avoidance with respect to service organizations, through the use of separate organizations, of any employee benefit requirement listed in paragraph (4)."

(b) Technical Amendments.—

26 USC 105.
(1) Paragraph (8) of section 105(h) (relating to amount paid to highly compensated individuals under a discriminatory self-insured medical expense reimbursement plan) is amended—

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

26 USC 125.
(2) Paragraph (4) of section 125(g) (relating to special rules for cafeteria plans) is amended—

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

26 USC 414 note.
(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years ending after November 30, 1980.

(2) Plans in existence on November 30, 1980.—In the case of a plan in existence on November 30, 1980, the amendments made by this section shall apply to plan years beginning after November 30, 1980.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1050 (Comm. on Ways and Means).
SENATE REPORT No. 96-1032 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 17, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to certain Senate amendments, to others with amendments and disagreed to Senate amendment No. 9; Senate receded from its amendment No. 9 and agreed to remaining House amendments.

SCIENCE ACTS

Public Law 96-316
96th Congress

94 STAT. 960

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

July 30, 1980
[S. 2240]

National Aeronautics and Space Administration Authorization Act, 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1980:

(a) For "Research and development", for the following programs:

(1) Space Shuttle, $1,873,000,000;
(2) Space flight operations, $779,500,000;
(3) Expendable launch vehicles, $55,700,000;
(4) Physics and astronomy, $352,700,000;
(5) Planetary exploration, $179,600,000;
(6) Life sciences, $45,200,000;
(7) Space applications, $378,700,000;
(8) Technology utilization, $12,600,000;
(9) Aeronautical research and technology, $290,800,000;
(10) Space research and technology, $115,200,000;
(11) Energy technology, $4,000,000; and
(12) Tracking and data acquisition, $349,750,000.

Facilities, construction.

(b) For "Construction of facilities", including land acquisition, as follows:

(1) Construction of man-vehicle systems research facility, Ames Research Center, $7,480,000;

(2) Modification of steam ejector system and thermal protection laboratory, Ames Research Center, $2,300,000;

(3) Modification of the unitary plan wind tunnel, Ames Research Center, $3,400,000;

(4) Modifications to various buildings for energy conservation, Jet Propulsion Laboratory, $1,500,000;

(5) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, $2,000,000;

(6) Rehabilitation of high temperature hot water system, zone 2, industrial area, John F. Kennedy Space Center, $760,000;

(7) Modifications for avionics integration research laboratory, Langley Research Center, $5,756,000;

(8) Modifications to aircraft landing dynamics facility, Langley Research Center, $15,000,000;

(9) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, $2,000,000;

(10) Decommissioning of Plum Brook Station reactor facility, Lewis Research Center, $1,000,000;

(11) Modifications to central air system, various buildings, Lewis Research Center, $7,655,000;

(12) Rehabilitation of electrical switchgear, engine research building, Lewis Research Center, $1,700,000; 94 STAT. 961

(13) Rehabilitation of roof, Phase II, Building 103, Michoud Assembly Facility, $3,800,000;

(14) Rehabilitation of chilled water system, Michoud Assembly Facility, $782,000;

(15) Modification of 26-meter antenna, DSS-44, Canberra, Australia, $1,200,000;

(16) Replacement of azimuth radial bearing, DSS-14, Goldstone, California, $950,000;

(17) Space Shuttle facilities at various locations as follows:

(A) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $5,400,000;

(B) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol plant, Wasatch, Utah, $2,700,000;

(C) Minor Shuttle-unique projects, various locations, $2,000,000;

(18) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, $1,617,000;

(19) Repair of facilities at various locations, not in excess of $500,000 per project, $15,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $20,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,000,000; and

(22) Facility planning and design not otherwise provided for, $10,000,000.

Research and program management.

(c) For "Research and program management", $1,033,154,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and development.

(d) Notwithstanding the provisions of subsection 1(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and

94 STAT. 962

Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Scientific consultations or extraordinary expenses.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (21), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (22) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of

94 STAT. 963

Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is neccessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Federal research funds, geographical distribution.
42 USC 2459 note.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Short title.

SEC. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1981".

Approved July 30, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-899 accompanying H.R. 6413 (Comm. on Science and Technology) and No. 96-1142 (Comm. of Conference).
SENATE REPORT No. 96-719 (Comm. on Commerce, Science and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- June 3, considered and passed Senate.
- June 13, H.R. 6413 considered and passed House; passage vacated and S. 2240, amended, passed in lieu.
- July 2, House agreed to conference report.
- July 21, Senate agreed to conference report.

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94 STAT. 2257

Public Law 96-472
96th Congress

An Act

Oct. 19, 1980
[S. 1393]

To amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Earthquake hazards reduction and fire prevention and control programs.

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Paragraphs (1) through (3) of section 5(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(a)) are amended to read as follows:

"(1) be designed and administered to achieve the objectives set forth in subsection (c);

"(2) involve, where appropriate, each of the agencies listed in subsection (d) and the non-Federal participation specified in subsection (h); and

"(3) include each of the elements described in subsections (e) and (f) and the assistance to the States specified in subsection (g).".

(b) Section 5(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended to read as follows:

"(b) DUTIES.—

"(1) The President shall—

"(A) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program; and

"(B) establish goals, priorities, budgets, and target dates for implementation of the program.

"(2) The Federal Emergency Management Agency (hereinafter referred to as the 'Agency') is designated as the agency with the primary responsibilities to plan and coordinate the National Earthquake Hazards Reduction Program. The Director of the Agency (hereinafter referred to as the 'Director') shall—

Federal Emergency Management Agency, designated responsibilities.

"(A) recommend to the President the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program;

"(B) recommend to the President goals, priorities, budgets, and target dates for implementation of the program;

"(C) provide a method for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk;

"(D) provide for qualified and sufficient staffing for the program and its components;

94 STAT. 2258

"(E) compile and maintain a written program plan for the program specified in subsections (a), (e), (f), and (g), which plan will recommend base and incremental budget options for the agencies to carry out the elements and programs specified through at least 1985, and which plan shall be completed by September 30, 1981, and transmitted to the Congress and shall be updated annually; and

Program plan, transmittal to Congress.

"(F) recommend appropriate roles for State and local units of government, individuals, and private organizations.".

(c) Section 5(d) of such Act is amended by striking out "(3)(B)" and inserting in lieu thereof "(1)(A)", by striking out "National Bureau of Standards" and inserting in lieu thereof "Department of Commerce", and by striking out "National Fire Prevention and Control Administration" and inserting in lieu thereof "Federal Emergency Management Agency".

42 USC 7704.

(d) Section 5(e)(6) of such Act is amended by striking out "political" and by inserting in lieu thereof "potential".

(e)(1) That portion of section 5(f) of such Act which precedes paragraph (1) thereof is amended to read as follows:

"(f) MITIGATION ELEMENTS.—The mitigation elements of the program shall provide for—".

(2) Paragraph (1) of section 5(f) of such Act is amended to read as follows:

"(1) ISSUANCE OF EARTHQUAKE PREDICTIONS.—The Director of the United States Geological Survey is hereby given the authority, after notification of the Director, to issue an earthquake prediction or other earthquake advisory as he deems necessary. For the purposes of evaluating a prediction, the National Earthquake Prediction Evaluation Council shall be exempt from the requirements of section 10(a)(2) of the Federal Advisory Committee Act. The Director shall have responsibility to provide State and local officials and residents of an area for which a prediction has been made with recommendations of actions to be taken;".

5 USC app.

(3)(A) Section 5(f) of such Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon, and by inserting after paragraph (6) the following:

42 USC 7704.

"(7) transmittal to Congress by the Director of an intraagency coordination plan for earthquake hazard mitigation and

Intraagency plan, transmittal to Congress.

response within thirty days after enactment of this paragraph, which plan shall coordinate all of the directorates of the Agency; and

Preparedness plan.

"(8) the development and implementation by the Director of a preparedness plan for response to earthquake predictions which includes the following items:

"(A) A prototype plan to be in place in one major metropolitan area by September 30, 1981.

"(B) An action plan to be completed for specific adaptations of the prototype plan to other high risk metropolitan areas by September 30, 1981.

"(C) These prediction response plans are to be integrated with preparedness response plans.

"(D) The plans shall include coordination with State and local governmental companion efforts.

"(E) The plans shall be updated as new, relevant information becomes available.".

(B) The last sentence of section 5(f) of such Act is repealed.

Report to Congress.
42 USC 7704.

(f) Section 5 of such Act is amended by inserting at the end thereof the following:

"(i) STUDY.—Within one year after the date of enactment of this subsection, the Director shall conduct a study and prepare and transmit recommendations to Congress to amend the Disaster Relief Act of 1974 (42 U.S.C. 5121, et seq.) to include provisions for funding for the period of time following a validated earthquake prediction.".

SEC. 102. (a) Section 6 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705) is amended to read as follows:

"SEC. 6. ANNUAL REPORT.

"The President shall, within ninety days after the end of each fiscal year, submit an annual report to the appropriate authorizing committees in the Congress describing the status of the program, and describing and evaluating progress achieved during the preceding fiscal year in reducing the risks of earthquake hazards. Each such report shall include a copy of the program plan described in section 5(b)(2)(E) and any recommendations for legislation and other action the President deems necessary and appropriate.".

Ante, p. 2257.

Appropriation authorization.
42 USC 7706.

SEC. 103. (a) Section 7(a) of such Act is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following:

42 USC 7704, *supra*.

"(2) There are authorized to be appropriated to the Director to carry out the provisions of sections 5 and 6 of this Act for the fiscal year ending September 30, 1981—

"(A) $1,000,000 for continuation of the Interagency Committee on Seismic Safety in Construction and the Building Seismic Safety Council programs,

"(B) $1,500,000 for plans and preparedness for earthquake disasters,

"(C) $500,000 for prediction response planning,

"(D) $600,000 for architectural and engineering planning and practice programs,

"(E) $1,000,000 for development and application of a public education program,

"(F) $3,000,000 for use by the National Science Foundation in addition to the amount authorized to be appropriated under subsection (c), which amount includes $2,400,000 for earthquake policy research and $600,000 for the strong ground motion element of the siting program, and

"(G) $1,000,000 for use by the Center for Building Technology, National Bureau of Standards in addition to the amount authorized to be appropriated under subsection (d) for earthquake activities in the Center.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $32,484,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $26,600,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(d) Section 7 of such Act is amended by inserting at the end thereof the following:

Appropriation authorization.

"(d) NATIONAL BUREAU OF STANDARDS.—To enable the Bureau to carry out responsibilities that may be assigned to it under this Act, there are authorized to be appropriated $425,000 for the fiscal year ending September 30, 1981.".

Funds, transfer. *Supra.*

SEC. 104. Funds may be transferred among the line items listed in the amendment made by section 103(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in the amendment made by section 103(a) unless—

94 STAT. 2260

Report to Congress.

(1) thirty calendar days have passed after the Director or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of thirty calendar days both chairmen of the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

TITLE II—FIRE PREVENTION AND CONTROL

Appropriation authorization.

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by inserting at the end thereof the following:

15 USC 2210.

"(c) There are authorized to be appropriated to carry out this Act, except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, an amount not to exceed $23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

"(1) not less than $1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

"(2) not less than $2,575,000 for rural fire prevention and control; and

15 USC 278f.

"(3) not less than $4,255,000 for research and development for the activities under section 18 of this Act at the Fire Research Center of the National Bureau of Standards, of which not less than $250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.".

SEC. 202. Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215) is amended by deleting the words: "June 30 of the year following the date of enactment of this Act and each year thereafter" from the first sentence and inserting in lieu thereof; "ninety calendar days following the year ending September 30, 1980 and similarly each year thereafter".

TITLE III—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

50 USC app. 2251 note.

SEC. 301. It is recognized that natural and manmade hazards may not be independent of one another in any given disaster. Furthermore, planning for and responding to different hazards have certain common elements. To make maximum use of these commonalities, the Director of the Federal Emergency Management Agency (hereinafter referred to as the "Director") is authorized and directed to:

Studies.

(1) initiate, within one year after the date of enactment of this Act, studies with the objective of defining and developing a

94 STAT. 2261

multihazard research, planning, and implementation process within the Agency;

Mitigation project development.

(2) develop, within one year after the date of enactment of this Act, in cooperation with State and local governments, prototypical multihazard mitigation projects which can be used to evaluate several approaches to the varying hazard mitigation needs of State and local governments and to assess the applicability of these prototypes to other jurisdictions with similar needs;

Hazard reduction incentives.

(3) investigate and evaluate, within one year after the date of enactment of this Act, the effectiveness of a range of incentives for hazard reductions that can be applied at the State and local government levels;

Report to congressional committees.

(4) prepare recommendations as to the need for legislation that will limit the legal liability of those third party persons or groups which are called upon to provide technical assistance and advice to public employees, including policemen, firemen, and transportation employees, who are generally the first to respond to a hazardous incident; which recommendations shall be provided to the appropriate committees of Congress within one hundred and eighty days after the date of enactment of this Act;

Report.

(5) prepare, within one hundred and eighty days after the date of enactment of this Act, a report on the status of the Agency's emergency information and communications systems which will provide recommendations on—

(A) the advisability of developing a single, unified emergency information and communication system for use by the Agency in carrying out its emergency management activities;

(B) the potential for using communication and remote sensing satellites as part of the Agency's emergency information and communication system; and

(C) the type of system to be developed, if needed, including the relationship of the proposed system and its needs to the existing and emerging information and communication systems in other Federal agencies; and

(6) conduct a program of multihazard research, planning, and mitigation in coordination with those studies and evaluations authorized in paragraphs (1) through (5), as well as other hazard research, planning, and mitigation deemed necessary by the Director.

94 STAT. 2262

Appropriation authorization.
50 USC app. 2251 note.

SEC. 302. For the fiscal year ending September 30, 1981, there are authorized to be appropriated to the Director $1,000,000 to carry out paragraphs (1) through (5) of section 301 and such sums as may be necessary to carry out paragraph (6) of such section.

Approved October 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-951, Pt. 1 accompanying H.R. 7114 (Comm. on Science and technology) and No. 96-951, Pt. II accompanying H.R. 7114 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-778 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 22, considered and passed Senate.
June 30, H.R. 7114 considered and passed House; passage vacated and S. 1393, amended, passed in lieu.
Sept. 30, Senate concurred in House amendments with amendments.
Oct. 2, House concurred in Senate amendments.

Public Law 96-480
96th Congress

94 STAT. 2311

An Act

To promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes.

Oct. 21, 1980
[S. 1250]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Stevenson-Wydler Technology Innovation Act of 1980".

Stevenson-Wydler Technology Innovation Act of 1980.
15 USC 3701 note.

15 USC 3701.

SEC. 2. FINDINGS.

The Congress finds and declares that:

(1) Technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.

(2) Technology and industrial innovation offer an improved standard of living, increased public and private sector productivity, creation of new industries and employment opportunities, improved public services and enhanced competitiveness of United States products in world markets.

(3) Many new discoveries and advances in science occur in universities and Federal laboratories, while the application of this new knowledge to commercial and useful public purposes depends largely upon actions by business and labor. Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and others, should be renewed, expanded, and strengthened.

(4) Small businesses have performed an important role in advancing industrial and technological innovation.

(5) Industrial and technological innovation in the United States may be lagging when compared to historical patterns and other industrialized nations.

(6) Increased industrial and technological innovation would reduce trade deficits, stabilize the dollar, increase productivity gains, increase employment, and stabilize prices.

(7) Government antitrust, economic, trade, patent, procurement, regulatory, research and development, and tax policies have significant impacts upon industrial innovation and development of technology, but there is insufficient knowledge of their effects in particular sectors of the economy.

(8) No comprehensive national policy exists to enhance technological innovation for commercial and public purposes. There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.

(9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.

(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

94 STAT. 2312

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

SEC. 3. PURPOSE.

15 USC 3702.

It is the purpose of this Act to improve the economic, environmental, and social well-being of the United States by—

(1) establishing organizations in the executive branch to study and stimulate technology;

(2) promoting technology development through the establishment of centers for industrial technology;

(3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;

(4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and

(5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

15 USC 3703.

SEC. 4. DEFINITIONS.

As used in this Act, unless the context otherwise requires, the term—

(1) "Office" means the Office of Industrial Technology established under section 5 of this Act.

(2) "Secretary" means the Secretary of Commerce.

(3) "Director" means the Director of the Office of Industrial Technology, appointed pursuant to section 5 of this Act.

(4) "Centers" means the Centers for Industrial Technology established under section 6 or section 8 of this Act.

(5) "Nonprofit institution" means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(6) "Board" means the National Industrial Technology Board established pursuant to section 10.

(7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 6 or section 8 of this Act that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.

(8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

Office of Industrial Technology, establishment. 15 USC 3704.

SEC. 5. COMMERCE AND TECHNOLOGICAL INNOVATION.

(a) IN GENERAL.—The Secretary shall establish and maintain an Office of Industrial Technology in accordance with the provisions, findings, and purposes of this Act.

94 STAT. 2313

(b) DIRECTOR.—The President shall appoint, by and with the advice and consent of the Senate, a Director of the Office, who shall be compensated at the rate provided for level V of the Executive Schedule in section 5316 of title 5, United States Code.

(c) DUTIES.—The Secretary, through the Director, on a continuing basis, shall—

(1) determine the relationships of technological developments and international technology transfers to the output, employment, productivity, and world trade performance of United States and foreign industrial sectors;

(2) determine the influence of economic, labor and other conditions, industrial structure and management, and government policies on technological developments in particular industrial sectors worldwide;

(3) identify technological needs, problems, and opportunities within and across industrial sectors that, if addressed, could make a significant contribution to the economy of the United States;

(4) assess whether the capital, technical and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effec-

tiveness of measures with the potential of advancing United States technological innovation;

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

(7) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin; and

(8) publish the results of studies and policy experiments.

Report to President and Congress.

(d) Report.—The Secretary shall prepare and submit to the President and Congress, within 3 years after the date of enactment of this Act, a report on the progress, findings, and conclusions of activities conducted pursuant to sections 5, 6, 8, 11, 12, and 13 of this Act and recommendations for possible modifications thereof.

SEC. 6. CENTERS FOR INDUSTRIAL TECHNOLOGY.

15 USC 3705.

(a) Establishment.—The Secretary shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

(1) the participation of individuals from industry and universities in cooperative technological innovation activities;

(2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

94 STAT. 2314

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

(b) Activities.—The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university basic and applied research;

(2) assistance to individuals and small businesses in the generation, evaluation and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

(c) Requirements.—Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a nonexclusive, partially exclusive, or exclusive license basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon competition of the activities proposed under the Center.

(d) PLANNING GRANTS.—The Secretary is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3).

Inventions, title acquisition.

(e) RESEARCH AND DEVELOPMENT UTILIZATION.—(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided*, That—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

94 STAT. 2315

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial, and financial information and not subject to disclosures under the Freedom of Information Act; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

Supporting agency licensing rights.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention;

(B) to meet health, safety, environmental, or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue market concentration in the United States in any line of commerce to which the technology relates.

U.S. Courts of Claims, petition.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Court of Claims which shall have jurisdiction to determine that matter de novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

Antitrust laws.

(f) ADDITIONAL CONSIDERATION.—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

SEC. 7. GRANTS AND COOPERATIVE AGREEMENTS. 15 USC 3706.

(a) In General.—The Secretary may make grants and enter into cooperative agreements according to the provisions of this section in order to assist any activity consistent with this Act, including activities performed by individuals. The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.

(b) Eligibility and Procedure.—Any person or institution may apply to the Secretary for a grant or cooperative agreement available under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Director shall prescribe. The Secretary shall act upon each such application within 90 days after the date on which all required information is received.

94 STAT. 2316

(c) Terms and Conditions.—

(1) Any grant made, or cooperative agreement entered into, under this section shall be subject to the limitations and provisions set forth in paragraph (2) of this subsection, and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate.

(2) Any person who receives or utilizes any proceeds of any grant made or cooperative agreement entered into under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such costs which was provided through other sources.

SEC. 8. NATIONAL SCIENCE FOUNDATION CENTERS FOR INDUSTRIAL TECHNOLOGY. 15 USC 3707.

(a) Establishment and Provisions.—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 6(a) through the conduct of activities as provided in section 6(b). The provisions of sections 6(e) and 6(f) shall apply to Centers established under this section.

(b) Planning Grants.—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing the plan, as described under section 6(c)(3).

(c) Terms and Conditions.—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this Act shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts. 42 USC 1861 note.

SEC. 9. ADMINISTRATIVE ARRANGEMENTS. 15 USC 3708.

(a) Coordination.—The Secretary and the National Science Foundation shall, on a continuing basis, obtain the advice and cooperation of departments and agencies whose missions contribute to or are affected by the programs established under this Act, including the development of an agenda for research and policy experimentation. These departments and agencies shall include but not be limited to the Departments of Defense, Energy, Education, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, Council of Economic Advisers, Council on Environmental Quality, and Office of Science and Technology Policy.

(b) COOPERATION.—It is the sense of the Congress that departments and agencies, including the Federal laboratories, whose missions are affected by, or could contribute to, the programs established under this Act, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this Act.

94 STAT. 2317

(c) ADMINISTRATIVE AUTHORIZATION.—

(1) Departments and agencies described in subsection (b) are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this Act.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this Act.

(d) COOPERATIVE EFFORTS.—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 6, 8, or 13 of this Act before funds are committed to such program in order to mount complementary efforts and avoid duplication.

15 USC 3709.

SEC. 10. NATIONAL INDUSTRIAL TECHNOLOGY BOARD.

(a) ESTABLISHMENT.—There shall be established a committee to be known as the National Industrial Technology Board.

(b) DUTIES.—The Board shall take such steps as may be necessary to review annually the activities of the Office and advise the Secretary and the Director with respect to—

(1) the formulation and conduct of activities under section 5 of this title;

(2) the designation and operation of Centers and their programs under section 6 of this Act including assistance in establishing priorities;

(3) the preparation of the report required under section 5(d); and

(4) such other matters as the Secretary or Director refers to the Board, including the establishment of Centers under section 8 of this Act, for review and advice.

The Director shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties. The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

(c) MEMBERSHIP, TERMS, AND POWERS.—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are affected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

94 STAT. 2318

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

45 FR 69201.

SEC. 11. UTILIZATION OF FEDERAL TECHNOLOGY.

15 USC 3710.

(a) Policy.—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

Technology transfer.

(b) Establishment of Research and Technology Applications Offices.—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding $20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

Waiver.
Submittal to Congress.

(c) Functions of Research and Technology Applications Offices.—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

94 STAT. 2319

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) Center for the Utilization of Federal Technology.—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on federally owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

Establishment.

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4); and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

(e) Agency Reporting.—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

SEC. 12. NATIONAL TECHNOLOGY MEDAL.

(a) Establishment.—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) Award.—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

15 USC 3711.

(c) Presentation.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

94 STAT. 2320

15 USC 3712.

SEC. 13. PERSONNEL EXCHANGES.

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

15 USC 3713.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated to the Secretary for purposes of carrying out section 6, not to exceed $19,000,000 for the fiscal year ending September 30, 1981, $40,000,000 for the fiscal year ending September 30, 1982, $50,000,000 for the fiscal year ending September 30, 1983, and $60,000,000 for each of the fiscal years ending September 30, 1984, and 1985.

(b) In addition to authorizations of appropriations under subsection (a), there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, not to exceed $5,000,000 for the fiscal year ending September 30, 1981, $9,000,000 for the fiscal year ending September 30, 1982, and $14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.

(c) Such sums as may be appropriated under subsections (a) and (b) shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this Act only such sums may be appropriated as the Congress may authorize by law.

SEC. 15. SPENDING AUTHORITY.

15 USC 3714.

No payments shall be made or contracts shall be entered into pursuant to this Act except to such extent or in such amounts as are provided in advance in appropriation Acts.

Approved October 21, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1199 (Comm. on Science and Technology).
SENATE REPORT No. 96-781 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 28, considered and passed Senate.
  Sept. 8, considered and passed House, amended.
  Sept. 26, Senate concurred in certain House amendments, disagreed to others, and concurred in remainder with amendments.
  Oct. 1, House receded from its amendments and concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 43:
  Oct. 21, Presidential statement.

Public Law 96-516
96th Congress

94 STAT. 3007

An Act

To authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes.

Dec. 12, 1980
[S. 568]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization and Science and Technology Equal Opportunities Act".

National Science Foundation Authorization and Science and Technology Equal Opportunities Act.
42 USC 1861 note.

PART A—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to the National Science Foundation (hereinafter referred to as the "Foundation") for the fiscal year 1981, the sums indicated for the following categories:

(1) Mathematical and Physical Sciences, $259,800,000.

(2) Astronomical, Atmospheric, Earth and Ocean Sciences, $237,100,000.

(3) United States Antarctic Program, $64,200,000.

(4) Ocean Drilling Programs, $22,000,000.

(5) Biological, Behavioral, and Social Sciences, $182,000,000.

(6) Science Education Programs, $91,200,000.

(7)(A) Engineering, $62,615,000.

(B) Applied Sciences, $74,385,000 of which not less than 12.5 per centum shall be expended to small business concerns.

(8) Scientific, Technological, and International Affairs, $28,000,000.

(9) Cross-Directorate Programs, $33,200,000.

(10) Program Development and Management, $60,000,000.

AVAILABILITY OF APPROPRIATIONS

SEC. 12. Appropriations made under authority provided in sections 11 and 15 shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SPECIAL EMPHASIS PROGRAMS

SEC. 13. (a) Of the total amount authorized under section 11(6)—

(1) not less than $1,500,000 shall be available for science education programs relating to Appropriate Technology;

(2) not less than $2,400,000 shall be available for Science Faculty Improvement Programs, for year-long awards to experienced, full-time, two- and four-year college and university science teachers who are involved primarily in undergraduate science instruction to increase their competence in science;

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(3) not less than $2,250,000 shall be available for the program Ethics and Values in Science and Technology; and

(4) not less than $500,000 shall be available for the program Handicapped in Science.

(b) Of the total amount authorized under sections 11(1), 11(2), 11(5), 11(7)(A), and 11(7)(B) for equipment and instrumentation, not less than $5,000,000 shall be made available for grants to two- and four-year colleges for equipment and instrumentation costing $35,000, or less.

(c) Of the total amount authorized under sections 11(1), 11(2), 11(5), and 11(7), not less than $2,000,000 shall be available for the salaries of faculty members of two-year and four-year colleges that have only small or no doctoral programs in science and engineering or of universities that have very limited science and engineering programs, for the purpose of enabling them to participate in research projects at institutions other than the faculty members' home institutions.

(d) Of the total amount authorized under section 11(7)—

(1) not less than $19,400,000 shall be available for Earthquake Hazards Mitigation;

(2) not less than $1,000,000 shall be available for the Small Business Innovation Program, for projects to aid the handicapped;

(3) not less than $3,000,000 shall be available for Research and Development in Appropriate Technology;

(4) not less than $5,000,000 shall be available for a Center for Innovation Development to be located in an area which experienced an unemployment rate in excess of 10 per centum in 1979, and which is centrally located to serve several major metropolitan centers; and

(5) not less than $1,800,000 shall be available for the establishment and operation of three university-based Innovation Centers.

(e) Of the total amount authorized under section 11(8), $14,500,000 is authorized for International Cooperative Science Activities.

(f) Of the total amount authorized under section 11(9), not more than $1,600,000 is authorized for United States/Union Soviet Socialist Republics cooperative research, no portion of which shall be expended until the President has certified in writing to the Congress that such expenditures shall be of direct and very substantial benefit to the United States of America.

OCEAN MARGIN DRILLING PROJECT REPORT

Report to Congress.

SEC. 14. (a) The Foundation shall prepare a report on the Ocean Margin Drilling Project and shall transmit the report to Congress not later than December 31, 1980. The report shall include—

(1) plans for conversion of the Glomar Explorer or other drilling platform;

(2) plans for drilling;

(3) detailed cost estimates;

(4) a discussion of the feasibility and cost of alternative drilling platforms;

(5) plans for funding; and

(6) other plans.

Study, report to Congress.

(b) The National Academy of Sciences shall study marine earth sciences research and report to the Congress.

(c) To the extent permitted by law, all Federal funding of the Ocean Margin Drilling Project shall be provided from the Windfall Profit Tax Account.

OFFICIAL EXPENSES

SEC. 15. From appropriations made under this Act, not more than $5,000 for fiscal year 1981 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation (hereinafter referred to as the "Director"). His determination will be final and conclusive upon the accounting officers of the Government.

FOREIGN CURRENCY

SEC. 16. Besides the sums authorized by section 11, not more than $5,500,000 for fiscal year 1981 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

TRANSFER AUTHORITY

Transfer of funds.

SEC. 17. (a) Funds may be transferred among the categories listed in section 11, so long as the net funds transferred to or from any category do not exceed 10 per centum of the amount authorized for that category in section 11.

Proposed transfer, submittal to congressional committees.

(b) The Director of the Foundation may propose transfers to or from any category exceeding 10 per centum of the amounts authorized for that category in section 11 or available for that category after the application of section 19. Such a proposed transfer must be explained and transmitted in writing to the Speaker of the House, the President of the Senate, and the Senate Committee on Labor and Human Resources and the House Committee on Science and Technology. The proposed transfer may be made only when—

(1) thirty calendar days have passed after submission of the written proposal, or

(2) the chairman of the House Committee on Science and Technology and the chairman of the Senate Committee on Labor and Human Resources have each written the Director to the effect that the respective committee has no objection to the proposed transfer.

DIRECTORATE CONSOLIDATION

42 USC 1866 note.

SEC. 18. The National Science Foundation is directed to consolidate all Directorates, including the Science Education Directorate, under one roof, in the present location of the central administrative offices, on or before August 1, 1982.

RATABLE REDUCTION

SEC. 19. If the total amount of appropriations made by any Act for program activities included in section 11 and section 13 for the fiscal year 1981 is less than the total amount authorized to be appropriated for those activities by section 11 and section 13, the amount available from such appropriations for any particular program activity shall bear the same ratio to the amount authorized to be appropriated for that activity by section 11 and section 13 as the total amount of the appropriations made by such appropriation Act for all included

94 STAT. 3010 program activities bears to the total amount authorized to be appropriated for those activities by section 11 and section 13 (with each ceiling and floor set forth in section 11 and section 13 being reduced in the same ratio for purposes of determining the amounts so available), except to the extent specifically otherwise provided in the text of the Act making the appropriations for the program activities involved.

GRANT TITLES

42 USC 1864 note.

SEC. 20. The Director of the National Science Foundation shall require the titles of all its grants to contain a brief statement of the purpose of the research being undertaken. Insofar as possible such statements shall be in layman's language.

AMENDMENTS TO THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

42 USC 1863.

SEC. 21. (a) Section 4(c) of the National Science Foundation Act of 1950 is amended by inserting after the first sentence the following new sentence: "In making nominations under this section, the President shall give due regard to equitable representation of scientists who are women or who represent minority groups.".

Repeal. 42 USC 1874.

(b)(1) Section 15(c) of the National Science Foundation Act of 1950 is repealed.

(2) Subsection (d) of section 15 of such Act is redesignated as subsection (c).

42 USC 1875.

(c) Section 16 of the National Science Foundation Act of 1950 is amended to read as follows:

"APPROPRIATIONS

"SEC. 16. To enable the Foundation to carry out its powers and duties, only such sums may be appropriated as the Congress may authorize by law.".

AMENDMENTS TO AWARDS

42 USC 1881.

SEC. 22. (a)(1) Section 2(a) of the Act entitled "An Act to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences" approved August 25, 1959, is amended by striking "or engineering" and inserting in lieu thereof "engineering, behavioral or social".

(2) The title of such Act is amended by striking out "and engineering" and inserting in lieu thereof "engineering, behavioral, and social".

42 USC 1881a.

(b) Section 6(a) of the National Science Foundation Authorization Act, 1976 is amended by inserting after "engineering" a comma and the following: "behavioral, social".

Science and Technology Equal Opportunities Act. 42 USC 1861 note.

PART B—WOMEN, MINORITIES, SCIENCE, AND TECHNOLOGY

SHORT TITLE

SEC. 31. This part may be cited as the "Science and Technology Equal Opportunities Act".

FINDINGS AND POLICY

42 USC 1885

SEC. 32. (a) The Congress finds that it is in the national interest to promote the full use of human resources in science and technology

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and to insure the full development and use of the scientific talent and technical skills of men and women, equally, of all ethnic, racial, and economic backgrounds.

(b) The Congress declares it is the policy of the United States to encourage men and women, equally, of all ethnic, racial, and economic backgrounds to acquire skills in science and mathematics, to have equal opportunity in education, training, and employment in scientific and technical fields, and thereby to promote scientific literacy and the full use of the human resources of the Nation in science and technology. To this end, the Congress declares that the highest quality science over the long-term requires substantial support, from currently available research and educational funds, for increased participation in science and technology by women and minorities. The Congress further declares that the impact on women and minorities which is produced by advances in science and technology must be included as essential factors in national and international science, technology, and economic policies.

WOMEN IN SCIENCE

42 USC 1885a.

SEC. 33. The Foundation is authorized to—

(1) support activities designed to—

(A) increase the participation of women in courses of study at the undergraduate, graduate, and postgraduate levels leading to degrees in scientific and technical fields;

(B) encourage women to consider and prepare for careers in science and technology; or

(C) provide traineeship and fellowship opportunities for women in science and technology;

(2) support programs in science and mathematics in elementary and secondary schools so as to stimulate the acquisition of knowledge, skills, and information by female students and to increase female student awareness of career opportunities requiring scientific and technical skills;

(3) support activities in continuing education in science and engineering which provide opportunities for women who—

(A) are in the work force, or

(B) who are not in the work force because their careers have been interrupted,

to acquire new knowledge, techniques, and skills in scientific and technical fields;

(4) undertake a comprehensive research program designed to increase public understanding of (A) the potential contribution of women in science and technology and (B) the means to facilitate the participation and advancement of women in scientific and technical careers;

(5) establish a visiting women scientists program;

(6) support activities designed to improve the availability and quality of public information concerning the importance of the participation of women in careers in science and technology;

(7) support activities of museums and science centers which demonstrate potential to interest and involve women in science and technology;

National Research Opportunity Grants.

(8) make grants, to be known as the National Research Opportunity Grants, to women scientists who (A) have received their doctorates within five years prior to the date of the award or (B) have received their doctorates, have had their careers interrupted, and are re-entering the work force within five years after such interruption;

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(9) make grants to women eligible under paragraph (8) to assist such women in planning and developing a research project eligible for support under such paragraph;

(10) provide support to individuals or academic institutions for full-time or part-time visiting professorships for women in science; and

(11) support demonstration project activities of individuals, public agencies, and private entities designed to encourage the employment and advancement of women in science, engineering, and technology.

MINORITIES IN SCIENCE

Science education program. 42 USC 1885b.

SEC. 34. (a) The Foundation is authorized (1) to undertake or support a comprehensive science education program to increase the participation of minorities in science and technology, and (2) to support activities to initiate research at minority institutions.

Report to congressional committee.

(b) By September 30, 1981, the Director, with the advice and assistance of the Committee on Equal Opportunities in Science and Technology established in section 36, shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report proposing a comprehensive and continuing program at the Foundation to promote the full participation of minorities in science and technology. Such report shall contain budgetary and legislative recommendations for the carrying out of such program by the Foundation.

NATIONAL POLICY DEVELOPMENT

Report to Congress. 42 USC 1885 note.

SEC. 35. (a) By January 20, 1982, the President, with the assistance of the Director of the Office of Science and Technology Policy and the Director of the Foundation, shall prepare and transmit a report to the Congress proposing a comprehensive national policy and program, including budgetary and legislative recommendations, for the promotion of equal opportunity for women and minorities in science and technology.

Report to Congress.

(b) On or before January 1, 1983, the President, with the assistance of the Director of the Office of Science and Technology Policy, the heads of appropriate executive departments, and the Director of the Foundation shall prepare and transmit a report to the Congress proposing a comprehensive policy, including budgetary and legislative recommendations, concerning the direct and indirect impacts of science and technology on women and minorities.

COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND TECHNOLOGY

Establishment. 42 USC 1885c.

SEC. 36. (a) There is established within the Foundation a Committee on Equal Opportunities in Science and Technology (hereinafter referred to as the "Committee"). The Committee shall provide advice to the Foundation concerning (1) the implementation of the provisions of this Act and (2) other policies and activities of the Foundation to encourage full participation of women, minorities, and other groups currently underrepresented in scientific engineering, professional, and technical fields.

(b) Each member of the Committee shall be appointed by the Director with the concurrence of the National Science Board. The Chairperson of the National Science Board Committee on Minorities and Women shall be an ex officio member of the Committee. Members of the Committee shall be appointed to serve for a three-year term, and may be reappointed to serve one additional term of three years.

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Term.

Subcommittee on Women in Science and Technology.

(c) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Women in Science and Technology. The Subcommittee on Women in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for the education, training, and research of women in science and technology and (2) the impact of science and technology on women. The Subcommittee shall be composed of all the women members of the Committee and such other members of the Committee as the Committee may designate.

Subcommittee on Minorities in Science and Technology.

(d) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Minorities in Science and Technology. The Subcommittee on Minorities in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for education, training, and research for minorities in science and technology and (2) the impact of science and technology on minorities. The Subcommittee shall be composed of all minority members of the Committee and such other members of the Committee as the Committee may designate.

(e) The Committee may organize such additional standing or ad hoc subcommittees as the Committee finds appropriate.

Report to Director and Congress.

(f) Each year the Committee shall prepare and transmit to the Director a report concerning its activities during the previous year and its proposed activities for the next year. The Director shall transmit to Congress the report, unaltered, along with comments.

BIENNIAL REPORT

SEC. 37. (a) By January 30, 1982, and biennially thereafter, the Director shall simultaneously transmit a report to the Congress, the Attorney General, the Director of the Office of Science and Technology Policy, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Personnel Management, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services.

Report to Congress and certain Federal agencies.
42 USC 1885d.

(b) The report required by subsection (a) shall contain—

Contents.

(1) an accounting and comparison, by sex, race, and ethnic group and by discipline, of the participation of women and men in scientific and technical positions, including—

(A) the number of individuals in permanent and temporary and in full-time and part-time scientific and technical positions by appropriate level or similar category;

(B) the average salary of individuals in such scientific and technical positions;

(C) the number and type of promotional opportunities realized by individuals in such scientific and technical positions;

(D) the number of individuals serving as principal investigators in federally conducted or federally supported research and development; and

(E) the unemployment rate of individuals seeking scientific and technical positions;

(2) an assessment, including quantitative and other data, of the proportion of women and minorities studying scientific and technical fields, including mathematics and computer skills, at all educational levels; and

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(3) such other data, analyses, and evaluations as the Director, acting on the advice of the Committee on Equal Opportunities in Science and Technology, determines appropriate to carry out the Foundation's functions as well as the policies and programs of this Act.

SEVERABILITY

SEC. 38. If a provision of this Act is held invalid, the validity of the other provisions of the Act shall not be affected. If an application of a provision of this Act to a person or circumstance is held invalid, the validity of the application of the provisions to another person or circumstance shall not be affected.

42 USC 1885 note.

AUTHORIZATION OF APPROPRIATIONS

SEC. 39. Of the sums appropriated for the National Science Foundation pursuant to section 11, not less then $30,000,000 shall be available in fiscal year 1981 to carry out the provisions of this part.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-999 accompanying H.R. 7115 (Comm. on Science and Technology) and No. 96-1474 (Comm. of Conference).
SENATE REPORTS: No. 96-713 (Comm. on Labor and Human Resources) and No. 96-1028 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 16, H.R. 7115 considered in House.
June 23, S. 568 considered and passed Senate.
Sept. 4, H.R. 7115 considered and passed House; passage vacated and S. 568, amended, passed in lieu.
Nov. 21, Senate agreed to conference report.
Dec. 2, House agreed to conference report.

TRANSPORTATION ACTS

Public Law 96-192
96th Congress

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An Act

To amend the Federal Aviation Act of 1958 in order to promote competition in international air transportation, provide greater opportunities for United States air carriers, establish goals for developing United States international aviation negotiating policy, and for other purposes.

Feb. 15, 1980
[S. 1300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Air Transportation Competition Act of 1979".

International Air Transportation Competition Act of 1979.
49 USC 1301 note.

SEC. 2. Section 102(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(a)) is amended to read as follows:

"DECLARATION OF POLICY: THE BOARD

"FACTORS FOR INTERSTATE, OVERSEAS, AND FOREIGN AIR TRANSPORTATION

"SEC. 102. (a) In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

"(1) The assignment and maintenance of safety as the highest priority in air commerce, and prior to the authorization of new air transportation services, full evaluation of the recommendations of the Secretary of Transportation on the safety implications of such new services and full evaluation of any report or recommendation submitted under section 107 of this Act.

49 USC 1307.

"(2) The prevention of any deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public.

"(3) The availability of a variety of adequate, economic, efficient, and low-price services by air carriers and foreign air carriers without unjust discriminations, undue preferences or advantages, or unfair or deceptive practices, the need to improve relations among, and coordinate transportation by, air carriers, and the need to encourage fair wages and equitable working conditions for air carriers.

"(4) The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital, taking account, nevertheless, of material differences, if any, which may exist between interstate and overseas air transportation, on the one hand, and foreign air transportation, on the other.

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"(5) The development and maintenance of a sound regulatory environment which is responsive to the needs of the public and in which decisions are reached promptly in order to facilitate adaption of the air transportation system to the present and future needs of the domestic and foreign commerce of the United States, the Postal Service, and the national defense.

"(6) The encouragement of air service at major urban areas in the United States through secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such encouragement is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably enables such carriers to establish themselves and to develop their secondary or satellite airport services.

"(7) The prevention of unfair, deceptive, predatory, or anticompetitive practices in air transportation, and the avoidance of—

"(A) unreasonable industry concentration, excessive market domination, and monopoly power; and

"(B) other conditions;

that would tend to allow one or more air carriers or foreign air carriers unreasonably to increase prices, reduce services, or exclude competition in air transportation.

"(8) The maintenance of a comprehensive and convenient system of continuous scheduled interstate and overseas airline service for small communities and for isolated areas in the United States, with direct Federal assistance where appropriate.

"(9) The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services.

"(10) The encouragement of entry into air transportation markets by new air carriers, the encouragement of entry into additional air transportation markets by existing air carriers, and the continued strengthening of small air carriers so as to assure a more effective, competitive airline industry.

"(11) The promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

"(12) The strengthening of the competitive position of United States air carriers to at least assure equality with foreign air carriers, including the attainment of opportunities for United States air carriers to maintain and increase their profitability, in foreign air transportation.".

Repeal.

SEC. 3. (a) Section 102(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(c)) is repealed.

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 102. Declaration of policy: The Board."

is amended by striking out

"(a) Factors for interstate and overseas air transportation.
"(b) Factors for all-cargo service.
"(c) Factors for foreign air transportation."

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and inserting in lieu thereof

"(a) Factors for interstate, overseas, and foreign air transportation.
"(b) Factors for all-cargo service.".

SEC. 4. Sections 401(d)(1) through 401(d)(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1371 (d)(1) through (d)(3)) are amended to read as follows:

"ISSUANCE OF CERTIFICATE

"(d)(1) The Board shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation is consistent with the public convenience and necessity; otherwise such application shall be denied.

Temporary air transportation.

"(2) In the case of an application for a certificate to engage in temporary air transportation, the Board may issue a certificate authorizing the whole or any part thereof for such limited periods as is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

Charter air transportation.

"(3) In the case of an application for a certificate to engage in charter air transportation, the Board may issue a certificate to any applicant, not holding a certificate under paragraph (1) or (2) of this subsection on January 1, 1977, authorizing interstate air transportation of persons, which authorizes the whole or any part thereof for such periods, as is consistent with the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.".

SEC. 5. The first sentence of section 401(e)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)(2)) is amended by striking out the words ", insofar as the operation is to take place without the United States,".

SEC. 6. Section 401(g) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(g)) is amended to read as follows:

"AUTHORITY TO MODIFY, SUSPEND, OR REVOKE

Foreign air transportation, oral hearing.

"(g)(1) The Board upon petition or complaint or upon its own initiative, after notice and hearings, or pursuant to the simplified procedures under subsection (p) of this section, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate. No such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Board, with an order of the Board commanding obedience to the provision, or to the order (other than an order issued in accordance with this sentence), rule, regulation, term, condition, or limitation found by the Board to have been violated. No certificate to engage in foreign air transportation may be altered, amended, modified, suspended, or revoked pursuant to the simplified procedures of subsection (p) of this section if the holder of such certificate requests an oral evidentiary hearing or the Board finds that, under all the facts and circumstances, an oral evidentiary hearing is required in the public interest.

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Protest or memorandum.

"(2) Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a certificate pursuant to paragraph (1) of this subsection.

Foreign air transportation.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, the Board may suspend or revoke authority of an air carrier to serve any point in foreign air transportation authorized in a certificate issued under this section, upon notice and with a reasonable opportunity for the affected carrier to present its views, but without hearing, if the carrier has notified the Board in accordance with subsection (j) of this section or any regulation of the Board that it proposes to suspend all service provided by that carrier to such point, or, except at a point which is provided seasonal service comparable to that provided during the previous year, if the carrier has failed to provide any regularly scheduled service to the point for 90 days preceding the date of the Board's notice to the carrier of its proposed action.".

SEC. 7. Section 402(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(b)) is amended to read as follows:

"ISSUANCE OF PERMIT

"(b) The Board is empowered to issue such a permit if it finds (1) that the applicant is fit, willing, and able properly to perform such foreign air transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder and (2) either that the applicant is qualified, and has been designated by its government, to perform such foreign air transportation under the terms of an agreement with the United States, or that such transportation will be in the public interest.".

SEC. 8. The third sentence of section 402(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(d)) is amended by striking out "Such application shall be set for public hearing and the" and inserting in lieu thereof "The".

SEC. 9. Section 402(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1372(f)) is amended by inserting "(1)" immediately after "(f)" and by adding at the end thereof the following new paragraph:

Foreign air carriers.

"(2) Whenever the Board finds that the government, aeronautical authorities, or foreign air carriers of any foreign country have, over the objections of the Government of the United States, impaired, limited, or denied the operating rights of United States air carriers, or engaged in unfair, discriminatory, or restrictive practices with a substantial adverse competitive impact upon United States carriers, with respect to air transportation services to, from, through, or over the territory of such country, the Board may, without hearing but subject to the approval of the President of the United States, summarily suspend the permits of the foreign air carriers of such country, or alter, modify, amend, condition, or limit operations under such permits, if it finds such action to be in the public interest. The Board may also, without hearing but subject to Presidential approval, to the extent necessary to make the operation of this paragraph effective, restrict operations between such foreign country and the United States by any foreign air carrier of a third country.".

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SEC. 10. Section 407(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1377(a)) is amended by inserting the phrase "or foreign air carrier" immediately after the words "air carrier" each time those words appear therein.

SEC. 11. Section 412 of the Federal Aviation Act of 1958 (49 U.S.C. 1382) is amended by—

(1) striking subsections (a) and (b) thereof;

(2) redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively;

(3) striking the words ", affecting interstate or overseas air transportation and" in subsection (a)(1), as so redesignated by this section;

(4) inserting the words ", including international comity or foreign policy considerations," immediately after "public benefits" in paragraph (a)(2)(A)(i), as so redesignated by this section;

(5) inserting the words "affecting interstate or overseas air transportation," immediately after the word "agreement," in paragraph (a)(2)(A)(iii), as so redesignated by this section;

(6) inserting the words "or foreign air carrier" immediately after the words "air carrier" the first two times those words appear in subsection (a)(1), as so redesignated by this section; and

(7) striking out "or (c)", inserting ", the Secretary of State," after "shall provide to the Attorney General", and striking out "such Secretary" and inserting in lieu thereof "either Secretary", in subsection (b), as redesignated by this section.

SEC. 12. (a) The center heading for section 412(a) of the Federal Aviation Act of 1958, as redesignated by section 11 of this Act, is amended by striking out

"AFFECTING INTERSTATE OR OVERSEAS AIR TRANSPORTATION".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 412. Pooling and other agreements."

is amended to read as follows:

"(a) Filing and approval of agreements.
"(b) Proceedings upon filing.
"(c) Mutual aid agreement.".

Sec. 13. Section 416(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1386) is amended by adding at the end thereof the following new paragraph:

Foreign air carrier exemption.

"(7) The Board may by order, to the extent it finds that such action is required in the public interest, exempt any foreign air carrier for a period not to exceed 30 days from the requirements or limitations of this Act, to the extent necessary to authorize the foreign air carrier to carry passengers, cargo, or mail in interstate or overseas air transportation in certain markets if the Board, after consultation with the Secretary of Transportation, finds that—

"(A) because of an emergency created by unusual circumstances not arising in the normal course of business, traffic in such markets cannot be accommodated by air carriers holding certificates under section 401 of this Act;

Ante, p. 37.
49 USC 1371.

"(B) all possible efforts have been made to accommodate such traffic by utilizing the resources of such air carriers (including, for example, the use of foreign aircraft, or sections of foreign aircraft, that are under lease or charter to such air carriers, and the use of such air carriers' reservation systems to the extent practicable);

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"(C) such authorization is necessary to avoid undue hardship for the traffic in such market that cannot be accommodated by air carriers holding certificates under section 401 of this Act; and

Ante, p. 37.
49 USC 1371.

"(D) in any case where the inability to accommodate traffic in a market results from a labor dispute, the granting of such an exemption will not result in an undue advantage to any party to such dispute.

Whenever the Board grants such authority to a foreign air carrier under this paragraph, the Board shall—

"(i) assure that any air transportation provided by the foreign carrier under such authority is made available on fair and reasonable terms;

"(ii) continuously monitor the passenger load factor of air carriers in such market that hold certificates under section 401 of this Act; and

"(iii) review such authority no less frequently than once every 30 days to assure that the unusual circumstances that created the need for such authority still exist.

The Board may renew any exemption under this paragraph (including any renewal thereof) for a period not to exceed 30 days. In no event shall any authorization to a foreign air carrier under this paragraph remain in effect for more than 5 days after the unusual circumstances that created the need for such authorization have ceased.".

Sec. 14. Section 1002(j)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(1)) is amended to read as follows:

"SUSPENSION AND REJECTION OF RATES IN FOREIGN AIR TRANSPORTATION

"(j)(1) Whenever any air carrier or foreign air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers) rate, fare, or charge for foreign air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, or in the case of a tariff filed by a foreign air carrier if such action is in the public interest, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding 365 days in the aggregate beyond the time when such tariff would otherwise go into effect. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes with or without hearing that such action is in the public interest, the Board may take action to reject or cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded and an order made within the period of suspension or suspensions, or if the Board shall otherwise so direct, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect subject, however, to being canceled when the proceeding is concluded. During the period of any suspension or suspensions, or following rejection or cancellation of a tariff, including tariffs which have gone into effect provisionally, the affected air carrier or foreign air carrier shall maintain in effect and use the rate, fare, or charge, or the classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder which was in effect immediately prior to the filing of the new tariff or such other rate, fare or charge as may be provided for under an applicable intergovernmental agreement or understanding. If the suspension, rejection, or cancellation is of an initial tariff, the affected air carrier or foreign air carrier may file for purposes of operations pending effectiveness of a new tariff, a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation.".

94 STAT. 41

SEC. 15. Section 1002(j)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(2)) is amended to read as follows:

Suspension of tariff.

"(2) With respect to any existing tariff of an air carrier or foreign air carrier stating rates, fares, or charges for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter into a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, or in the case of a tariff filed by a foreign air carrier if such action is in the public interest, the Board upon reasonable notice, and by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, and the effective date thereof, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, following the effective date of such suspension, for a period or periods not exceeding 365 days in the aggregate from the effective date of such suspension. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or in the case of a tariff filed by a foreign air carrier if the Board concludes with or without hearing that such action is in the public interest, the Board may take action to cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded within the period of suspension or suspensions, the tariff shall again go into effect subject, however, to being canceled when the proceeding is concluded. For the purposes of operation during the period of such suspension, or the period following cancellation of an existing tariff pending effectiveness of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation.".

94 STAT. 42

SEC. 16. Section 1002(j)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)(5)) is amended by (1) striking the word "and" at the end of subparagraph (E) thereof, (2) striking the period at the end of subparagraph (F) and inserting in lieu thereof "; and", and (3) adding at the end thereof the following new subparagraph:

"(G) reasonably estimated or foreseeable future costs and revenues for such air carrier or foreign air carrier for a reasonably limited future period during which the rate at issue would be in effect.".

SEC. 17. Section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502) is amended by inserting "(a)" immediately after "SEC. 1102." and by adding at the end thereof the following new subsections:

"GOALS FOR INTERNATIONAL AVIATION POLICY

"(b) In formulating United States international air transportation policy, the Congress intends that the Secretary of State, the Secretary of Transportation, and the Civil Aeronautics Board shall develop a negotiating policy which emphasizes the greatest degree of competition that is compatible with a well-functioning international air transportation system. This includes, among other things:

"(1) the strengthening of the competitive position of United States air carriers to at least assure equality with foreign air carriers, including the attainment of opportunities for United States air carriers to maintain and increase their profitability, in foreign air transportation;

"(2) freedom of air carriers and foreign air carriers to offer fares and rates which correspond with consumer demand;

"(3) the fewest possible restrictions on charter air transportation;

"(4) the maximum degree of multiple and permissive international authority for United States air carriers so that they will be able to respond quickly to shifts in market demand;

"(5) the elimination of operational and marketing restrictions to the greatest extent possible;

"(6) the integration of domestic and international air transportation;

"(7) an increase in the number of nonstop United States gateway cities;

"(8) opportunities for carriers of foreign countries to increase their access to United States points if exchanged for benefits of similar magnitude for United States carriers or the traveling public with permanent linkage between rights granted and rights given away;

"(9) the elimination of discrimination and unfair competitive practices faced by United States airlines in foreign air transportation, including excessive landing and user fees, unreasonable ground handling requirements, undue restrictions on operations, prohibitions against change of gauge, and similar restrictive practices; and

"(10) the promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

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"CONSULTATION WITH AFFECTED GROUPS

"(c) To assist in developing and implementing such an international aviation negotiating policy, the Secretaries of State and Transportation and the Civil Aeronautics Board shall consult, to the maximum extent practicable, with the Secretary of Commerce, the Secretary of Defense, airport operators, scheduled air carriers, charter air carriers, airline labor, consumer interest groups, travel agents and tour organizers, and other groups, institutions, and government agencies affected by international aviation policy concerning both broad policy goals and individual negotiations.

"OBSERVER STATUS FOR CONGRESSIONAL REPRESENTATIVES

"(d) The President shall grant to at least one representative of each House of Congress the privilege to attend international aviation negotiations as an observer if such privilege is requested in advance in writing.".

49 USC 1502. Sec. 18. (a) The center heading for section 1102 of the Federal Aviation Act of 1958 is amended to read as follows:

"INTERNATIONAL AGREEMENTS

"ACTIONS OF THE BOARD AND SECRETARY OF TRANSPORTATION".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1102. International agreements."

and inserting in lieu thereof

"Sec. 1102. International agreements.
  "(a) Actions of the Board and Secretary of Transportation.
  "(b) Goals for international aviation policy.
  "(c) Consultation with affected groups.
  "(d) Observer status for Congressional representatives.".

Sec. 19. Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) is amended by striking the words "international negotiations and" and inserting in lieu thereof "international negotiations or".

Sec. 20. The third sentence of section 1108(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1508(b)) is amended by inserting immediately before the period at the end thereof the following: 49 USC 1386. ", unless specifically authorized under section 416(b)(7) of this Act or under regulations prescribed by the Secretary authorizing United States air carriers to engage in otherwise authorized common carriage and carriage of mail with foreign registered aircraft under lease or charter to them without crew".

Sec. 21. Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517) is amended to read as follows: 94 STAT. 44

"TRANSPORTATION OF GOVERNMENT-FINANCED PASSENGERS AND PROPERTY

"TRANSPORTATION BETWEEN THE UNITED STATES AND A PLACE OUTSIDE THEREOF

"Sec. 1117. (a) Except as provided in subsection (c) of this section, whenever any executive department or other agency or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted or utilized by or otherwise established for the account of the United States, or shall furnish to or for the account of any foreign nation, or any international agency, or other organization, of whatever nationality, without provisions for reimbursement, any transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is available.

49 USC 1371.

"TRANSPORTATION BETWEEN TWO PLACES OUTSIDE THE UNITED STATES

"(b) Except as provided in subsection (c) of this section, whenever persons (and their personal effects) or property described in subsection (a) of this section are transported by air between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided by air carriers holding certificates under section 401 of this Act to the extent authorized by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent service by such carriers is reasonably available.

"TRANSPORTATION PURSUANT TO BILATERAL AGREEMENT

"(c) Nothing in this section shall preclude the transportation of persons (and their personal effects) or property by foreign air carriers if such transportation is provided for under the terms of a bilateral or multilateral air transport agreement between the United States and a foreign government or governments and if such agreement (1) is consistent with the goals for international aviation policy set forth in section 1102(b) of this Act and (2) provides for the exchange of rights or benefits of similar magnitude.

49 USC 1502.

"DISALLOWANCE OF IMPROPER EXPENDITURE BY COMPTROLLER GENERAL

"(d) The Comptroller General of the United States shall disallow any expenditure from appropriated funds for payment for personnel or cargo transportation in violation of this section in the absence of satisfactory proof of the necessity therefor. Nothing in this section shall prevent the application to such traffic of the antidiscrimination provisions of this Act.".

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SEC. 22. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1117. Transportation of Government-financed passengers and property."

and inserting in lieu thereof

"Sec. 1117. Transportation of Government-financed passengers and property.
"(a) Transportation between the United States and a place outside thereof.
"(b) Transportation between two places outside the United States.
"(c) Transportation pursuant to bilateral agreement.
"(d) Disallowance of improper expenditure by Comptroller General.".

SEC. 23. Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and adding a new subsection (b) as follows:

Discriminatory, predatory, or anticompetitive practices.

"(b)(1) Whenever the Civil Aeronautics Board, upon complaint or upon its own initiative, determines that a foreign government or instrumentality, including a foreign air carrier (A) engages in unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practices against a United States air carrier or (B) imposes unjustifiable or unreasonable restrictions on access of a United States air carrier to foreign markets, the Board may take such action as it deems to be in the public interest to eliminate such practices or restrictions. Such actions may include, but are not limited to, the denial, transfer, alteration, modification, amendment, cancellation, suspension, limitation, or revocation of any foreign air carrier permit or tariff pursuant to the powers of the Board under the Federal Aviation Act of 1958.

49 USC 1301 note.
Complaint, filing.

"(2) Any United States air carrier or any agency of the Government of the United States may file a complaint under this section with the Civil Aeronautics Board. The Board shall approve, deny, dismiss, set such complaint for hearing or investigation, or institute other proceedings proposing remedial action within 60 days after receipt of the complaint. The Board may extend the period for taking such action for an additional period or periods of up to 30 days each if the Board concludes that it is likely that the complaint can be satisfactorily resolved through negotiations with the foreign government or instrumentality during such additional period, but in no event may the aggregate period for taking action under this subsection exceed 180 days from receipt of the complaint. In considering any complaint, or in any proceedings under its own initiative, under this subsection the Board shall (A) solicit the views of the Department of State and the Department of Transportation and (B) provide any affected air carrier or foreign air carrier with reasonable notice and such opportunity to file written evidence and argument as is consistent with acting on the complaint within the time limits set forth in this subsection.

Solicitation of views.

Transmittal to President.

"(3) Any action proposed by the Board pursuant to this section shall be transmitted to the President pursuant to section 801 of the Federal Aviation Act of 1958 (49 U.S.C. 1461).".

SEC. 24. (a) Section 1002(j) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(j)) is amended by adding at the end thereof the following new paragraphs:

94 STAT. 46

Foreign air fares.

"(6) The Board shall not have authority to find any fare for foreign air transportation of persons to be unjust or unreasonable on the basis that such fare is too low or too high if—

"(A) with respect to any proposed increase filed with the Board on or after the date of enactment of this paragraph, and before the 180th day after such date of enactment, such proposed fare would not be more than the standard foreign fare level for the same or essentially similar class of service. No such fare shall be suspended, unless the Board determines that it may be unduly preferential, unduly prejudicial, or unjustly discriminatory or that suspension is in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals of an air carrier; or

"(B) with respect to any proposed increase filed with the Board after the 180th day after the date of enactment of this paragraph such proposed fare would not be more than 5 percent higher than the standard foreign fare level for the same or essentially similar class of service. No such fare shall be suspended, unless the Board determines that it may be unduly preferential, unduly prejudicial, or unjustly discriminatory or that suspension is in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals of an air carrier; or

"(C) with respect to any proposed decrease filed after the date of enactment of this paragraph, the fare would not be more than 50 percent lower than the standard foreign fare level for the same or essentially similar class of service, except that this provision shall not apply to any proposed decrease in any fare if the Board determines that such proposed fare may be predatory or discriminatory or that suspension of any such fare is required because of unreasonable regulatory actions by a foreign government with respect to fare proposals by an air carrier.

"Standard foreign fare level."

"(7) For purposes of this subsection, 'standard foreign fare level' means that fare level (as adjusted only in accordance with paragraph (9) of this subsection) filed for and permitted by the Civil Aeronautics Board to go into effect on or after October 1, 1979 and before the 180th day after the date of enactment of this paragraph (with seasonal fares adjusted by the percentage difference that prevailed between seasons in 1978), or the fare level established under paragraph (8), for each pair of points, for each class of fare existing on that date, and in effect on the effective date of the establishment of each additional class of fare established after October 1, 1979.

Unjust or unreasonable fares, determination.

"(8)(A) The Board is authorized, on the basis of oral evidentiary hearings before an administrative law judge, to determine that a fare between two points on October 1, 1979 is unjust or unreasonable. Such oral evidentiary hearing shall be completed within 180 days of enactment of this section, and the Board may establish such deadlines including the deadline for the judge's decision as the Board may deem necessary to meet such requirement. If the Board determines that such a fare is unjust or unreasonable, the Board shall, on the basis of such hearing record, establish the standard foreign fare level between such points.

"(B) Standard foreign fare levels shall not be established under this paragraph for points between which the passengers carried by United States carriers in foreign air transportation are, in the aggregate, more than 25 percent of the total passengers carried by United States air carriers in foreign air transportation during the most recent 12-month period for which data is available.

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"(C) The establishment of a standard foreign fare level under this paragraph does not permit a reduction in fares.

"(D) No standard foreign fare level established under this paragraph shall take effect on or before the 180th day after the date of enactment of this paragraph.

"(E) The authority given the Board by subparagraph (A) of this paragraph shall expire on the 180th day after the date of enactment of this paragraph.

Fare adjustment.

"(9) The Board shall, within 30 days after the date of enactment of this paragraph, and not less often than every 60 days thereafter with respect to fuel costs and not less often than every 180 days with respect to all other costs, adjust each standard foreign fare level for the particular foreign air transportation to which such standard foreign fare level applies by increasing or decreasing such standard foreign fare level, as the case may be, by the percentage change from the last previous period in the actual operating cost per available seatmile. In determining the standard foreign fare level, the Board shall make no adjustment to costs acutally incurred. In establishing standard foreign fare levels and making the adjustments called for in this paragraph, the Board may use all relevant or appropriate information reasonably available to it.

"(10) The Board may by rule increase the percentage specified in paragraph (6)(C) of this subsection.".

(b) Section 403(c)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(c)(1)) is amended by (1) inserting the words "or foreign air carrier" after the words "air carrier" each time those words appear therein and (2) inserting the words "or foreign air carrier's" after the words "air carrier's".

(c) Section 403(c)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(c)(2)) is amended to read as follows:

"(2) If the effect of any proposed tariff change would be to institute a fare that is outside of the applicable range of fares specified in subparagraphs (A) and (B) of section 1002(d)(4) or subparagraphs (A), (B), and (C) of section 1002(j)(6) of this Act, or specified by the Board under section 1002(d)(7) or section 1002(j)(9) of this Act, or would be to institute a fare to which such range of fares does not apply, then such proposed change shall not be implemented except after 60 days' notice filed in accordance with regulations prescribed by the Board.".

49 USC 1482.

SEC. 25. Section 1002(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(c)) is amended by inserting the words ", subject to section 1102(a) of this Act," immediately before the words "issue an appropriate order".

49 USC 1502.

SEC. 26. (a) Paragraph (1) of section 401(n) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(n)(1)) is amended to read as follows:

Commingling of passengers.

"(1) Notwithstanding any other provision of this title, no air carrier providing air transportation under a certificate issued under this section shall commingle, on the same flight, passengers being transported in interstate, overseas, or foreign charter air transportation with passengers being transported in scheduled interstate, overseas, or foreign air transportation, except that this subsection shall not apply to the carriage of passengers in air transportation under group fare tariffs.".

(b) Paragraph (1) of section 401(n) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(n)(1)) and the authority of the Civil Aeronautics Board with respect to such paragraph shall cease to be in effect on December 31, 1981.

SEC. 27. Section 414 of the Federal Aviation Act of 1958 (49 U.S.C. 1384) is

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amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, on the basis of the findings required by subsection (a)(2)(A)(i) of section 412, the Board shall, as part of any order under such section which approves any contract, agreement, or request or any modification or cancellation thereof, exempt any person affected by such order from the operations of the 'anti-trust laws' set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12) to the extent necessary to enable such person to proceed with the transaction specifically approved by the Board in such order and with those transactions necessarily contemplated by such order.".

"Anti-trust laws."

SEC. 28. Section 45 of the Airline Deregulation Act of 1978 (49 U.S.C. 1341 note) is amended by inserting "(a)" after "SEC. 45." and by adding at the end thereof the following new subsections:

Fee collection.

"(b) Nothing in this section shall prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from collecting a fee, charge, or price for any test, authorization, certificate, permit, or rating, administered or issued outside the United States, relating to any airman or repair station.

"United States."

"(c) For purposes of this section, the term 'United States' shall have the meaning given such term in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).".

Love Field, Tex.

SEC. 29. (a) Except as provided in subsection (c), notwithstanding any other provision of law, neither the Secretary of Transportation, the Civil Aeronautics Board, nor any other officer or employee of the United States shall issue, reissue, amend, revise, or otherwise modify (either by action or inaction) any certificate or other authority to permit or otherwise authorize any person to provide the transportation of individuals, by air, as a common carrier for compensation or hire between Love Field, Texas, and one or more points outside the State of Texas, except (1) charter air transportation not to exceed ten flights per month, and (2) air transportation provided by commuter airlines operating aircraft with a passenger capacity of 56 passengers or less.

(b) Except as provided in subsections (a) and (c), notwithstanding any other provision of law, or any certificate or other authority heretofore or hereafter issued thereunder, no person shall provide or offer to provide the transportation of individuals, by air, for compensation or hire as a common carrier between Love Field, Texas, and one or more points outside the State of Texas, except that a person providing service to a point outside of Texas from Love Field on November 1, 1979, may continue to provide service to such point.

(c) Subsections (a) and (b) shall not apply with respect to, and it is found consistent with the public convenience and necessity to authorize, transportation of individuals, by air, on a flight between Love Field, Texas, and one or more points within the States of Louisiana, Arkansas, Oklahoma, New Mexico, and Texas by an air carrier, if (1) such air carrier does not offer or provide any through service or ticketing with another air carrier or foreign air carrier, and (2) such air carrier does not offer for sale transportation to or from, and the flight or aircraft does not serve, any point which is outside any such State. Nothing in this subsection shall be construed to give authority not otherwise provided by law to the Secretary of Transportation, the Civil Aeronautics Board, any other officer or employee of the United States, or any other person.

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Effective date.
Post, p. 50.

(d) This section shall not take effect if enacted after the enactment of the Aviation Safety and Noise Abatement Act of 1979.

Approved February 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-602 accompanying H.R. 5481 (Comm. on Public Works and Transportation) and No. 96-716 (Comm. of Conference).
SENATE REPORTS: No. 96-329 (Comm. on Commerce, Science, and Transportation) and No. 96-531 (Comm. of Conference).
CONGRESSIONAL RECORD:
  Vol. 125 (1979): Sept. 29, considered and passed Senate.
    Nov. 13, H.R. 5481 considered and passed Senate; passage vacated and S. 1300, amended, passed in lieu.
  Vol. 126 (1980): Jan. 31, Senate agreed to conference report.
    Feb. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
  Vol. 16, No. 7 (1980): Feb. 15, Presidential statement.

Public Law 96-193
96th Congress

94 STAT. 50

An Act

Feb. 18, 1980
[H.R. 2440]

To provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes.

Aviation Safety and Noise Abatement Act of 1979.
49 USC 2101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Safety and Noise Abatement Act of 1979".

TITLE I

Definitions.
49 USC 2101.

SEC. 101. For purposes of this title—

(1) the term "airport" means any air carrier airport whose projects for airport development are eligible for terminal development costs under section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b));

(2) the term "airport operator" means any person holding a valid certificate issued pursuant to section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) to operate an airport; and

(3) the term "Secretary" means the Secretary of Transportation.

Regulations.
49 USC 2102.

SEC. 102. Not later than the last day of the twelfth month which begins after the date of enactment of this Act, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and such other Federal, State, and interstate agencies as he deems appropriate, shall by regulation—

(1) establish a single system of measuring noise, for which there is a highly reliable relationship between projected noise exposure and surveyed reactions of people to noise, to be uniformly applied in measuring the noise at airports and the areas surrounding such airports;

(2) establish a single system for determining the exposure of individuals to noise which results from the operations of an airport and which includes, but is not limited to, noise intensity, duration, frequency, and time of occurrence; and

(3) identify land uses which are normally compatible with various exposures of individuals to noise.

Noise exposure map.
49 USC 2103.

SEC. 103. (a)(1) After the effective date of the regulations promulgated in accordance with section 102 of this title, any airport operator of an airport may submit to the Secretary a noise exposure map, prepared in consultation with any public agencies and planning agencies in the area surrounding such airport, which sets forth, in accordance with the regulations promulgated pursuant to section 102, the noncompatible uses in each area of the map, as of the date of submission of such map, a description of the projected aircraft operations at such airport during 1985, and the ways, if any, in which such operations will affect such map.

Revision.

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(2) If, **after** the submission to the Secretary of a noise exposure map under paragraph (1), any change in the operation of an airport would create any substantial new noncompatible use in any area surrounding such airport, the operator of such airport shall submit a revised noise exposure map showing such new noncompatible use.

(b)(1) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by renumbering paragraphs (6) through (21), and all references thereto, as paragraphs (7) through (22), respectively, and by adding immediately after paragraph (5) the following new paragraph:

"Airport noise compatibility planning."

"(6) 'Airport noise compatibility planning' means the development for planning purposes of information necessary to prepare and submit (A) the noise exposure map and related information pursuant to section 103 of the Aviation Safety and Noise Abatement Act of 1979, including any cost associated with obtaining such information, or (B) a noise compatibility program for submission pursuant to section 104 of such Act.".

Infra.

Planning grants.

(2)(A) Section 13(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended by—

(i) inserting "(1)" immediately before the first sentence thereof; and

(ii) adding at the end thereof the following new paragraph:

"(2) In order to promote the development of an effective noise compatibility program, for fiscal years beginning after September 30, 1979, the Secretary may make grants of funds for airport noise compatibility planning to sponsors of those air carrier airports whose projects for airport development are eligible for terminal development costs under section 20(b) of this title.".

49 USC 1720.

49 USC 1713.

(B) Section 13(b) of such Act is amended to read as follows:

"(b) AMOUNT AND LIMITATION OF GRANTS.—(1) The award of grants under subsection (a)(1) of this section is subject to the following limitations:

"(A) The total funds obligated for grants under subsection (a)(1) of this section may not exceed $150,000,000, and the amount obligated in any one fiscal year may not exceed $15,000,000.

"(B) The United States share of any airport master planning grant under this section shall be that per centum for which a project for airport development at that airport would be eligible under section 17 of this Act. In the case of any airport system planning grant under this section, the United States share shall be 75 percent.

49 USC 1717.

"(C) No more than 10 percent of the funds made available under subsection (a)(1) of this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

"(2)(A) The total funds obligated for grants under subsection (a)(2) of this section may not exceed $15,000,000.

"(B) The United States share of any airport noise compatibility planning grant under this section shall be that percent for which a project for airport development at that airport would be eligible under section 17 of this Act.".

Noise compatibility program, submission by airport operators.
49 USC 2104.

SEC. 104. (a) Any airport operator who has submitted a noise exposure map and the related information pursuant to section 103(a)(1) may, after consultation with the officials of any public agencies and planning agencies in the area surrounding such airport, the Federal officials having local responsibility for such airport, and

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any air carriers using such airport, submit a noise compatibility program to the Secretary. Such program shall set forth the measures which such operator has taken or proposes for the reduction of existing noncompatible uses and the prevention of the introduction of additional noncompatible uses within the area covered by the noise exposure map submitted by such operator. Such measures may include, but are not limited to—

(1) the implementation of any preferential runway system;

(2) the implementation of any restriction on the use of such airport by any type or class of aircraft based on the noise characteristics of such aircraft;

(3) the construction of barriers and acoustical shielding, including the soundproofing of public buildings;

(4) the use of flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(5) acquisition of land and interests therein, including, but not limited to, air rights, easements, and development rights, so as to assure the use of property for purposes which are compatible with airport operations.

Criteria for approval or disapproval of program.

(b) The Secretary shall approve or disapprove any program submitted to him pursuant to subsection (a) (other than as such program relates to flight procedures referred to in subsection (a)(4) of this section) within one hundred and eighty days after it is received by him. The Secretary shall approve such program (other than as such program relates to flight procedures referred to in subsection (a)(4) of this section) (A) if the measures to be undertaken in carrying out such program (i) do not create an undue burden on interstate or foreign commerce, and (ii) are reasonably consistent with obtaining the goal of reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses, and (B) if the program provides for its revision made necessary by any revised noise exposure map submitted under section 103(a)(2) of this title. Failure of the Secretary to approve or disapprove such program (other than as such program relates to flight procedures referred to in subsection (a)(4) of this section) within such time period shall be deemed to be an approval of such program. With respect to any part of such program which relates to such flight procedures, the Secretary shall provide such part of such program to the Administrator of the Federal Aviation Administration who shall either approve or disapprove such part of such program.

Flight procedures, submission to FAA.

Incurring of obligations for grants.

Grants, availability.

(c)(1) The Secretary is authorized to incur obligations to make grants under this Act from funds made available under subsection (e) of this section for any project to carry out a noise compatibility program or parts thereof not disapproved under subsection (b) of this section. Grants under this Act may be made to operators of airports submitting noise compatibility programs and to units of local government in the area surrounding such airports if the Secretary determines such units have the capability to carry out projects for which grant applications are made in accordance with such noise compatibility programs. Such airport operator may in turn agree to make the grant available to public agencies in the area surrounding such airports if the Secretary determines such agencies have the capability to carry out projects for which grant applications are made in accordance with such noise compatibility programs. The Federal share of any project for which a grant is made under this subsection shall be 80 percent of the cost of the project. All of the provisions of the Airport and Airway Development Act of 1970 applicable to grants

Federal share.

49 USC 1701 note.

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49 USC 1717.

49 USC 1701 note.

made under that Act (except section 17 of those provisions relating to apportionment) shall be applicable to any grant made under this Act, unless the Secretary determines that any provision of such Act of 1970 is inconsistent with, or unnecessary to carry out, the purposes of this Act.

(2) The Secretary, further, is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for any project to carry out a noise compatibility program developed prior to the enactment of this Act or the promulgation of its implementing regulations if the Secretary determines that such prior program is substantially consistent with the purposes of reducing existing uses and preventing the introduction of additional noncompatible uses and that the purposes of this Act would be furthered by prompt implementation of such program.

U.S. liability for damages.

(d) The United States shall not be liable for damages resulting from aviation noise by reason of any action taken by the Secretary or the Administrator of the Federal Aviation Administration under this section.

49 USC 1714.

(e) The Secretary shall obligate from funds available for expenditure under section 14(a)(3) of the Airport and Airway Development Act of 1970, not less than $25,000,000, for the fiscal year ending September 30, 1980, for making grants under subsection (c) of this section.

Noise exposure map and noise exposure program, preparation and publication.
49 USC 2105.

SEC. 105. The Secretary, acting through the Administrator of the Federal Aviation Administration, after consultation with the officials of any public agencies or planning agencies in the area surrounding such airport, shall prepare and publish a noise exposure map and a noise compatibility program for the airport established by the Act of June 29, 1940 (54 Stat. 686), and the airport the construction of which was authorized by the Act of September 7, 1950 (64 Stat. 770). Such map and program shall be prepared and published in accordance with the requirements of this Act no later than 1 year after the effective date of the regulations promulgated in accordance with section 102 of this Act.

Maps and land lists, prohibition for use in recovery of damages.
42 USC 2106.

SEC. 106. No part of any noise exposure map or related information described in section 103(a) submitted to, or prepared by, the Secretary and no part of the list of land uses identified by the Secretary as land uses which are normally compatible with various exposures of individuals to noise shall be admitted as evidence, or used for any other purpose, in any suit or action seeking damages or other relief for the noise that results from the operation of an airport.

Recovery of damage provisions.
42 USC 2107.

SEC. 107. (a) No person who acquires property or an interest therein after the date of enactment of this Act in an area surrounding an airport with respect to which a noise exposure map has been submitted under section 103 of this title shall be entitled to recover damages with respect to the noise attributable to such airport if such person had actual or constructive knowledge of the existence of such noise exposure map unless, in addition to any other elements for recovery of damages, such person can show that—

(1) a significant change in the type or frequency of aircraft operations at the airport; or

(2) a significant change in the airport layout; or

(3) a significant change in the flight patterns; or

(4) a significant increase in nighttime operations;

occurred after the date of the acquisition of such property or interest therein and that the damages for which recovery is sought have resulted from any such change or increase.

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Constructive knowledge for recovery of damage.

(b) For purposes of this section, constructive knowledge shall be imputed, at a minimum, to any person who acquires property or an interest therein in an area surrounding an airport after the date of enactment of this Act if—

(1) prior to the date of such acquisition, notice of the existence of a noise exposure map for such area was published at least three times in a newspaper of general circulation in the county in which such property is located; or

(2) a copy of such noise exposure map is furnished to such person at the time of such acquisition.

Study.
49 USC 2108.
Ante, p. 51.

SEC. 108. The Secretary shall study (1) airport noise compatibility planning carried out with grants made under section 13 of the Airport and Airway Development Act of 1970, and (2) airport noise compatibility programs carried out with grants made under this title, to determine to what extent such planning and programs are achieving the goals of reducing existing noncompatible uses of land around airports and preventing the introduction of new noncompatible uses around airports. Not later than January 1, 1981, the Secretary shall submit a report to Congress setting forth the determinations made pursuant to such studies together with legislative recommendations, if any, which the Secretary determines necessary.

Report to Congress.

TITLE II

Airport and airway development program, grant agreements.

SEC. 201. (a) Paragraph (3) of subsection (a) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by striking out "$525,000,000 for fiscal year 1980." and inserting in lieu thereof "$569,000,000 for fiscal year 1980.".

(b) Paragraph (4) of subsection (a) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "$85,000,000 for fiscal year 1980." and inserting in lieu thereof "$98,000,000 for fiscal year 1980.".

Repeal.

(c) The last sentence of paragraph (2) of subsection (b) of section 14 of the Airport and Airway Development Act of 1970 is hereby repealed.

Airport and Airway Trust Fund, reduction of amount available for obligation or expenditure.

(d) Subsection (e) of section 14 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: "If in fiscal year 1980, or in any subsequent fiscal year, the total amount obligated under subsection (c) of this section in such fiscal year is less than the minimum amount made available for obligation under such subsection for such fiscal year, the amount available for obligation or expenditure as determined under the preceding sentence of this subsection shall be reduced by an amount equal to the difference between the amount made available under subsection (c) for such fiscal year and the total amount obligated under such subsection (c) for such fiscal year.".

(e) Subsections (a), (c), and (d) of section 14 of the Airport and Airway Development Act of 1970 are amended by inserting the phrase "or more than" immediately after the words "not less than" each time those words appear therein.

Apportionment of funds.

SEC. 202. (a) Paragraph (4) of subsection (a) of section 15 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715(a)(4)) is amended by striking out "and minus $15,000,000 in the case of each of the fiscal years 1977 through 1980," and inserting in lieu thereof "and minus $15,000,000 in the case of fiscal years 1977 through 1979, and minus $20,000,000 in the case of fiscal year 1980,".

(b) Paragraph (4) of subsection (a) of section 15 of the Airport and Airway Development Act of 1970 is further amended by striking out

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"and $15,000,000 of the amount made available for each of the other fiscal years" and inserting in lieu thereof "$15,000,000 of the amount made available for each of the fiscal years 1977 through 1979, and $20,000,000 of the amount made available for fiscal year 1980".

U.S. share of project costs.

SEC. 203. Paragraph (2)(A) of subsection (a) of section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out "1980," and inserting in lieu thereof "shall be 90 per centum of the allowable project costs in the case of grants from funds for fiscal year 1980,".

Trust fund amounts, availability.

SEC. 204. Subparagraph (A) of section 208(f)(1) of the Airport and Airway Revenue Act of 1970, as amended (49 U.S.C. 1742(f)(1)(A)) is amended by striking out all after "1976" and inserting in lieu thereof "or of the Aviation Safety and Noise Abatement Act of 1979 (as such Acts were in effect on the date of enactment of the Aviation Safety and Noise Abatement Act of 1979);".

Airport development projects, approval. Environmental impact statement, waiver.

SEC. 205. Subsection (c) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by adding at the end thereof the following new paragraph:

"(5) Notwithstanding any other provision of law, the Secretary may approve an application for an airport development project (other than an airport development project to which subsection (d)(1) applies) at an existing airport without requiring the preparation of an environmental impact statement with respect to noise for such project if:

"(A) completion of the project would allow existing aircraft operations at the airport that involve aircraft that do not comply with the noise standards prescribed for 'stage 2' aircraft in 14 CFR 36.1 to be replaced by aircraft operations involving aircraft that do comply with such standards;

"(B) the project complies with all other statutory and administrative requirements imposed under this Act.".

SEC. 206. Part II of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711 et seq.) is amended by adding at the end thereof the following new section:

Airport development project, approval. 49 USC 1731.

"SEC. 31. Notwithstanding any other provision of this title, no airport development project involving the construction or extension of any runway may be approved by the Secretary at any general aviation airport located astride a line separating two counties within a single State if, before the submission of such project to the Secretary, such project has not been approved by the governing body of any village incorporated under the laws of that State which is located entirely within five miles of the nearest boundary of such airport.".

TITLE III

DEFINITIONS

49 USC 2121.

SEC. 301. For purposes of this title—

(1) the term "noncomplying aircraft" means any civil subsonic turbojet powered aircraft (A) which (i) has a maximum certificated takeoff weight of 75,000 pounds or more, and (ii) in the case of an aircraft registered in the United States, has a standard airworthiness certificate issued pursuant to section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423), and (B) which does not comply with the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977; and

14 CFR 36.

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(2) the term "Secretary" means the Secretary of Transportation.

COMPLIANCE FOR INTERNATIONAL CARRIERS

Rulemaking. 49 USC 2122.

14 CFR 36.

14 CFR 36, 91.

SEC. 302. (a) If, by January 1, 1980, the International Civil Aviation Organization (hereafter referred to as "ICAO") does not reach an agreement (1) which adopts the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977, or (2) on noise standards and an international schedule for compliance with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91), the Secretary, acting through the Administrator, shall commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation to comply with the noise standards set forth in such regulations (14 CFR parts 36 and 91) or with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91) during the 5-year period thereafter, at a phased rate of compliance similar to that in effect for aircraft registered in the United

States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

Termination.

Rulemaking.

(b) If, prior to January 1, 1980, the International Civil Aviation Organization reaches an agreement on noise standards that complies with clause (a)(1) or (a)(2) of this section, the Secretary, acting through the Administrator of the Federal Aviation Administration, shall immediately commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation to comply with the noise standards set forth in such agreement at a phased rate of compliance similar to that in effect for aircraft registered in the United States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

Termination.

NEW TECHNOLOGY AIRCRAFT INCENTIVE

Noncomplying three-engine aircrafts; noise standards, exemption.
49 USC 2123.

SEC. 303. (a) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying three-engine aircraft, but not beyond January 1, 1985, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1985, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1978 (F.R. Vol. 43, p. 8722, et seq.).

14 CFR 36.

Noncomplying two-engine aircrafts; noise standards, exemption.

(b) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying two-engine aircraft, but not beyond January 1, 1986, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1986, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1978 (F.R. Vol. 43, p. 8722, et seq.).

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14 CFR 36.

SMALL COMMUNITY SERVICE EXEMPTION

49 USC 2124.

SEC. 304. (a) The Secretary shall provide an exemption from applicable noise standards to any person operating a noncomplying two-engine aircraft to permit such person to operate such aircraft.

Termination.

(b) Any exemption issued pursuant to this section shall terminate on whichever of the following dates first occurs:

(1) in the event such operator sells or otherwise disposes of such aircraft to another person on or after January 1, 1983, on the date such aircraft is delivered to such other person;

(2) in the case of an aircraft with a seating configuration of 100 passenger seats or less, on January 1, 1988; or

(3) in the case of an aircraft with a seating configuration of more than 100 passenger seats, on January 1, 1985.

Seating configuration.

(c) For the purposes of subsection (b) of this section, the seating configuration of an aircraft shall be the seating configuration that existed on such aircraft on December 1, 1979, or such earlier date as the Secretary may establish in individual cases.

TRADEOFF ALLOWANCE

49 USC 2125.

SEC. 305. Notwithstanding any other provision of law or any rule, regulation, or order issued pursuant thereto, the tradeoff provisions contained in appendix C of part 36 of title 14 of the Code of Federal Regulations shall apply in determining whether any aircraft com-

14 CFR 36.

plies with the provisions of subpart E of part 91 of title 14 of the Code of Federal Regulations. 14 CFR 91.

TITLE IV

Report to Congress. 49 USC 1348 note.

SEC. 401. Not later than 90 days after the date of enactment of this Act, and each January 31 thereafter, until implementation of collision avoidance systems in the national air traffic control system, the Secretary of Transportation shall submit to the Congress a report on the status of the development of such systems. Such reports shall set forth proposed timetables for the implementation of such systems. The Secretary of Transportation's report shall include proposals for any legislation needed to implement such systems.

49 USC 1512.

SEC. 402. Section 1112 of the Federal Aviation Act of 1958 is amended to read as follows:

"STATE OR SUBDIVISION INCOME TAX ON COMPENSATION PAID TO INTERSTATE AIR CARRIER EMPLOYEES

"SEC. 1112. (a) No part of the compensation paid by an air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence and the State or subdivision thereof in which such employee earns more than 50 per centum of the compensation paid by the carrier to such employee.

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"(b) For the purposes of subsection (a), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.

"State." "Compensation."

"(c) For the purposes of this section the term 'State' also means the District of Columbia and any of the possessions of the United States; and the term 'compensation' shall mean all moneys received for services rendered by the employee in the performance of his duties and shall include wages and salary.".

49 USC 1301.

SEC. 403. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by striking the item designated as "Sec. 1112" and inserting in lieu thereof:

"Sec. 1112. State or subdivision income tax on compensation paid to interstate air carrier employees.".

TITLE V

Regulations. 49 USC 1359.

SEC. 501. (a) The Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall, within 90 days after the date of enactment of this Act, promulgate regulations for airports operated by the Administration to regulate the access to public areas by individuals or by religious and nonprofit organizations (as defined in section 501(c)(3) of the Internal Revenue Code of 1954) for the purpose of soliciting funds or distributing materials. 26 USC 501.

Fund solicitation, permit application.

(b) In promulgating regulations under this section the Administrator shall consider requiring any individual or organization described in subsection (a) to submit an application for a permit to engage in the soliciting of funds or the distribution of materials. In considering such an application the Administrator may require that—

(1) a responsible individual representative of the applicant shall be designated to represent the organization,

(2) each individual participating in any solicitation or distribution will display a proper identification approved by the Administrator,

(3) the number of individuals engaged in any solicitation or distribution at any one time shall not exceed a reasonable

number, in keeping with the need for free movement in and operation of the airports as provided for by the permit,

(4) the solicitation or distribution be confined to limited areas and times, and

(5) no individual or organization which holds a permit under this section shall be permitted to—

(A) use sound amplification or display signs (other than signs approved by the Administrator);

(B) intentionally interfere with users of the airport;

(C) engage in the use of indecent or obscene remarks or conduct; or

(D) engage in the use of loud, threatening, or abusive language intended to coerce, intimidate or disturb the peace.

Posting of permit.

(c)(1) The Administrator shall consider requiring that a copy of a permit (if such is required) be conspicuously posted in the area in which any solicitation or distribution is permitted.

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(2) The Administrator shall consider whether revocation of approval for any permit if required and approved under this section should occur for any violation of any rule or regulation promulgated hereunder.

Regulations, submittal to Congress.

(d) Regulations intended to be promulgated under this section shall be submitted to Congress within 30 days after the date of enactment of this Act.

Carrying weapons or explosives aboard aircraft.

SEC. 502. (a) Paragraph (1) of section 902(l) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(l)(1)) is amended to read as follows:

"(1) With respect to any aircraft in, or intended for operation in air transportation or intrastate air transportation, whoever—

"(A) while aboard, or while attempting to board such aircraft has on or about his person or his property a concealed deadly or dangerous weapon which is, or could be, accessible to such person in flight;

"(B) has placed, attempted to place, or attempted to have placed a loaded firearm aboard such aircraft in baggage or other property which is not accessible to passengers in flight; or

"(C) has on or about his person, or who placed, attempted to place, or attempted to have placed aboard such aircraft any bomb or similar explosive or incendiary device;

Penalty.

shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

Conditional provisions.

(b) Paragraph (3) of section 902(l) of the Federal Aviation Act of 1958 is amended—

(1) by striking out "This subsection" and by inserting in lieu thereof "Paragraph (1)(A) of this subsection";

(2) by inserting "officers or employees of" before "the Federal Government"; and

(3) by inserting "(other than loaded firearms)" after "persons transporting weapons".

(c) Section 902(l) of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection—

"Firearm."

"(A) the term 'firearm' means any starter gun and any weapon which is designed to or has been converted to expel any projectile by the action of an explosive; and

"Loaded firearm."

"(B) the term 'loaded firearm' means any firearm which has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip of such firearm.".

Certain flights into and from Love Field, Tex.

SEC. 503. (a) Except as provided in subsection (c), notwithstanding any other provision of law, neither the Secretary of Transportation, the Civil Aeronautics Board, nor any other officer or employee of the United States shall issue, reissue, amend, revise, or otherwise modify (either by action or inaction) any certificate or other authority to permit or otherwise authorize any person to provide the transportation of individuals, by air, as a common carrier for compensation or hire between Love Field, Texas, and one or more points outside the State of Texas, except (1) charter air transportation not to exceed ten

flights per month, and (2) air transportation provided by commuter airlines operating aircraft with a passenger capacity of 56 passengers or less.

(b) Except as provided in subsections (a) and (c), notwithstanding any other provision of law, or any certificate or other authority heretofore or hereafter issued thereunder, no person shall provide or offer to provide the transportation of individuals, by air, for compensation or hire as a common carrier between Love Field, Texas, and one or more points outside the State of Texas, except that a person

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providing service to a point outside of Texas from Love Field on November 1, 1979, may continue to provide service to such a point.

(c) Subsections (a) and (b) shall not apply with respect to, and it is found consistent with the public convenience and necessity to authorize, transportation of individuals, by air, on a flight between Love Field, Texas, and one or more points within the States of Louisiana, Arkansas, Oklahoma, New Mexico, and Texas by an air carrier, if (1) such air carrier does not offer or provide any through service or ticketing with another air carrier or foreign air carrier, and (2) such air carrier does not offer for sale transportation to or from, and the flight or aircraft does not serve, any point which is outside any such State. Nothing in this subsection shall be construed to give authority not otherwise provided by law to the Secretary of Transportation, the Civil Aeronautics Board, any other officer or employee of the United States, or any other person.

Effective date.
Ante, p. 35.

(d) This section shall not take effect if enacted after the enactment of the International Air Transportation Competition Act of 1979.

Approved February 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-475 (Comm. on Public Works and Transportation); No. 96-203, pt. 1 (Comm. on Public Works and Transportation) and No. 96-203, pt. 2 (Comm. on Interstate and Foreign Commerce), both accompanying H.R. 3942; and 96-715 (Comm. of Conference).

SENATE REPORT No. 96-52 accompanying S. 413 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:
Vol. 125 (1979): Apr. 10, May 1, S. 413 considered and passed Senate.
Oct. 22, H.R. 2440 considered and passed House; passed Senate, amended, in lieu of S. 413.
Vol. 126 (1980): Jan. 31, House agreed to conference report.
Feb. 5, Senate agreed to conference report.

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Public Law 96-254
96th Congress

An Act

May 30, 1980
[S. 2253]

To amend the Railroad Revitalization and Regulatory Reform Act of 1976 to authorize additional appropriations for the Northeast Corridor improvement project and to require the Secretary of Transportation to begin development of energy efficient rail passenger corridors, to provide for the protection of the employees of the Rock Island Railroad, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Railroad Revitalization and Regulatory Reform Act of 1976, amendment.
Rock Island Railroad Transition and Employee Assistance Act.
45 USC 1001 note.

TITLE I—ROCK ISLAND TRANSITION AND EMPLOYEE ASSISTANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Rock Island Railroad Transition and Employee Assistance Act".

CONGRESSIONAL FINDINGS

SEC. 102. Congress hereby finds that— 45 USC 1001.

(1) uninterrupted continuation of services over Rock Island lines is dependent on adequate employee protection provisions covering Rock Island Railroad employees who are not hired by other railroads;

(2) for those Rock Island Railroad employees not hired by other rail carriers, there is no other practicable means of obtaining funds to meet the necessary costs of such employee protection that are assumed by the Rock Island Railroad;

(3) a cessation of necessary operations of the Rock Island Railroad would have serious repercussions on the economies of the States in which such railroad principally operates; and

(4) premature cessation of services over lines which are the subject of pending purchase application would result in harm to the shipping public and could imperil continuation of vital commuter service.

DEFINITIONS

SEC. 103. As used in this title, the term— 45 USC 1002.

(1) "bankruptcy court" means the court having jurisdiction over the reorganization of the Rock Island Railroad;

(2) "Board" means the Railroad Retirement Board;

(3) "Commission" means the Interstate Commerce Commission;

(4) "employee" includes any employee of the Rock Island Railroad as of August 1, 1979, but does not include any individual serving as president, vice-president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions;

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(5) the term "Rock Island Railroad" means the Chicago, Rock Island and Pacific Railroad Company; and

(6) the term "Secretary" means the Secretary of Transportation.

SERVICE CONTINUATION

SEC. 104. (a) Notwithstanding the provisions of section 11125 of title 49, United States Code, or Public Law 96-131, the Commission shall order directed service for a period of not to exceed 90 days over any line of the Rock Island Railroad if the Secretary finds and certifies to the Commission that— 45 USC 1003. 93 Stat. 1023.

(1) a lack of rail service exists which cannot be resolved by a grant of interim operating authority over such line and grains or foods are ready to be shipped to market; or

(2) a lack of rail service exists which cannot be resolved by a grant of interim operating authority over such line and a rail carrier, shipper, State, or other interested party has expressed in writing to the Secretary an interest in purchasing, leasing, or rehabilitating the particular rail line or facility for purposes of providing rail services, and there is a reasonable expectation that such transaction will be consummated.

Directed service.

(b)(1) Not more than $15,000,000 of the funds availab[illegible] expenditure by the Secretary out of the Railroad Rehabilitatio[illegible] Improvement Fund established under title V of the Railroa[illegible]evitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 [illegible] seq.) may be made available by the Secretary to the Commission for purposes of providing directed service under this section and section 18(b) of the Milwaukee Railroad Restructuring Act. 93 Stat. 746. *Post*, p. 405.

(2) Funds may be made available for directed service under this section without regard to the findings of the Secretary required under title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and section 516 of such Act (45 U.S.C. 836) shall not apply to any directed service provided with such funds. 45 USC 821.

Trackage rights, compensation terms.

(c) The terms of compensation for all trackage rights, joint facilities, and similar arrangements between other rail carriers and the trustee of the Rock Island Railroad which are in effect on or after March 15, 1980, on portions of the lines of the Rock Island Railroad involved in temporary emergency operations shall be continued in effect during the duration of the temporary emergency operating authority with the carrier providing temporary emergency service substituting for the trustee, except where the Rock Island Railroad has been given more favorable treatment by virtue of its bankruptcy. Such continuation shall not alter or affect the ultimate rights of other rail carriers under trackage rights, joint facilities, or similar arrangements nor prejudice the ultimate determination of any controversy or proceeding concerning rights of the parties with regard to assignment by the trustee of rights in or to the facilities or under the arrangements.

RAILROAD HIRING

45 USC 1004.

SEC. 105. (a) Each person who is an employee of the Rock Island Railroad on August 1, 1979, and who, prior to January 1, 1981, is separated or furloughed (other than for cause) from his employment with such railroad, or from his employment with another rail carrier providing temporary service over lines of the Rock Island Railroad, as a result of a reduction of service by such railroad or such temporary service carrier shall, unless found to be less qualified than other applicants, have the first right of hire by any other rail carrier that is subject to regulation by the Commission for any vacancy that is not covered by (1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulations, or Executive order, or by the order of a Federal or State court or agency, or (2) a permissible voluntary affirmative action plan. For purposes of this section, a rail carrier shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.

94 STAT. 401

(b) The rights afforded to Rock Island Railroad employees by this section shall be coequal to the rights afforded to Chicago, Milwaukee, Saint Paul and Pacific Railroad Company employees by section 8 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 907).

93 Stat. 740.

EMPLOYEE PROTECTION AGREEMENTS

45 USC 1005.

SEC. 106. (a) No later than 10 days after the date of enactment of this Act, in order to avoid disruption of rail service and undue displacement of employees, the Rock Island Railroad and labor organizations representing the employees of such railroad, with the assistance of the National Mediation Board, may enter into an agreement providing protection for employees of such railroad who are adversely affected as a result of a reduction in service by such railroad. Such employee protection may include, but need not be limited to, employee relocation incentive compensation, moving expenses, and separation allowances.

(b) If the Rock Island Railroad and the labor organizations representing the employees of such railroad are unable to enter into an employee protection agreement under subsection (a) of this section within 10 days after the date of enactment of this Act, the parties shall immediately submit the matter to the Commission. The Commission shall impose upon the parties by appropriate order a fair and equitable arrangement with respect to employee protection no later than 30 days after the date of enactment of this Act, unless the Rock Island Railroad and the authorized representatives of its employees have by then entered into a labor protection agreement. For purposes of this subsection, the term "fair and equitable" means no less protective of the interests of employees than protection afforded under section 9 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 908), subject to the limitations set forth in section 110 of this title.

"Fair and equitable."

93 Stat. 741.

(c) If an employee protection arrangement is imposed by the Commission under subsection (b) of this section, the bankruptcy court shall immediately authorize and direct the Rock Island Railroad trustee to, and the Rock Island Railroad trustee and the labor organizations representing the employees of the railroad shall, immediately implement such arrangement.

Commission or court orders, stays.

(d)(1) An order of the Commission under subsection (b) of this section may not be stayed by the Commission or by any court, and an order of the bankruptcy court under subsection (c) of this section may not be stayed by any other court.

Appeal.

(2) Any order described in paragraph (1) of this subsection may be appealed only to the court of appeals of the United States having jurisdiction to review decisions and orders of the bankruptcy court. Any such appeal to such court of appeals shall be filed within 5 days after the date of entry of the order of the Commission or the bankruptcy court, as the case may be, and such court of appeals shall finally determine such appeal within 60 days after the date such appeal is filed. No determination by the court of appeals under this subsection may be reviewed in any other court.

Benefit and allowance claims.

(e)(1) Any claim of an employee for benefits and allowances under an employee protection agreement or arrangement entered into under this section shall be filed with the Board in such time and manner as the Board by regulation shall prescribe. The Board shall determine the amount for which such employee is eligible under such agreement or arrangement and shall certify such amount to the Rock Island Railroad for payment.

(2) Benefits and allowances under such agreement or arrangement entered into under this section shall be paid by the Rock Island Railroad from its own assets or in accordance with section 110 of this title, and claims of employees for such benefits and allowances shall be treated as administrative expenses of the estate of the Rock Island Railroad.

(f) The first sentence of section 7(b)(7) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(7)) is amended by striking out "and the Milwaukee Railroad Restructuring Act" and inserting in lieu thereof ", the Milwaukee Railroad Restructuring Act, and the Rock Island Railroad Transition and Employee Assistance Act".

93 Stat. 742.

EMPLOYMENT OF ROCK ISLAND RAILROAD EMPLOYEES

Employee and employment lists, preparation and maintenance.
45 USC 1006.

SEC. 107. (a) The Board shall prepare and maintain—

(1) a list of employees separated from employment with the Rock Island Railroad who indicate a desire to appear on a list to be available to rail carriers; and

(2) a list of employment, by class and craft, available with rail carriers,

based upon information submitted to the Board by the Rock Island Railroad and other rail carriers. Upon the request of any rail carrier, the Board shall make available to such carrier a copy of the list described in paragraph (1) of this subsection.

(b) The Board shall maintain the lists required by subsection (a) of this section through December 31, 1984.

ELECTION

Assistance and benefits, reception and waiver.
45 USC 1007.

SEC. 108. (a) Any employee who receives any assistance under an employee protection agreement or arrangement entered into under section 106 of this title or any new career training assistance under section 119 of this title shall be deemed to waive any employee protection benefits otherwise available to such employee under the Bankruptcy Act, title 11 of the United States Code, subtitle IV of title 49 of the United States Code, or any applicable contract or agreement.

11 USC 101.
49 USC 10101.

Statement filing.

(b) Any employee of the Rock Island Railroad who is entitled to receive assistance under this title shall, no later than April 1, 1981, file a statement with the Board indicating whether such employee elects to receive (1) assistance under this title; or (2) any employee protection benefits otherwise available to such employee under the Bankruptcy Act, title 11, United States Code, subtitle IV of title 49, United States Code, or any applicable contract or agreement.

(c) With regard to any employee who elects benefits under subsection (b)(2) of this section, nothing in this title shall be deemed to

94 STAT. 403

determine or otherwise affect the priority, status, or timing of payment of, or the liability for any claim for, employee protection which might have existed in the absence of this title.

Assistance limitations.

(d) An empolyee shall not be eligible to receive any assistance (other than moving expenses) under an employee protection agreement or arrangement entered into under section 106 of this title or any new career training assistance under section 119 of this title—

(1) during any period in which such employee is employed by any rail carrier providing temporary service over any lines of the Rock Island Railroad; or

(2) at any time after the date such employee receives an offer of employment, in his craft and for which such employee is qualified, from a rail carrier acquiring lines of the Rock Island Railroad.

AUTHORIZATION OF APPROPRIATIONS

93 Stat. 743.

SEC. 109. (a) Section 14(c) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 913(c)) is amended—

(1) by inserting "and the Rock Island Railroad Transition and Employee Assistance Act" immediately after "this Act"; and

Effective date.

(2) by adding at the end thereof the following new sentence: "Effective October 1, 1980, there is authorized to be appropriated to the Board an additional $1,000,000 to carry out its administrative expenses under this Act and the Rock Island Railroad Transition and Employee Assistance Act.".

Ante, p. 399.

Effective date.

93 Stat. 743.
45 USC 911.
Post, p. 408

(b) Section 14(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 913(b)) is amended by adding at the end thereof the following new sentence: "Effective October 1, 1980, there is authorized to be appropriated an additional $1,500,000 for new career training assistance under section 12 of this Act and section 119 of the Rock Island Railroad Transition and Employee Assistance Act.".

OBLIGATION GUARANTEES

45 USC 1008.

SEC. 110. (a) The Secretary, under the authority of section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831), shall guarantee obligations of the Rock Island Railroad for purposes of providing employee protection in accordance with the terms of any employee protection agreement or arrangement entered into under section 106 of this title.

(b) Any obligation guaranteed pursuant to this section shall be treated as an administrative expense of the estate of the Rock Island Railroad.

Aggregate unpaid principal amount.

(c) The aggregate unpaid principal amount of obligations which may be guaranteed by the Secretary pursuant to this section shall not exceed $75,000,000.

Total liability.

(d) The total liability of the Rock Island Railroad in connection with benefits and allowances provided under any employee protection agreement or arrangement entered into under section 106 of this title shall not exceed $75,000,000.

(e) Except in connection with obligations guaranteed under this section, the United States shall incur no liability in connection with any employee protection agreement or arrangement entered into under section 106 of this title.

(f) Section 511(g) and section 516 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g) and 836) shall not apply to any obligation guaranteed under this section.

EXPEDITED PROCEEDINGS

SEC. 111. (a) The Commission shall give all proceedings involving the Rock Island Railroad preference over all other pending proceedings related to rail carriers and make all of its decisions at the earliest practicable time.

45 USC 1009.

(b) The Commission shall, within 100 days of the filing of an application (or such shorter period as the court may set) pursuant to section 17 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 915), reach a decision on all proceedings filed after January 1, 1980, which involve a sale, transfer or lease of any line of the Rock Island Railroad to a solvent carrier.

93 Stat. 744.

TRANSACTION ASSISTANCE

SEC. 112. Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended by adding at the end thereof the following new subsection:

"(h) PURCHASE OF ESSENTIAL PROPERTIES FOR COMMON CARRIER SERVICE.—(1) Notwithstanding subsections (a) through (g) of this section (other than subsections (b)(2) and (d)(3)), the Secretary shall, upon application of a noncarrier entity—

93 Stat. 744.

"(A) purchase, from funds available on May 1, 1980, not less than $25,000,000 in redeemable preference shares, bonds, or trustee certificates convertible to redeemable preference shares under this section as necessary for the purchase, lease, or rehabilitation of properties of the Rock Island Railroad by responsible noncarrier entities to be used for common carrier rail service; and

"(B) purchase not more than $18,000,000 in redeemable preference shares or trustee certificates convertible to redeemable preference shares under this section as necessary for the purchase of properties of the Milwaukee Railroad by responsible noncarrier entities to be used for common carrier rail service, to the extent that the Secretary determines that funds are available.

"(2) Preference shares, bonds, and trustee certificates purchased under this subsection shall be purchased under terms and conditions that insure that the applicant will be financially capable of making the requisite dividend or interest and redemption or principal payments without impairing its financial resources, and the Secretary shall insure that all assistance provided under this subsection is likely to be repaid or can be secured.

Noncarrier entity, description.

"(3)(A)(i) For purposes of this subsection, a responsible noncarrier entity may include an association composed of representatives of national railway labor organizations, employee coalitions, shippers, or any combination thereof, and States or State organizations, which wish to acquire, lease, or rehabilitate properties of the Rock Island Railroad or the Milwaukee Railroad pursuant to a feasible employee, employee-shipper, or State ownership plan. A responsible noncarrier entity may also include any railroad that wishes to contribute any of its properties under common ownership with the property being acquired by the association.

Ownership plan, submittal to Secretary.

"(ii) Any ownership plan described in clause (i) of this subparagraph shall be submitted to the Secretary no later than August 20, 1980, or such later date as the Secretary considers appropriate.

"(B) For purposes of this subsection, the return on redeemable preference shares shall be the minimum established pursuant to section 506(a)(3) of this title.

45 USC 826.

"(4) This subsection shall apply to purchase applications filed with the Commission prior to September 15, 1980, and approved by the court having jurisdiction over the reorganization of the Rock Island Railroad or the Milwaukee Railroad, as the case may be, and by the Commission.".

APPLICABILITY OF NEPA AND EPCA

45 USC 1010.
42 USC 4321 note.

SEC. 113. The provisions of the National Environmental Policy Act and section 382(b) of the Energy Policy and Conservation Act (42 U.S.C. 6362(b)) shall not apply to transactions carried out pursuant to this title.

AUTHORITY OF THE RAILROAD RETIREMENT BOARD

45 USC 1011.

SEC. 114. (a) The Board may prescribe such regulations as may be necessary to carry out its duties under this title.

(b) In carrying out its duties under this title, the Board may exercise such of the powers, duties, and remedies provided in subsections (a), (b), and (d) of section 12 of the Railroad Unemployment Insurance Act (45 U.S.C. 362 (a), (b), and (d)) as are not inconsistent with the provisions of this title.

PUBLICATIONS AND REPORTS

45 USC 1012.

SEC. 115. Within 45 days after the date of enactment of this Act, the Board shall publish, and make available for distribution by the Rock Island Railroad to all eligible employees, a document which describes in detail the rights of such employees under sections 106, 107, 108, and 119 of this title.

AMENDMENTS TO MILWAUKEE RAILROAD RESTRUCTURING ACT

93 Stat. 746.

SEC. 116. Section 18 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 916) is amended—

(1) by striking "Until" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, until"; and

(2) by adding at the end thereof the following new subsection:

Directed service.

"(b) The Commission shall upon request provide for directed service, not to exceed 30 days during the period immediately prior to acquisition, on the Milwaukee Railroad under section 11125 of title 49, United States Code. Such directed service shall be limited to those lines or line segments where legislation has been enacted by a State legislature prior to the date of enactment of this subsection which would provide for such State to tender a bona fide offer for acquisition of such lines or line segments. The Commission may order directed service by the Milwaukee Railroad under this subsection without inclusion of a 6 percent profit factor. The Commission shall take the action described in this subsection only in the event that the Secretary of Transportation determines that such service cannot be continued under the Emergency Rail Service Assistance Act.".

RAIL TECHNOLOGICAL IMPROVEMENTS

45 USC 1013.

SEC. 117. Notwithstanding any other provision of law, the Secretary may, after a hearing and consistent with findings based upon evidence developed therein or pursuant to expressions of agreement between national railroad labor representatives and the developer or operator of new equipment or technology, to exempt from the mandatory requirements of the provisions of the Act of March 2, 1893, the Act of March 2, 1903, and the Act of April 14, 1910 (45 U.S.C. 1 through 16), also referred to as the Safety Appliance Acts, any railroad equipment, or equipment which will be operated on rails, when such requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under the existing statutes.

AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973

SEC. 118. (a) Section 216(f)(5) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(5)) is amended by adding the following sentence after the first sentence thereof: "For purposes of this subsection, the Railway Labor Executives' Association shall be deemed to represent all of the representatives of crafts or classes of employees of the Corporation and its subsidiaries as though that organization held powers of attorney from each representative of a craft or class for the limited purposes of negotiating and agreeing upon an employee stock ownership plan.".

Crafts or classes of employees, representation.

(b) Section 216(f)(5) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(5)) is further amended by adding the following sentence after the second sentence thereof: "The plan shall not be subject to change under the provisions of section 6 of the Railway Labor Act until after such time as securities have been distributed from the plan to the participants in the plan or their beneficiaries pursuant to the terms of the plan.".

(c) Section 216(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)) is further amended by adding the following at the end thereof:

Fiduciary responsibility.

"(8)(A) Except as provided in subparagraph (B) of this paragraph, no person described in subparagraph (C) of this paragraph shall have or be subject to any fiduciary responsibility, obligation, or duty, nor shall any such person be subject to civil liability, under any Federal or State law, as a fiduciary or otherwise—

"(i) in connection with the employee stock ownership plan and related trust established by the Corporation pursuant to the requirements of this subsection or with ConRail Equity Corporation (I) on account of any reorganization or restructuring of the Corporation, its successors or assigns, or their assets or capital structure, or (II) on account of any action taken or not taken by the Corporation which may affect its ability to attain the performance levels established in connection with the plan pursuant to paragraph (2)(A)(ii) of this subsection;

94 STAT. 407

"(ii) for or in connection with the establishment, continuation or implementation of the plan and related trust or of ConRail Equity Corporation or the acquisition of, investment in or retention of any security of the Corporation or ConRail Equity Corporation, or of any of their successors and assigns, by the plan or ConRail Equity Corporation, or the disposition of any such security to the extent that such disposition is made in connection with a reorganization or restructuring of the Corporation, its successors and assigns, or their assets or capital structure, as directed or approved by or on behalf of the Association or the United States, or the acquisition or retention of any cash, security or other property received in connection with any such reorganization or restructuring; or

"(iii) for or in connection with any other action taken or not taken pursuant to any term or condition of the plan or related trust agreement or of the articles of incorporation or bylaws of ConRail Equity Corporation.

Any directions described in clauses (i)(I), (ii), or (iii) shall be taken at the direction, or with the consent, of the Association or of the Secretary or his designate.

"(B) Subparagraph (A) of this paragraph shall not be interpreted to relieve any person from any fiduciary or other responsibility, obligation or duty under any Federal or State law to take or not to take actions with respect to the plan in connection with (i) receiving contributions, (ii) exercising custodial responsibilities, (iii) determining eligibility to participate in the plan, (iv) calculating, determining and paying benefits, (v) processing and deciding claims, (vi) preparing and distributing plan information, benefit statements, returns and reports, (vii) maintaining plan records, (viii) appointing plan fiduciaries and other persons to advise or assist in plan administration and (ix) other than as provided in subparagraph (A), acquiring, holding or disposing of plan assets.

"Person."

"(C) For purposes of subparagraph (A) of this paragraph, the term 'person' includes each of the following:

"(i) the trustee or trustees of the plan, the Corporation and its subsidiaries, ConRail Equity Corporation, the Association, and any of their successors and assigns;

"(ii) each director, officer, employee and agent of the Corporation of any of its subsidiaries, of ConRail Equity Corporation, of the plan, of the Association or of any of their successors and assigns; and

"(iii) each member of the Finance Committee and any of their employees and agents.

"(D) Neither this paragraph nor paragraph (9) of this subsection shall be construed to grant immunity from any criminal law of the United States or of any State or the District of Columbia.

Indemnity.

"(9) The United States shall indemnify, defend, and hold harmless the persons described in paragraph (8)(C) of this subsection from and against any and all liabilities, claims, actions, judgments, amounts paid in settlement, and costs and expenses (including reasonable fees of accountants, experts, and attorneys) actually incurred in connection with the establishment, implementation, or operation of the plan or ConRail Equity Corporation or with any transaction which is required by or is appropriate to effectuate fully the provisions of this subsection,

94 STAT. 408

except as may arise in connection with the execution of a responsibility, obligation, or duty excluded from paragraph (8)(A) by paragraph (8)(B), if it is determined that such persons were acting in good faith. The indemnity provided in this paragraph shall be a full faith and credit obligation of the United States.

Corporation securities.

"(10) All securities of the Corporation, all securities of any subsidiary of the Corporation and of ConRail Equity Corporation, and all interests in the employee stock ownership plan which are issued or transferred in connection with the employee stock ownership plan established by the Corporation pursuant to the requirements of this subsection shall be deemed for all purposes to have been issued subject to and authorized and approved pursuant to section 11301(b) of title 49 of the United States Code and any corresponding provision of any successor statute.".

NEW CAREER TRAINING ASSISTANCE

45 USC 1014.

SEC. 119. (a) An employee who elects to receive a separation allowance from the Rock Island Railroad under an employee protection agreement or arrangement entered into under section 106 of this title may receive from the Board reasonable expenses for training in qualified institutions for new career opportunities.

Eligibility.

(b) To be eligible for assistance under this section, an employee—

(1) must first exhaust any Federal educational benefits available to such employee under any existing program; and

(2) must begin his course of training within 2 years following the date of such employee's separation from employment with the Rock Island Railroad.

(c) Reasonable expenses for assistance under this section shall be determined by the Board on the basis of an application therefor filed by an employee with the Board.

Termination date.

(d) No assistance may be provided under this section after April 1, 1984.

(e) As used in this section—

"Expenses."

(1) the term "expenses" means actual, reasonable expenses paid for room, board, tuition, fees, or educational material in an amount not to exceed $3,000; and

"Qualified institutions."

(2) the term "qualified institution" means an educational institution accredited for payment by the Veterans' Administra-

tion under chapter 36 of title 38 of the United States Code, or a State-accredited institution which has been in existence for not less than 2 years.

38 USC 1770 *et seq.*

(f) Section 12(e)(2) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 911(e)(2)) is amended by inserting the following immediately before the period at the end thereof: ", or a State-accredited institution which has been in existence for not less than two years".

93 Stat. 743.

DIRECTED SERVICE

45 USC 1015.

SEC. 120. (a) In the event agreement cannot be reached between the Rock Island Railroad and any party desiring to provide commuter service, the Commission shall order directed service, for the 2-year period beginning on the date of enactment of this Act, over any passenger commuter line of the Rock Island Railroad that was in operation on March 1, 1980, if the directed service carrier agrees to provide such service without payment under section 11125(b)(5) of title 49 of the United States Code. If the parties are unable to agree on compensation, the trustee of the Rock Island Railroad shall receive compensation for the property and facilities of the Rock Island Railroad on terms determined by the Commission to be reasonable.

94 STAT. 409

Abandonment restriction.

(b) Notwithstanding any other provision of law, a passenger commuter line of the Rock Island Railroad over which directed service is provided pursuant to this section may not be abandoned, and service over such line may not be discontinued, during the period of such directed service.

TEMPORARY RAIL BANKING

Approval by Secretary.
45 USC 1016.

SEC. 121. During the 180-day period beginning on the date of enactment of this Act, no rail line or facility of the Rock Island Railroad which has been approved for abandonment by the Commission or the bankruptcy court may be downgraded, scrapped, or otherwise disposed of without the approval of the Secretary under this section. In no case before abandonment has been approved and before the 180-day period has elapsed shall the Secretary approve a disposition of such portion of the rail line or related facility to any carrier or other entity not engaged in providing railroad services or not formed for the purpose of providing railroad services. The Secretary, upon application by the Rock Island Railroad, shall grant such approval unless he finds that—

Disapproval conditions.

(1) a rail carrier, shipper, State, or other interested party has expressed in writing an interest in purchasing, leasing or rehabilitating the particular rail line or facility for purposes of providing rail service; and

(2) there is a reasonable expectation that such purchase transaction will be consummated.

TEMPORARY OPERATING APPROVAL

45 USC 1017.

SEC. 122. (a) The Commission may authorize any rail carrier willing to do so voluntarily to use the tracks and facilities of the Rock Island Railroad or the Milwaukee Railroad. The use of such tracks and facilities shall be under such terms of compensation as the carriers establish between themselves, or if the carriers are unable to agree, under such terms of compensation as the Commission finds to be reasonable.

(b) In carrying out the provisions of this section, the Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with the traffic subject to the action of the Commission.

"Milwaukee Railroad."

(c) As used in this section, the term "Milwaukee Railroad" means the Chicago, Milwaukee, Saint Paul and Pacific Railroad Company.

DEFINITION OF RESTRUCTURED MILWAUKEE RAILROAD

SEC. 123. Section 3(6) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 902(6)) is amended to read as follows:

93 Stat. 736.

"Restructured Milwaukee Railroad."

"(6) the term 'restructured Milwaukee Railroad' means the entity that is designated as the reorganized railroad under the reorganization plan for the Milwaukee Railroad finally certified by the Commission.".

SAVINGS PROVISION

45 USC 1001 note.

SEC. 124. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

94 STAT. 410

Passenger Railroad Rebuilding Act of 1980.

TITLE II—RAIL PASSENGER CORRIDORS

SHORT TITLE

45 USC 501 note.

SEC. 201. This title may be cited as the "Passenger Railroad Rebuilding Act of 1980".

RAIL PASSENGER CORRIDOR SERVICE

SEC. 202. Section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853) is amended—

45 USC 854.

(1) in the first sentence, by striking "goals:" and inserting in lieu thereof "goals to the extent compatible with the amount of authorizations specified in section 704 of this title:";

(2) in paragraph (1)(A)(i) thereof, by striking "Within 5 years after the date of enactment of this Act," and inserting in lieu thereof "No later than September 30, 1985,"; and

(3) in the fourth sentence of paragraph (1)(E), by striking out "6" and inserting in lieu thereof "9".

SEPARATION OF PASSENGER AND FREIGHT TRAFFIC

SEC. 203. Section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853) is further amended—

(1) by inserting "(A)" immediately after the paragraph heading in paragraph (3) and by adding at the end of such paragraph the following:

Alternate off-corridor routing plans.

"(B)(i) Within 6 months after the date of enactment of the Passenger Railroad Rebuilding Act of 1980, the Secretary shall develop plans for alternate off-corridor routings of freight traffic over lines along the Northeast Corridor between the Washington, District of Columbia Metropolitan area and the New York Metropolitan area, including intermediate points.

Agreements with rail freight carriers.

"(ii) The Secretary may enter into agreements with rail freight carriers and regional transportation agencies for a period of no less than 5 years to provide for the implementation by such rail carriers of the off-corridor routings on such terms and conditions as the parties may agree. Promptly upon reaching such agreement, the Secretary shall apply to the Commission for approval of the agreement and all related agreements accompaning such application.

"(iii) If the Commission finds that approval of such agreements is necessary to carry out the purposes of this Act, it shall, within 90 days after the receipt of the application, approve such application and related agreements including the provision of service use of tracks and facilities as provided in such application.

"(iv) If the Secretary and any other involved rail freight carriers are unable to reach the agreement or agreements necessary as provided in clause (ii) of this subparagraph, the Secretary may, with the consent of all involved rail freight carriers, make application to the Commission which shall, within 90 days after such application, if it finds that doing so is necessary to carry out the purposes of this Act, find the terms and conditions for the agreement necessary and such terms and conditions shall be binding upon all involved rail freight carriers.

94 STAT. 411

Report to Congress.

Ante, p. 410.

"(v) Within 12 months after the date of enactment of the Passenger Railroad Rebuilding Act, the Secretary shall submit to the Congress a report on:

"(I) an evaluation of the extent to which passenger and freight operations should be separated in the Northeast Corridor; and

"(II) an evaluation of any operational, safety, maintenance, or other problems of mixing freight and passenger service on the same rail lines.

Consultation.

In the preparation of such report, the Secretary shall consult with the Comptroller General of the United States, the National Railroad Passenger Corporation, the Association, affected railroads, and other interested parties. The Secretary, in preparing such report, shall consider such factors as congestion, delays to both passengers and freight, fuel efficiency, safety, the control of train operations, and the impact of diversion to other modes and the impact of diversion on other modes."; and

(2) by adding at the end thereof the following new paragraph:

Baltimore and Potomac Tunnel, Md.

"(6) ELIMINATION OF CONGESTION.—The elimination, to the maximum extent practicable, of congestion in rail freight and rail passenger traffic at the Baltimore and Potomac Tunnel in Baltimore, Maryland, by the rehabilitation and improvement of such tunnel and the rail lines approaching such tunnel, for purposes of implementing the Northeast Corridor improvement project under this title.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) Section 704(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)) is amended—

(1) in paragraph (1) thereof, by striking "$1,600,000,000" and inserting in lieu thereof "$2,313,000,000";

(2) in paragraph (1) thereof, by striking out "and after such goals have been achieved, the goals of section 703(1)(A)(ii)";

(3) by striking the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(4) $37,000,000 to remain available until expended in order to effectuate the goals of section 703(3)(B) and section 703(6) of this title.".

45 USC 853.

(b) Section 704 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854) is amended by adding at the end thereof the following new subsections:

"(h) ACQUISITION OF REAL PROPERTY.—The Secretary is authorized to acquire for the United States, by lease, purchase, condemnation, or otherwise, any interest in real property (including lands, easements, and rights-of-way, and any other property interests, including contract rights) which the Secretary considers necessary to effectuate the goals of section 703 of this title.

"(i) REIMBURSEMENT AGREEMENTS.—Where a portion of the costs of improvements authorized under section 703 of this title are to be borne by a State or local or regional transportation authorities or other responsible parties, the Secretary is authorized to enter into agreements with such cost-sharing parties providing for the Secretary to carry out such improvements with funds appropriated pursuant to this section and requiring reimbursement to the Secretary by the cost-sharing parties of their portion of the costs of such improvements. Where the Secretary has entered into such reimbursement agreements, the Secretary is further authorized, to the extent and in the amounts provided in appropriation Acts, to incur obligations for contracts to carry out such improvements in anticipation of such reimbursement. Funds reimbursed to the Secretary shall be credited to the appropriation originally charged for the costs of such improvements and shall be available for further obligation.

94 STAT. 412

"(j) EXCESS EQUIPMENT AND OTHER PROPERTY.—Notwithstanding the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) or of any other law, the

Secretary may transfer to the National Railroad Passenger Corporation, in accordance with procedures which the Secretary shall establish, excess real or personal property from the Northeast Corridor improvement project. As consideration to the United States for such transfer, property so transferred shall be made subject to the mortgage entered into pursuant to subsection (e) of this section. For purposes of this subsection, the term 'excess real or personal property' means—

"Excess real or personal property."

"(1) any interest in real property acquired under the authority of subsection (h) of this section which is determined by the Secretary to be (A) usable by the National Railroad Passenger Corporation, and (B) no longer required by the Federal Government in order to implement the Northeast Corridor improvement project; or

"(2) any item of personal property, such as equipment, which is acquired with funds authorized under this section.".

Effective date.
45 USC 854 note.

(c) The amendments made by this section shall take effect on October 1, 1980.

MANAGEMENT GOAL

SEC. 205. Section 701 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851) is amended by adding at the end thereof the following new subsection:

"(d) MANAGEMENT GOAL.—(1) It shall be a goal of the National Railroad Passenger Corporation to manage its operating costs, pricing policies, and other factors so that annual revenues derived from the operation of intercity rail passenger service over the Northeast Corridor route between Washington, District of Columbia, and Boston, Massachusetts, shall equal or exceed:

"(A) 55 percent of the annual operating costs of providing such service in fiscal year 1981;

"(B) 75 percent of the annual operating costs of providing such service in fiscal years 1982 through 1986; and

"(C) 100 percent of the annual operating costs of providing such service in subsequent fiscal years.

"(2) The National Railroad Passenger Corporation shall include in the annual report required by sections 308 and 805 of the Rail Passenger Services Act a discussion and accounting of its success in meeting the goal specified in paragraph (1) of this subsection.".

93 Stat. 542; 45 USC 548, 644.

TRANSFER OF AUTHORITY

SEC. 206. (a) Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) is amended by redesignating sections 705 and 706 as sections 706 and 707, respectively, and by inserting after section 704 the following new section:

45 USC 543, 545, 546, 562-564, 791.
49 USC 1653.

"TRANSFER OF AUTHORITY

45 USC 855.
Ante, p. 410.

"SEC. 705. (a) TRACK IMPROVEMENTS.—Within 90 days after the date of enactment of the Passenger Railroad Rebuilding Act of 1980, the Secretary and the National Railroad Passenger Corporation shall agree on the reallocation to the Corporation of authority and responsibility with respect to the contracting of construction solely related to track improvements in connection with the Northeast Corridor improvement project.

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"(b) OTHER AUTHORITY.—Effective October 1, 1985, the Secretary shall transfer to the Corporation all authority and responsibility, for carrying out the Northeast Corridor improvement project and implementing the goals of section 703 of this title.".

45 USC 853.

(b) The table of contents of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking out the items relating to sections 705 and 706 and inserting immediately after the item relating to section 704 the following:

"Sec. 705. Transfer of authority.
"Sec. 706. Conforming amendments.
"Sec. 707. Facilities with historical or architectural significance.".

WORKING CAPITAL FUND

Sec. 207. Section 9 of the Department of Transportation Act (49 U.S.C. 1657) is amended by adding at the end thereof the following new subsection:

"(r)(1) The Secretary is authorized to establish a working capital fund for financing the activities of the Transportation Systems Center. Such fund will be effective on October 1, 1980, and shall be available without fiscal year limitation. The Transportation Systems Center is authorized to perform research, development, test, evaluation, analysis, and other related activities as the Secretary may direct for the Department and other Government agencies and, when approved by the Secretary or his designee, for State and local governments, other public authorities, private sources, and foreign countries.

Transportation Systems Center.
Effective date.

"(2) The capital of the fund shall consist of—

Capital included in fund.

"(A) the net assets of the Transportation Systems Center as of October 1, 1980, including any unexpended advances made to the Center for which valid obligations are incurred as of September 30, 1980;

"(B) any appropriations to the fund, which are hereby authorized to be made; and

"(C) the fair and reasonable value of property or other assets transferred to the fund after September 30, 1980, by the Department and other agencies of the Government less the related liabilities and unpaid obligations, and the fair and reasonable value of property or other assets donated to the fund from other sources.

"(3) The fund shall be reimbursed or credited with advance payments from applicable funds or appropriations of the Department and other Federal agencies, and with advance payments from other sources, as authorized by the Secretary or his designee, for services provided at rates that will recover the expense of operation, including accrual of annual leave and overhead, and for acquisition of property and equipment in accordance with regulations to be issued by the Secretary. The fund shall also be credited with receipts from the sale or exchange of property or in payment for loss or damage of property held by the fund.

Fund reimbursements and credits.

"(4) At the close of each fiscal year, there shall be transferred into the Treasury as miscellaneous receipts any funds accumulated which the Secretary determines to be surplus to the needs of the working capital fund.".

Surplus funds, transfer to Treasury.

AMENDMENT TO RAIL PASSENGER SERVICE ACT

Sec. 208. Effective October 1, 1980, section 601(b)(3) of the Rail Passenger Service Act of 1970 (45 U.S.C. 601(b)(3)) is repealed.

Repeal.
Effective date.

PRIORITIES FOR IMPROVEMENTS

Sec. 209. Section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976 is further amended by adding at the end thereof the following new paragraph:

45 USC 853.
Ante, p. 410.

"(7) Priorities for Improvements.—The following considerations shall be applied to the selection and scheduling of specific projects, in the following order:

"(A) Safety of the passengers and users of the Northeast Corridor must be paramount, and safety-related items should be completed prior to other items.

"(B) Potential ridership should be considered, with those activities which benefit the greatest number of passengers completed before those involving fewer passengers.

"(C) Reliability of intercity passenger service must be emphasized.

"(D) Trip-time requirements of this Act must be achieved to the extent compatible with the priorities cited in subparagraphs (A) through (C) of this paragraph.

"(E) Reducing maintenance cost levels is desirable, and improvements which will pay for the investment by achieving lower operating or maintenance cost should be implemented.

"(F) On-time performance of Northeast Corridor commuter and freight operations must be optimized, and construction operations should be scheduled in order that the fewest possible passengers are inconvenienced and service is maintained.

"(G) Planning should focus on completing activities which will provide immediate benefits to the users of the Northeast Corridor.".

AUTHORITY OF THE SECRETARY

Ante, p. 411.

SEC. 210. Section 704(c) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(c)) is amended—

(1) by striking out "COORDINATION.—The Secretary" and inserting in lieu thereof "COORDINATION AND CONSULTATION.—(1) The Secretary"; and

(2) by adding at the end thereof the following new paragraph:

Report to Congress.

"(2) The Secretary shall consult with the Secretary of Housing and Urban Development and the Secretary of Commerce and with other appropriate Federal officials to take steps to utilize Federal funds from the several Federal departments to assist and encourage public and private redevelopment in the vicinity of urban rail stations on the Northeast Corridor served by intercity and commuter rail service for purposes of aiding in the revitalization of urban areas around such stations. The Secretaries shall, within one year after the date of the enactment of this subsection, report to the Congress on the methods by which Federal funds from the several Federal depart- 94 STAT. 415 ments have been and will be coordinated to achieve urban redevelopment and revitalization in the vicinity of such stations.".

DEMONSTRATION SERVICE

93 Stat. 550.

SEC. 211. Section 601(b)(1)(B) of the Rail Passenger Service Act (45 U.S.C. 601(b)(1)(B)) is amended by inserting immediately after "1981," the following: "of which $500,000 may be expended for the purchase of a self-propelled single car capable of carrying 50 to 60 passengers for purposes of demonstrating the feasibility of developing feeder service to basic system service and State subsidized service,".

RAIL PASSENGER CORRIDORS

SEC. 212. The Rail Passenger Service Act (45 U.S.C. 501 et seq.) is further amended by adding at the end thereof the following new title:

"TITLE X—RAIL PASSENGER CORRIDORS

45 USC 651.

"SEC. 1001. DEVELOPMENT OF EVALUATION METHOD.

"(a) The Secretary, in consultation with the Corporation, shall develop a method for evaluating rail passenger corridors.

"(b)(1) The evaluation method developed by the Secretary under this section shall be designed to determine which corridors (A) have the greatest potential for attracting riders on rail passenger service in the corridor, (B) have the greatest potential to reduce energy consumption, and (C) are capable of providing cost-effective rail passenger service.

"(2) In developing an evaluation method for purposes of making the determinations described in paragraph (1) of this subsection, the Secretary shall consider at least each of the following factors:

"(A) Potential ridership.

"(B) Operating costs and revenues.

"(C) Preliminary information on the costs of capital expenditures required.

"(D) Economic and demographic growth projections.

"(E) The evidence of State commitment to rail passenger service.

"(F) The adequacy of energy efficiency of other transportation modes in the area served.

Corridor priority ranking.

"(c) The Secretary shall, in consultation with the Corporation, determine which corridors have the greatest potential to attract riders, reduce energy consumption, and provide cost effective rail passenger service according to the evaluation method developed under subsection (a), and shall establish a priority ranking of such corridors.

Proposed method, submittal to Congress and congressional committees.

"(d) The Secretary shall, within 60 days after the date of enactment of this title, submit the proposed method for evaluating rail passenger corridors (together with explanatory material) and the ranking of the corridors with the greatest potential to both Houses of Congress and to the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

"SEC. 1002. DESIGN AND ENGINEERING.

45 USC 652.

"(a) Upon completion of the Secretary's ranking of corridors under section 1001 of this title, the Corporation shall develop design and engineering plans to the extent necessary to provide accurate information on capital expenditures for improvements and equipment, operating cost projections, running times, and other information which the Corporation, in consultation with the Secretary, determines necessary to complete an accurate assessment of the anticipated costs and benefits of instituting new service in such corridors.

"(b) In preparing a design and engineering plan for a corridor under this section, the Corporation shall consult with the Secretary and shall request the views of the appropriate officials of each State in such corridor.

Cooperation with rail carriers.

"(c)(1) The Corporation shall develop a design and engineering plan for a corridor under this section cooperatively with the rail carriers that own tracks and facilities used or to be used in providing passenger service in such corridor.

Required cooperation.

"(2) If a rail carrier described in paragraph (1) or this subsection is unwilling to cooperate with the Corporation in developing a design and engineering plan, the Corporation may apply to the Secretary for assistance in obtaining such cooperation. The Secretary may require such a private rail carrier to cooperate with the Corporation in developing such plan, and shall fix an amount which the Corporation shall reimburse such carrier for the work it performs.

"SEC. 1003. FINAL CORRIDOR EVALUATION.

45 USC 653.

Report to Congress and congressional committees.

"(a) The Secretary and the Corporation shall prepare a final corridor evaluation and submit a report to both Houses of Congress and to the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate with respect to each corridor. Such report shall include for each corridor—

"(1) ridership projections for rail passenger service in such corridor;

"(2) operating cost and revenue projections for such corridor;

"(3) projected capital expenditures, as determined by the Corporation under section 1002, for improvements in such corridor.

Corridor evaluations report.

"(b) The Secretary and the Corporation shall submit such a report on corridor evaluations by February 15, 1981. If the Secretary and the Corporation believe that further analysis is required after February 15, 1981, they shall submit a supplemental report with such additional information.

"SEC. 1004. EQUIPMENT ACQUISITION.

45 USC 654.

"The Corporation shall, to the extent of funds available under section 1008(a)(2) of this title, acquire necessary equipment for purposes of providing service in rail passenger corridors.

45 USC 655.

"SEC. 1005. PRIVATE SECTOR DEVELOPMENT.

"(a) The Secretary shall encourage the private sector development of potential rail passenger corridors, including the corridor between Atlantic City, New Jersey, and Philadelphia, Pennsylvania.

"(b) In order to carry out the purposes of this section, the Secretary shall—

"(1) in cooperation with private rail carriers, the Corporation, the Consolidated Rail Corporation, commuter agencies, and State and local transportation authorities, take all necessary steps to remove institutional and legal barriers to the private development of rail passenger corridors;

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"(2) ensure that investment of Federal funds in contiguous corridors is coordinated with privately developed corridors; and

"(3) coordinate the investment of Federal funds with State, local, and private funds for nonoperational improvements, such as stations, in privately developed corridors.

Report to Congress.

"(c) The Secretary shall, no later than February 15, 1981, submit a report to the Congress describing the action taken under this section.

45 USC 656.

"SEC. 1006. SPEED RESTRICTIONS.

"(a) The Corporation shall identify any restriction imposed by a State or local government on the speed of Amtrak trains that the Corporation determines impedes the achievement of high-speed intercity rail passenger service by the Corporation.

"(b) The Corporation shall consult with each State or local government that imposes a speed restriction identified under subsection (a) of this section, for purposes of (1) evaluating alternatives to such speed restriction, taking into account the particular local safety hazard which is the basis for such restriction, and (2) considering the possibility of eliminating or modifying such speed restriction in order to permit safe operations at higher speeds in the State or locality involved.

45 USC 657.

"SEC. 1007. SERVICE BETWEEN CORRIDORS.

"If the Corporation determines that improvements in or institution of rail passenger service on a route between corridors would be justified by an increase in overall ridership on Amtrak trains, the Corporation shall undertake such service or improvements in such service as it considers appropriate in order to increase ridership on such route and in the connecting corridors.

45 USC 658.

"SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.

"(a) There are authorized to be appropriated to the Secretary—

"(1) for the evaluation of corridors under sections 1001 and 1003 of this title and for the benefit of the Corporation in preparing design and engineering plans under section 1002 of this title, not to exceed $38,000,000 for the fiscal year ending September 30, 1981; and

"(2) for the acquisition of equipment under section 1004 of this title, not to exceed $25,000,000 for the fiscal year ending September 30, 1982.

"(b) There is authorized to be appropriated, out of funds available under section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976, for private sector development under section 1005 of this title, not to exceed $200,000 for the fiscal year ending September 30, 1981.

Ante, p. 411.

"(c) Amounts appropriated under subsection (a) of this section are authorized to remain available until expended.".

AMTRAK INTERCITY SERVICE

93 Stat. 545.

SEC. 213. Section 403(d)(2) of the Rail Passenger Service Act (45 U.S.C. 563(d)(2)) is amended by striking out "April 1, 1981" and inserting in lieu thereof "October 1, 1981".

CONRAIL EMPLOYEE PROTECTION

45 USC 779 note.

SEC. 214. (a) The Consolidated Railroad Corporation shall make payments in accordance with title V of the Regional Rail Reorganiza-

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45 USC 771.

tion Act of 1973, and the United States Railway Association shall not, as a result of such payments, withhold any funds from the Corporation.

(b) This section shall take effect as of March 1, 1980, and shall remain in effect until the expiration of the 45-day period beginning on the date of enactment of this Act. After the expiration of such 45-day period, payments by the Consolidated Rail Corporation under title V of the Regional Rail Reorganization Act of 1973, and funding of the Corporation by the United States Railway Association, shall be governed by applicable law.

RELOCATION OF FACILITIES

SEC. 215. (a) The Secretary of Transportation may not take any action with respect to the relocation of the Amtrak maintenance-of-way facility at Bristol, Pennsylvania, until 60 days after the date the Secretary reports to the Congress under subsection (b) of this section.

Report to Congress.

(b) The Secretary of Transportation shall consider and report to the Congress with respect to—

(1) preliminary design plans for sites which are potential alternatives to the maintenance-of-way facility referred to in subsection (a) of this section;

(2) the current value, current use, and alternative uses of such potential alternative sites;

(3) potential labor protection costs to be incurred in the maintenance-of-way relocation; and

(4) potential problems arising from jurisdictional labor disputes arising as a result of such a relocation.

OPERATION OF ADDITIONAL TRAINS

SEC. 216. Section 402 of the Rail Passenger Service Act (45 U.S.C. 562) is amended by adding at the end thereof the following new subsection:

93 Stat. 542.

Ordered operations, application and hearing.

"(h) Upon receipt of an application from the Corporation in any situation where the Corporation is unable to obtain a satisfactory, voluntary agreement from a rail carrier for operation of additional trains on the rail lines of that rail carrier, the Secretary may, after a hearing on the record, order such rail carrier, within 60 days, to permit or provide requested operation of trains of the Corporation over such rail lines on schedules based upon legally permissible operating times. If the Secretary determines not to hold a hearing, the Secretary, within 30 days after receipt of an application from the Corporation, shall publish in the Federal Register his reasons for not holding a hearing. Any such hearing must include a consideration of whether such an order would unduly impair freight operations of the rail carrier involved, and the burden shall be on the rail carrier seeking to oppose the operation of an additional train to demonstrate that the requested operation will impair freight operations. In establishing such scheduled running times, the Secretary shall give proper consideration to the statutory goal that the Corporation shall implement schedules which will attain a system-wide average speed of at least 55 miles per hour which can be adhered to with a high degree of reliability and passenger comfort. The compensation payable by the Corporation to a rail carrier for an operation ordered pursuant to this subsection shall be that which is properly established pursuant to an agreement between the Corporation and such rail carrier, or, in the

Publication in Federal Register.

Compensation.

94 STAT. 419

absence of an applicable agreement, shall be determined by the Commission in a proceeding pursuant to subsection (a) of this section.".

Approved May 30, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-839 accompanying H.R. 6837 and supplemental report No. 96-839, pt. 2 (Comm. on Interstate and Foreign Commerce) and No. 96-1041 (Comm. of Conference).
SENATE REPORTS: No. 96-614 (Comm. on Commerce, Science, and Transportation) and No. 96-677 accompanying S. 2156 (Comm on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Mar. 6, considered and passed Senate.
Mar. 28, 31, H.R. 6837, considered and passed House; passage vacated and S. 2253, amended, passed in lieu.
May 8, S. 2156 considered and passed Senate.
May 22, House and Senate agreed to conference report on S. 2253.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 22:
May 30, Presidential statement.

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94 STAT. 829

Public Law 96-298
96th Congress

An Act

July 1, 1980
[H.R. 7477]

To amend the Internal Revenue Code of 1954 to provide a three-month extension of the taxes which are transferred to the Airport and Airway Trust Fund.

Airport and Airway Trust Fund.
Taxes, three-month extension.
26 USC 4041.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TAXES.

(a) Tax on Fuel Used in Noncommercial Aviation.—Paragraph (5) of section 4041(c) of the Internal Revenue Code of 1954 (relating to termination of tax on fuel for noncommercial aviation) is amended by striking out "July 1, 1980" and inserting in lieu thereof "October 1, 1980".

26 USC 4261, 4271.

(b) Tax on Transportation by Air.—Sections 4261(e) and 4271(d) of such Code are each amended by striking out "June 30, 1980" and inserting in lieu thereof "September 30, 1980".

26 USC 4491.

(c) Tax on Use of Aircraft.—

(1) In general.—Subsection (e) of section 4491 of such Code (relating to termination of tax on use of aircraft) is amended by striking out "July 1, 1980" and inserting in lieu thereof "October 1, 1980".

26 USC 4491 note.

(2) Transitional rule.—For the period beginning on July 1, 1980, and ending on October 1, 1980—

(A) subsection (a) of section 4491 of such Code shall be applied by substituting "$6.25" for "$25", "½ cent" for "2 cents", and "⅞ cent" for "3½ cents", and

(B) such section 4491 shall be applied by treating such period as a year.

26 USC 4491 note.

(3) Postponement of due date for filing return.—The due date for filing any return of the tax imposed by section 4491 of the Internal Revenue Code of 1954 with respect to any use after June 30, 1980, shall not be earlier than October 31, 1980.

49 USC 1742.

(d) Extension of Airport and Airway Trust Fund.—Subsection (b) of section 208 of the Airport and Airway Revenue Act of 1970 is amended by striking out "July 1, 1980" each place it appears and inserting in lieu thereof "October 1, 1980".

Approved July 1, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1077 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 16, 17, considered and passed House.
June 28, 30, considered and passed Senate.

Public Law 96-376
96th Congress

94 STAT. 1509

An Act

To authorize appropriations for the Coast Guard for fiscal year 1981, to authorize supplemental appropriations for fiscal year 1980, and for other purposes.

Oct. 3, 1980
[S. 2489]

Coast Guard, appropriate authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1981, as follows:

(1) for the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: $1,248,367,000;

(2) for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: $469,320,000;

(3) for the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: $16,200,000; and

(4) for research, development, test, and evaluation: $30,000,000.

Active duty personnel.

SEC. 2. For fiscal year 1981, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,600: *Provided,* That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

Military training student loads.

SEC. 3. For fiscal year 1981. average military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training: 4,175 student-years;

(2) flight training: 117 student-years;

(3) professional training in military and civilian institutions: 595 student-years; and

(4) officer acquisition: 925 student-years.

Housing leases in foreign countries.

SEC. 4. The second sentence of subsection 475(a) of title 14, United States Code, is amended to read as follows: "When any such lease involves housing facilities in a foreign country, the lease may be made on a multiyear basis for a period not to exceed five years, and, in accordance with local custom and practice, advance payment may be made for the lease.".

Fund, procurement extension.

SEC. 5. The third sentence of subsection 650(a) of title 14, United States Code, is amended to read as follows: "In these regulations, whenever the fund is extended to include items not previously stocked, or spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft, whether or not such parts were previously stocked, the Secretary may authorize an increase in the existing capital of the fund by the value of such usable materials transferred thereto from Coast Guard inventories carried in other accounts.".

SEC. 6. The last sentence of subsection 214(d) of title 14, United States Code, is amended to read as follows: "A person who is appointed under this section may not suffer any reduction in the rate of pay and allowances to which he would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade.".

94 STAT. 1510

SEC. 7. (a) Chapter 13 of title 14, United States Code, is amended by adding a new section 512 as follows:

14 USC 512.

"§512. Monetary allowance for transportation of household effects

"The transportation and reimbursement authorized by subsection (b) of section 406 of title 37, United States Code, shall be available hereafter to pay a monetary allowance in place of such transportation to a member who, under regulations prescribed by the Secretary, participates in a program designated by the Secretary in which his baggage and household effects are moved by a privately owned or rental vehicle. This allowance shall not be limited to reimbursement for actual expenses and may be paid in advance of the transportation of the baggage and household effects. The allowance shall, however, be in an amount that will result in savings to the Government when the total cost of the movement of baggage and household effects is compared with the cost that otherwise would have been incurred under subsection (b) of section 406 of title 37, United States Code.".

(b) The analysis of chapter 13 of title 14, United States Code, is amended by adding the following item at the end thereof:

"512. Monetary allowance for transportation of household effects.".

Vessel inspection or examination, reimbursement. 46 USC 382b-1.

SEC. 8. When an inspection or examination of a vessel documented or to be documented as a vessel of the United States is conducted at a foreign port or place at the request of the owner or operator of the vessel, that owner or operator shall reimburse the Secretary of the department in which the Coast Guard is operating for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

SEC. 9. The joint resolution of June 4, 1958 (72 Stat. 179; 36 U.S.C. 161) is amended by striking the words "week which includes July 4" and inserting in lieu thereof the words "week commencing on the first Sunday in June".

SEC. 10. (a) Chapter 17 of title 14, United States Code, is amended by adding a new section 660 as follows:

14 USC 660.

"§660. Transportation to and from certain places of employment

"(a) Whenever the Secretary determines that it is necessary for the effective conduct of the affairs of the Coast Guard, he may, at reasonable rates of fare fixed under regulations to be prescribed by him, provide assured and adequate transportation by motor vehicle or water carrier to and from their places of employment for persons attached to, or employed by, the Coast Guard; and during a war or during a national emergency declared by Congress or the President, for persons attached to, or employed in, a private plant that is manufacturing material for the Coast Guard.

"(b) Transportation may not be provided under subsection (a) unless the Secretary or an officer designated by the Secretary, determines that—

"(1) other transportation facilities are inadequate and cannot be made adequate;

"(2) a reasonable effort has been made to induce operators of private facilities to provide the necessary transportation; and

"(3) the service to be furnished will make proper use of transportation facilities and will supply the most efficient transportation to the persons concerned.

"(c) To provide transportation under subsection (a), the Secretary may—

"(1) buy, lease, or charter motor vehicles or water carriers having a seating capacity of 12 or more passengers;

"(2) maintain and operate that equipment by enlisted members or employees of the Coast Guard, or by private persons under contract; and

"(3) lease or charter the equipment to private or public carriers for operation under terms that are considered necessary by the Secretary or by an officer designated by the Secretary, and that

may provide for the pooling of government-owned and privately owned equipment and facilities and for the reciprocal use of that equipment.

"(d) Fares received under subsection (a), and proceeds of the leasing or chartering of equipment under subsection (c)(3), shall be covered into the Treasury as miscellaneous receipts.".

(b) The analysis of chapter 17 of title 14, United States Code, is amended by adding the following item at the end thereof:

"660. Transportation to and from certain places of employment.".

Appropriation authorization.

SEC. 11. Paragraph (1) of the first section of Public Law 96-23 (93 Stat. 68) is amended by striking "$1,058,357,000;" and substituting "$1,091,357,000;".

Plans, submittal to Congress.
14 USC 656 note.

SEC. 12. The President shall submit to the Congress, with the fiscal year 1982 budget request for the Coast Guard and each subsequent budget request, the current copy of the Coast Guard's Capital Investment Plan, Cutter Plan, Aviation Plan, and Shore Facilities Plan.

Ante, p. 1020.

SEC. 13. Section 2(c) of Public Law 96-324 is amended by striking the words "the Canal Zone,".

Approved October 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-909 accompanying H.R. 6672 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-779 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 23, considered and passed Senate.
Sept. 15, H.R. 6672 considered and passed House; passage vacated and S. 2489, amended, passed in lieu.
Sept. 22, Senate concurred in House amendments.

Public Law 96-423
96th Congress

94 STAT. 1811

An Act

To amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

Oct. 10, 1980
[S. 2730]

Federal Railroad Safety Authorization Act of 1980.
45 USC 421 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Authorization Act of 1980".

AUTHORIZATION FOR APPROPRIATIONS

45 USC 441.

SEC. 2. The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by striking out section 212 and by adding at the end thereof the following new section:

45 USC 444.

"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $38,000,000 for the fiscal year ending September 30, 1981, and not to exceed $40,000,000 for the fiscal year ending September 30, 1982.

"(b) The amounts appropriated under subsection (a) of this section for a fiscal year shall be available for expenditure in such fiscal year as follows:

"(1) For the Office of Safety, including salaries and expenses for not more than (A) six hundred safety inspectors, (B) forty-five signal and train control inspectors, and (C) one hundred and twenty-five clerical personnel, not to exceed $22,500,000 for the fiscal year ending September 30, 1981, and not to exceed

$24,000,000 for the fiscal year ending September 30, 1982. Such funds shall be available for travel expenses of safety inspectors for not less than twenty days per month.

45 USC 435.

"(2) To carry out the provisions of section 206(d) of this Act, relating to State safety programs, not to exceed $2,000,000 for the fiscal year ending September 30, 1981, and not to exceed $2,500,000 for the fiscal year ending September 30, 1982.

"(3) For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed $3,500,000.

"(4) For conducting safety research and development activities under this Act, not to exceed $10,000,000, of which not less than $500,000 shall be available for assisting in the treatment of alcohol and drug abuse problems of railroad employees.

"(c) Sums appropriated under this section for research and development, automated track inspection, and the State safety grant program are authorized to remain available until expended.".

EMERGENCY SAFETY ORDERS

94 STAT. 1812

SEC. 3. Section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) is amended to read as follows:

"SEC. 203. EMERGENCY POWERS.

Unsafe conditions or practices; order.

"(a) If the Secretary determines, on the basis of testing, inspection, investigation, or research carried out pursuant to this title, that an unsafe condition or practice, or a combination of unsafe conditions or practices, or both, create an emergency situation involving a hazard of death or injury to persons, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, imposing such restrictions or prohibitions as may be necessary to bring about the abatement of such emergency situation.

45 USC 431.

Review.

"(b) After the issuance of an order under this section, opportunity for review of such order shall be provided in accordance with section 554 of title 5, United States Code.

"(c) If a petition for review of an order has been filed under subsection (b) of this section but administrative review of such order has not been completed by the end of the thirty-day period beginning on the date such order was issued, such order shall cease to be effective at the end of such period unless the Secretary determines in writing that the emergency situation remains in existence.

Relief, standards and procedures.

"(d) In issuing any order under this section, the Secretary shall describe the conditions or practices which create an emergency situation (as determined by the Secretary), and shall establish standards and procedures under which relief from such order may be obtained. Nothing in this subsection shall be construed to affect the discretion of the Secretary under this section to maintain an order in effect until the emergency situation has been abated.

Court action.

"(e) Any employee of a common carrier by railroad engaged in interstate or foreign commerce who may be exposed to imminent physical injury in the course of his employment because of the Secretary's failure, without any reasonable basis, to seek relief under subsection (a) of this section, or the authorized representative of such an employee, shall have the right to bring an action against the Secretary in the United States district court for the judicial district in which the emergency situation is alleged to exist or in which the employer has its principal executive office, or for the District of Columbia, to compel the Secretary to issue an order under this section. The failure of the Secretary to seek relief under subsection (a) of this section shall be reviewed solely under the standards of section 706 of title 5, United States Code.".

SCOPE OF STATE PARTICIPATION

SEC. 4. (a) Section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) is amended by adding at the end thereof the following new subsection:

Investigation and surveillance.

"(g) In addition to the provisions for State participation set forth in subsections (a) and (c) of this section, the Secretary may enter into agreements with any State to provide investigative and surveillance activities with respect to those functions transferred to the Secretary by section 6 (e)(1), (e)(2), and (e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655 (e)(1), (e)(2), and (e)(6)(A)).".

(b) Section 206(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435(d)) is amended by inserting "or (g)" immediately after "subsection (c)".

STATE ENFORCEMENT POWER

SEC. 5. Section 207 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 436) is amended to read as follows:

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"SEC. 207. ENFORCING COMPLIANCE WITH FEDERAL RAILROAD SAFETY RULES, REGULATIONS, ORDERS, AND STANDARDS.

Civil penalty, application for assessment and collection.
45 USC 438.
49 USC 1655.

"(a)(1) In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title or under any law transferred by section 6 (e)(1), (e)(2), or (e)(6)(A) of the Department of Transportation Act, within sixty days after the date on which notification was received by the Secretary from a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title, that State agency may apply to the United States district court for the judicial district in which the violation occurred or in which the defendant has its principal executive office for the assessment and collection of the civil penalty included in or made applicable to such rule, regulation, order, or standard.

Exception.

"(2) The provisions of this subsection shall not apply in any case in which the Secretary has affirmatively determined in writing that no violation has occurred.

Injunctive relief
5 USC 439.

"(b)(1) In any case in which the Secretary has not commenced an action for injunctive relief under section 210 of this title with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title or under any law transferred by section 6 (e)(1), (e)(2), or (e)(6)(A) of the Department of Transportation Act, within 15 days after the date on which the Secretary received notification of the violation, together with a request that an injunctive action be instituted, from a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title, that State agency may apply to the United States district court for the judicial district in which the violation occurred or in which the defendant has its principal executive office for injunctive relief to restrain further violation of such rule, regulation, order, or standard.

Exception.

"(2) The provisions of this subsection shall not apply in any case in which the Secretary has affirmatively determined in writing that (A) no violation has occurred, or (B) an action for injunctive relief is not necessary because of other enforcement action undertaken by the Secretary with respect to the subject violation.

Geographic limitation.

"(c) A State agency may not bring an action under this section in any United States district court located outside the boundaries of the State.".

CONSOLIDATION OF ADMINISTRATIVE POWERS

SEC. 6. (a) Section 208(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(b)) is amended by inserting "and under the functions transferred by section 6 (e)(1), (e)(2), and (e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655 (e)(1), (e)(2), and (e)(6)(A))" immediately after "this title".

(b) Section 208 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437) is amended by adding at the end thereof the following new subsection:

DOT Secretary, authorized actions.

"(d)(1) In carrying out the functions formerly vested in the Interstate Commerce Commission and transferred to the Secretary by

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section 6 (e)(1), (e)(2), and (e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655 (e)(1), (e)(2), and (e)(6)(A)), the Secretary is authorized to perform any act authorized in subsection (a) of this section that he considers necessary to carry out such transferred functions, including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, and prescribing recordkeeping and reporting requirements. The Secretary is further authorized to issue orders directing compliance with the laws transferred by section 6 (e)(1), (e)(2), and (e)(6)(A) of the Department of Transportation Act or with any regulation or order issued thereunder.

Orders.

49 USC 1655.

Enforcement.

"(2) The district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce by appropriate means any order issued by the Secretary under paragraph (1) of this subsection.".

CRIMINAL PENALTY FOR FALSE REPORTING

Penalties.

SEC. 7. Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(e) Any person who knowingly and willfully—

"(1) makes a false entry in any record or report required under this title to be made, prepared, or preserved;

"(2) destroys, mutilates, changes, or by another means falsifies any such record or report;

"(3) does not enter required specified facts and transactions in any such record or report;

"(4) makes, prepares, or preserves any such record or report in violation of a regulation or order issued under this title; or

"(5) files a false record or report with the Secretary,

shall be fined not more than $5,000, or imprisoned for not more than two years, or both.".

VENUE

SEC. 8. (a) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by striking out "having jurisdiction in the locality where such violation occurred" and inserting in lieu thereof "for the judicial district in which such violation occurred or in which the defendant has its principal executive office".

(b) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6), is amended by striking out "having jurisdiction in the locality where such violation shall have been committed" and inserting in lieu thereof "for the judicial district in which such violation occurred or in which the defendant has its principal executive office".

(c) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34), is amended by striking out "having jurisdiction in the locality where such violation shall have been committed" and inserting in lieu thereof "for the judicial district in which such violation occurred or in which the defendant has its principal executive office".

(d) Section 25(h) of the Act of February 4, 1887 (49 U.S.C. 26(h)), is amended by striking out "having jurisdiction in the locality where such violation shall have been committed" and inserting in lieu thereof "for the judicial district in which such violation occurred or in which the defendant has its principal executive office".

INJUNCTIVE RELIEF

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SEC. 9. (a) Section 210(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 439(a)) is amended by inserting "and to restrain violations of or to enforce rules, regulations, orders, or standards established under any statute transferred to the Secretary under section 6 (e)(1), (e)(2), and (e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655 (e)(1), (e)(2), and (e)(6)(A))" immediately before the period at the end thereof.

(b) Section 210 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 439) is amended by adding at the end thereof the following new subsection:

Location.
45 USC 436.

"(c) Subject to section 207(d) of this title, any action under subsection (a) of this section may be brought in the United States district court for the judicial district in which the violation occurred or in which the defendant has its principal executive office.".

PROTECTION AND RIGHTS OF EMPLOYEES

SEC. 10. The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by inserting after section 211 the following new section:

"SEC. 212. PROTECTION AND RIGHTS OF EMPLOYEES.

45 USC 441.

"(a) A common carrier by railroad engaged in interstate or foreign commerce may not discharge or in any manner discriminate against any employee because such employee, whether acting in his own behalf or in a representative capacity, has—

"(1) filed any complaint or instituted or caused to be instituted any proceeding under or related to the enforcement of the Federal railroad safety laws; or

"(2) testified or is about to testify in any such proceeding.

"(b)(1) A common carrier by railroad engaged in interstate or foreign commerce may not discharge or in any manner discriminate against any employee for refusing to work when confronted by a hazardous condition related to the performance of the employee's duties, if—

"(A) the refusal is made in good faith and no reasonable alternative to such refusal is available to the employee;

"(B) the hazardous condition is of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that—

"(i) the condition presents an imminent danger of death or serious injury; and

"(ii) there is insufficient time, due to the urgency of the situation, to eliminate the danger through resort to regular statutory channels; and

"(C) the employee, where possible, has notified his employer of his apprehension of such hazardous condition and of his intention not to perform further work unless such condition is corrected immediately.

Security personnel, exemption.

"(2) The provisions of this subsection shall not apply to security personnel employed by a railroad to protect persons and property transported by such railroad.

Dispute resolution.

"(c)(1) Any dispute, grievance, or claim arising under this section shall be subject to resolution in accordance with the procedures set forth in section 3 of the Railway Labor Act (45 U.S.C. 153).

Backpay; reinstatement.

"(2) In the case of any violation of subsection (a) or (b) of this section, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act shall, where appropriate, award backpay to the aggrieved employee and order such employee reinstated to his position.

Election of provision.

"(d) Whenever an employee of a railroad is afforded protection under this section and under any other provision of law in connection with the same allegedly unlawful act of an employer, if such employee seeks protection he must elect either to seek relief pursuant to this section or pursuant to such other provision of law.

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"Federal railroad safety laws."

"(e) As used in this section, the term 'Federal railroad safety laws' means this Act, the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), and those laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e) (1), (2), and (6)(A) of section 6 of the Department of Transportation Act (49 U.S.C. 1655(e) (1), (2), and (6)(A)).".

PAY CLASSIFICATIONS

SEC. 11. The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by inserting after section 212, as added by section 10 of this Act, the following new section:

45 USC 443.

"SEC. 213. PAY CLASSIFICATIONS.

"Notwithstanding any other provision of law—

5 USC 5101 *et seq.*

5 USC 5332 note.

"(1) the position held by a fully experienced and qualified railroad safety inspector employed by the Department of Transportation shall be classified in accordance with chapter 51 of title 5, United States Code, but not lower than Grade GS-12 of the General Schedule; and

"(2) the position held by a railroad safety specialist employed by the Department of Transportation shall be classified in accordance with chapter 51 of title 5, United States Code, but not lower than Grade GS-13 of the General Schedule.".

HOURS OF SERVICE ACT AMENDMENT

SEC. 12. Section 5(a) of the Act of March 4, 1907 (45 U.S.C. 64a(a)), commonly known as the Hours of Service Act, is amended to read as follows:

Penalties.

45 USC 62-63a.

"SEC. 5. (a)(1) Any common carrier subject to this Act, or any officer or agent thereof, that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of $500 for each violation, to be recovered in an action to be brought by the United States attorney in the district court of the United States for the judicial district in which such violation occurred or in which the defendant has its principal executive office. It shall be the duty of the United States attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2 (a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense.

Time limitation.

"(2) No action may be brought under this section after the expiration of the two-year period beginning on the date the violation occurred unless administrative notification pursuant to the Federal Claims Collection Act (31 U.S.C 951-953) has been provided to the common carrier within such two-year period, but in no event may any such action be brought after the expiration of the period specified in section 2462 of title 28, United States Code.".

LOCOMOTIVE INSPECTION ACT AMENDMENT

Inspection report.

SEC. 13. Section 6 of the Act of February 17, 1911 (45 U.S.C. 29), is amended by striking out the fourth and fifth sentences and inserting in lieu thereof the following: "Each carrier subject to such sections

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shall keep on file the report of each inspection required by such rules and regulations and the report showing the repair of the defects disclosed by the inspection. The rules and regulations referred to in this section shall prescribe the manner in which such reports shall be kept.".

SAFETY OF RAILROAD PASSENGER EQUIPMENT

SEC. 14. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following new subsection:

Rules and regulations.

Review.

"(h)(1) The Secretary shall, within two years after the date of enactment of this subsection, issue such initial rules, regulations, orders, and standards as may be necessary to insure the safe construction, maintenance, and operation of railroad passenger equipment. The Secretary shall periodically review such rules, regulations, orders, and standards and shall, after a hearing in accordance with subsection (b) of this section, make such revisions in such rules, regulations, orders, and standards as may be necessary.

"(2) In issuing initial rules, regulations, orders, and standards under this subsection, and in making any subsequent revisions thereto, the Secretary shall—

"(A) concentrate on those areas which, in the judgment of the Secretary, present the greatest opportunity for enhancing the safety of railroad passenger equipment; and

"(B) give significant weight to the expenditures that would be necessary to retrofit existing equipment and to alter specifications for equipment on order;

Consultation.

"(3) In issuing initial rules, regulations, orders, and standards under this subsection, and in making any subsequent revisions thereto, the Secretary may consult with the National Railroad Passenger Corporation, public authorities that operate passenger service, other rail carriers that transport passengers, organizations of passengers, and organizations of employees. Such consultations shall not be subject to the Federal Advisory Committee Act, but minutes of such consultations shall be placed in the public docket of the rulemaking proceeding.

5 USC app.

"Railroad passenger equipment."

"(4) As used in this subsection, the term 'railroad passenger equipment' means all railroad equipment used for the transportation of passengers, whether in commuter or intercity service.".

ALASKA RAILROAD ACT AMENDMENT

SEC. 15. The first section of the Act of March 12, 1914 (43 U.S.C. 975), is amended by inserting immediately after the first undesignated paragraph the following new paragraph:

Security officers.

"Any security officer employed to protect life and property on the railroad is authorized to maintain law and order, to carry firearms, and to make arrests on railroad property with a warrant for any offense committed against the laws of the United States, and to make arrests without a warrant for any offense committed upon property of the railroad if there is reasonable ground to believe that the offense constitutes a felony under the laws of the United States and the person to be arrested has committed or is committing the felony.".

STUDIES AND REPORTS

45 USC 431 note.

Submittal to Congress.

SEC. 16. (a) The Secretary of Transportation shall conduct a study regarding employee training in the railroad industry as it affects railroad safety. Among other factors, such study shall consider the appropriate Federal role, if any, in such training, and the adequacy of such training. The results of such study, together with recommendations for any necessary legislation, shall be submitted to the Congress by December 31, 1980.

Status report, submittal to Congress.

(b)(1) The Secretary of Transportation shall make every possible effort to expedite promulgation of a final rule regarding the retrofitting of Department of Transportation specification one hundred and five tank cars with shelf couplers. In the event that such rule is not promulgated prior to December 31, 1980, the Secretary of Transportation shall submit to the Congress a status report with respect to such rule, indicating the Federal Railroad Administration's activities to such date, the current status of such rule, and an estimate as to when a final rule will be promulgated.

Recommendations and anticipated action, submittal to Congress.

(2) Whenever the Secretary of Transportation submits a status report pursuant to the provisions of paragraph (1) of this subsection, or when the Federal Railroad Administration promulgates a final rule with respect to the retrofitting of Department of Transportation specification one hundred and five tank cars with shelf couplers, the Secretary shall transmit to the Congress any other recommendations and anticipated action by the Department of Transportation with respect to the retrofitting of such tank cars.

Systems safety plan, submittal to Congress.

(c)(1) The Secretary of Transportation shall submit to the Congress a systems safety plan relating to the activities of the Department of Transportation in carrying out rail safety laws. The Secretary shall complete such plan at the earliest possible date, but in no event shall the study be submitted later than January 31, 1981.

Methodology. (2) As part of the plan submitted to the Congress under paragraph (1) of this subsection, the Secretary of Transportation shall develop a methodology to determine frequency and schedules of safety inspections, giving appropriate priority to track and equipment involved with passenger trains and hazardous cargos. Such methodology shall further take into consideration safety records of the rail carriers, location of track and equipment in population centers, volume of usage of track and equipment, and any other factors that the Secretary considers relevant to railroad safety.

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EFFECTIVE DATE

45 USC 431 note.

Sec. 17. (a) Except as provided in subsection (b) of this section, the provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 11 of this Act shall take effect on October 1, 1980, or on the date of enactment of this Act, whichever is later.

Approved October 10, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1025 accompanying H.R. 7104 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-785 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 6, considered and passed Senate.
  Sept. 22, H.R. 7104 considered and passed House; passage vacated, and S. 2730, amended, passed in lieu.
  Sept. 24, Senate concurred in House amendments.

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94 STAT. 1895

Public Law 96-448
96th Congress

An Act

Oct. 14, 1980
[S. 1946]

To reform the economic regulation of railroads, and for other purposes.

Staggers Rail Act of 1980.
49 USC 10101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Staggers Rail Act of 1980".

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FINDINGS

SEC. 2. The Congress hereby finds that—

49 USC 10101a note.

(1) historically, railroads were the essential factor in the national transportation system;

(2) the enactment of the Interstate Commerce Act was essential to prevent an abuse of monopoly power by railroads and to establish and maintain a national railroad network;

(3) today, most transportation within the United States is competitive;

(4) many of the Government regulations affecting railroads have become unnecessary and inefficient;

(5) nearly two-thirds of the Nation's intercity freight is transported by modes of transportation other than railroads;

(6) earnings by the railroad industry are the lowest of any transportation mode and are insufficient to generate funds for necessary capital improvements;

(7) by 1985, there will be a capital shortfall within the railroad industry of between $16,000,000,000 and $20,000,000,000;

(8) failure to achieve increased earnings within the railroad industry will result in either further deterioration of the rail system or the necessity for additional Federal subsidy; and

(9) modernization of economic regulation for the railroad industry with a greater reliance on the marketplace is essential

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in order to achieve maximum utilization of railroads to save energy and combat inflation.

GOALS

49 USC 10101a note. SEC. 3. The purpose of this Act is to provide for the restoration, maintenance, and improvement of the physical facilities and financial stability of the rail system of the United States. In order to achieve this purpose, it is hereby declared that the goals of this Act are—

(1) to assist the railroads of the Nation in rehabilitating the rail system in order to meet the demands of interstate commerce and the national defense;

(2) to reform Federal regulatory policy so as to preserve a safe, adequate, economical, efficient, and financially stable rail system;

(3) to assist the rail system to remain viable in the private sector of the economy;

(4) to provide a regulatory process that balances the needs of carriers, shippers, and the public; and

(5) to assist in the rehabilitation and financing of the rail system.

TITLE I—RAIL TRANSPORTATION POLICY

RAIL TRANSPORTATION POLICY

SEC. 101. (a) Chapter 101 of title 49, United States Code, is amended by inserting after section 10101 the following new section:

49 USC 10101a. **"§ 10101a. Rail transportation policy**

"In regulating the railroad industry, it is the policy of the United States Government—

"(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

"(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

"(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Interstate Commerce Commission;

"(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;

"(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

"(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

"(7) to reduce regulatory barriers to entry into and exit from the industry;

"(8) to operate transportation facilities and equipment without detriment to the public health and safety;

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"(9) to cooperate with the States on transportation matters to assure that intrastate regulatory jurisdiction is exercised in accordance with the standards established in this subtitle;

"(10) to encourage honest and efficient management of railroads and, in particular, the elimination of noncompensatory rates for rail transportation;

"(11) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

"(12) to encourage fair wages and safe and suitable working conditions in the railroad industry;

"(13) to prohibit predatory pricing and practices, to avoid undue concentrations of market power and to prohibit unlawful discrimination;

"(14) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information; and

"(15) to encourage and promote energy conservation.".

(b) Section 10101(a) of title 49, United States Code, is amended by striking out "To ensure" and inserting in lieu thereof "Except where policy has an impact on rail carriers, in which case the principles of section 10101a of this title shall govern, to ensure". *Ante*, p. 1897.

(c) The section analysis of chapter 101 of title 49, United States Code, is amended by inserting after the item relating to section 10101 the following new item:

"10101a. Rail transportation policy.".

TITLE II—RAILROAD RATES AND INTER-CARRIER PRACTICES

REGULATION OF RAILROAD RATES

SEC. 201. (a) Subchapter I of chapter 107 of title 49, United States Code, is amended by inserting after section 10701 the following new section:

"§ 10701a. Standards for rates for rail carriers 49 USC 10701a.

"(a) Except as provided in subsection (b) or (c) of this section and unless a rate is prohibited by a provision of this title, a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title may establish any rate for transportation or other service provided by the carrier. 49 USC 10501.

"(b)(1) If the Commission determines, under section 10709 of this title, that a rail carrier has market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation must be reasonable. 49 USC 10709.

"(2) In any proceeding to determine the reasonableness of a rate described in paragraph (1) of this subsection—

"(A) the shipper challenging such rate shall have the burden of proving that such rate is not reasonable if—

"(i) such rate (I) is authorized under section 10707a of this title, and (II) results in a revenue-variable cost percentage for the transportation to which the rate applies that is less than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title; or *Post*, p. 1901.

94 STAT. 1899

"(ii) such rate does not meet the description set forth in clause (i) of this subparagraph, but the Commission does not begin an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; and 49 USC 10707.

"(B) the rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate (I) is greater than that authorized under section 10707a of this title, or (II) results in a revenue- *Post*, p. 1901.

variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title; and

"(ii) the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable.

"(3) In determining whether a rate established by a rail carrier is reasonable for purposes of this section, the Commission shall recognize the policy of this title that rail carriers shall earn adequate revenues, as established by the Commission under section 10704(a)(2) of this title.

Post, p. 1906.

"(c)(1) A rate for transportation or other service provided by a rail carrier subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title may not be established below a reasonable minimum. Any rate for transportation by such a rail carrier that does not contribute to the going concern value of such carrier is presumed to be not reasonable. A rate that contributes to the going concern value of such carrier is conclusively presumed not to be below a reasonable minimum.

49 USC 10501.

"(2) A rate for transportation by a rail carrier that equals or exceeds the variable cost of providing the transportation is conclusively presumed to contribute to the going concern value of such rail carrier.

"(3)(A) Upon the filing of a complaint alleging that a rate is in violation of this subsection, the Commission shall take final action thereon by the 90th day after the date such complaint is filed.

"(B) If the Commission determines, based on the record after opportunity for a hearing, that a rate is in violation of this subsection, the Commission shall order such rate to be raised, but only to the minimum level required by this subsection. The complainant shall have the burden of proving that such rate is in violation of this subsection.

"(4)(A) For purposes of this subsection, variable costs shall be determined under formulas or procedures prescribed or certified by the Commission.

"(B) In the determination of variable costs for purposes of minimum rate regulation, the Commission shall, on application of the rail carrier proposing the rate, determine only the costs of such carrier and only those costs of the specific service in question unless the specific information is not available. The Commission may not include in such variable costs an expense that does not vary directly with the level of transportation provided under the proposed rate.".

(b)(1) Section 10701(a) of title 49, United States Code, is amended—

(A) by inserting "(other than a rail rate)" immediately after "A rate" in the first sentence;

(B) by inserting "(including a rail carrier)" immediately after "such a carrier" in the second sentence thereof; and

(C) by inserting "(including rail carriers)" immediately after "those carriers" in the third sentence thereof.

Repeal.

(2) Section 10701(b) of title 49, United States Code, is repealed.

(3) The section analysis of chapter 107 of title 49, United States Code, is amended by inserting immediately below the item relating to section 10701 the following new item:

"10701a. Standards for rates for rail carriers.".

DETERMINATION OF MARKET DOMINANCE

SEC. 202. Section 10709 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Definitions.

"(d)(1) In this subsection—

"(A) 'fixed and variable cost' means all cost incurred by rail carriers in the transportation of freight, but limiting the return on equity capital to a rate equal to the embedded cost of debt.

"(B)(i) 'cost recovery percentage' means the lowest revenue-variable cost percentage which, if all movements that produced revenues resulting in revenue-variable cost percentages in excess of the cost recovery percentage are deemed to have produced only revenues resulting in the cost recovery percentage, would produce revenues which would be equal, when combined with total revenues produced by all other traffic transported by rail carrier, to the total fixed and variable cost of the transportation of all traffic by rail carrier.

"(ii) for purposes of determining the cost recovery percentage only, 'revenue-variable cost percentage' means the quotient, expressed as a percentage figure, obtained by dividing the total revenues produced by the transportation of all traffic received by rail carriers for rail transportation by the total variable cost of such transportation.

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applies if such rail carrier proves that the rate charged results in a revenue-variable cost percentage for such transportation that is less than—

"(A) 160 percent during the period beginning on the effective date of the Staggers Rail Act of 1980 and ending September 30, 1981;

Ante, p. 1895.

"(B) 165 percent during the period beginning October 1, 1981, and ending September 30, 1982;

"(C) 170 percent during the period beginning October 1, 1982, and ending September 30, 1983;

"(D) 175 percent or the cost recovery percentage, whichever is less, during the period beginning October 1, 1983, and ending September 30, 1984; and

"(E) the cost recovery percentage, during each 12-month period beginning on or after October 1, 1984.

Cost recovery percentage.

For purposes of subparagraphs (D) and (E) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost percentage of 180 percent.

Revenue-variable cost percentage. *Ante*, p. 1916.

"(3) For purposes of determining the revenue-variable cost percentage for a particular transportation, variable costs shall be determined pursuant to section 10705a(m)(1) of this title, with adjustments specified by the Commission. A rail carrier may meet its burden of proof under this subsection by establishing its variable costs in accordance with such section 10705a(m)(1), but a shipper may rebut that showing by evidence of such type, and in accordance with such burden of proof, as the Commission shall prescribe.

94 STAT. 1901

"(4) A finding by the Commission that a rate charged by a rail carrier results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the applicable percentage under paragraph (2) of this subsection does not establish a presumption that (A) such rail carrier has or does not have market dominance over such transportation, or (B) the proposed rate exceeds or does not exceed a reasonable maximum.

Cost recovery percentages. *Ante*, p. 1895.

"(5)(A) Within 180 days after the effective date of the Staggers Rail Act of 1980 and on an annual basis thereafter, the Commission shall determine the cost recovery percentage for the transportation of all traffic received by rail carriers. The Commission shall make such determination after considering each individual revenue-variable cost percentage resulting from the revenues and costs of a valid and reliable statistical sample of all movements of commodities transported by class I rail carriers during the most recent calendar year for which such information is available.

"(B) If, on the basis of calculations under subparagraph (A) of this paragraph, the Commission determines that revenues earned by all class I rail carriers during the previous calendar year do not exceed the fixed and variable costs of such carriers, then the cost recovery percentage for purposes of this section shall be deemed to be equal to the cost recovery percentage last determined by the Commission.

49 USC 10311.

"(C) The Commission shall, in its annual report submitted to the Congress under section 10311 of this title, set forth the cost recovery percentage determined for that year under subparagraph (A) of this paragraph.".

ZONE OF RATE FLEXIBILITY

SEC. 203. (a) Subchapter I of chapter 107 of title 49, United States Code, is amended by inserting after section 10707 the following new section:

49 USC 10707a.

"§ 10707a. Zone of rail carrier rate flexibility

"(a) In this section—

"Base rate."

"(1)(A) 'base rate' means, with respect to the transportation of a particular commodity (i) for the 24-month period beginning on October 1, 1980, the rate in effect on October 1, 1980, (ii) for the 24-month period beginning on October 1, 1982, the rate in effect on October 1, 1982, and (iii) for the 5-year period beginning on October 1, 1984, and for each subsequent 5-year period, the rate in effect on the first day of the applicable 5-year period.

"(B) If no rate exists for the transportation of a particular commodity on October 1, 1980, the base rate for the transportation of such commodity shall be the rate established by the rail carrier (divided by the latest rail cost adjustment factor published by the Commission), unless such rate is found to be unreasonable by the Commission, in which case the base rate shall be the rate authorized by the Commission (divided by the latest rail cost adjustment factor published by the Commission).

"Adjusted base rate."

"(2)(A) 'adjusted base rate' means the base rate for the transportation of a particular commodity multiplied by the latest rail cost adjustment factor published by the Commission pursuant to this paragraph.

Rail cost adjustment factor.

94 STAT. 1902

"(B) Commencing with the fourth quarter of 1980, the Commission shall, as often as practicable but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Commission, with appropriate adjustments to reflect the changing composition of railroad costs, including the quality and mix of material and labor), and the denominator of which is the same index for the fourth quarter of 1980, or for the fourth quarter of 1982 or for the fourth quarter of every fifth year thereafter, as appropriate.

Rate increase.

49 USC 10501.
49 USC 10709.

"(b)(1) Except as provided in paragraph (2) of this subsection, a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title may increase any rate over which the Commission has jurisdiction under section 10709 of this title so long as the increased rate is not greater than the adjusted base rate for the transportation involved, plus any rate increases implemented under subsection (c) or (d) of this section.

"(2) A rate increase authorized under this subsection may not be found to exceed a reasonable maximum for the transportation involved.

49 USC 10706.
49 USC 10712.

"(3) A rail carrier may not increase a rate under this subsection to the extent that the cost increases to such carrier due to inflation are recovered through (A) general rate increases pursuant to section 10706 of this title, or (B) inflation-based rate increases under section 10712 of this title applicable to that rate.

Ante, p. 1895.

"(c)(1) During the 12-month period beginning on the effective date of the Staggers Rail Act of 1980 and during each of the 3 succeeding 12-month periods, a rail carrier may, in addition to rate increases authorized under subsection (b) of this section, increase any rate over which the Commission has jurisdiction under section 10709 of this title by an annual amount of not more than 6 percent of the adjusted base rate, except that in no event shall the total increase under this subsection result in a rate which is more than 118 percent of the adjusted base rate.

"(2)(A) If any portion of a rate increase under this subsection is not implemented in the year in which it is authorized, such portion may, except as provided in subparagraph (B) of this paragraph, be implemented only in the next succeeding year.

"(B) If any portion of the total rate increase authorized under this subsection is not implemented by the end of the 4-year period beginning on the effective date of the Staggers Rail Act of 1980, such portion may be implemented in the next 2 succeeding years, except that in no event may a rail carrier increase a rate under this subsection or under subsection (d) of this section in either of such 2 succeeding years by an annual amount of more than 10 percent of the adjusted base rate.

"(d)(1) Except as provided in paragraph (3) of this subsection, during the 12-month period beginning on October 1, 1984, and during each succeeding 12-month period, a rail carrier may, in addition to rate increases under subsection (b) of this section, increase any rate over which the Commission has jurisdiction under section 10709 of this title by an annual amount of not more than 4 percent of the adjusted base rate.

"(2) No portion of any rate increase under this subsection which is not implemented in the year in which it is authorized may be implemented in any other year.

"(3)(A) The provisions of this subsection shall not apply to a rail carrier proposing to increase a single line rate if such carrier earns adequate revenues, as determined by the Commission under section 10704(a)(2) of this title.

Post, p. 1906.

Joint rates, rules.

"(B) The Commission shall, after a hearing on the record, prescribe such rules with respect to joint rates as necessary to ensure that rail carriers which earn adequate revenues, as determined under section 10704(a)(2) of this title, do not receive the rate increases authorized by this subsection unless the Commission determines that it is unable to prescribe such rules without precluding rail carriers not earning adequate revenues from receiving the rate increases authorized under this subsection.

49 USC 10707.

"(e)(1) Notwithstanding the provisions of section 10707 of this title, in the case of any rate increase by a rail carrier that is authorized under subsection (c) or (d) of this section—

"(A)(i) the Commission may not suspend such rate increase pending final Commission action; and

"(ii) except as provided in paragraph (2) of this subsection, the Commission may not begin an investigation proceeding under section 10707 of this title with respect to the reasonableness of such rate increase; but

49 USC 11701.

"(B) an interested party may file a complaint under section 11701(b) of this title alleging that such rate increase violates the provisions of this subtitle.

In considering any complaint challenging a rate increase that is authorized under subsection (c) of this section and that results in a revenue-variable cost percentage that is less than the lesser of the percentages described in clauses (i) and (ii) of paragraph (2)(A), the Commission shall, in determining the reasonableness of such rate increase, give due consideration to whether the carrier proposing the rate increase has attained adequate revenues, as determined by the Commission under section 10704(a)(2) of this title, giving regard to preventing a carrier with adequate revenues from realizing excessive profits on the traffic involved and also the policy of bringing to an adequate level the revenues of carriers not having an adequate revenue level.

"(2)(A) If a rate increase authorized under this section in any year results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than—

"(i) 20 percentage points above the revenue-variable cost percentage applicable in that year under section 10709(d) of this title; or

Ante, p. 1900.

"(ii) a revenue-variable cost percentage of 190 percent,

whichever is less, the Commission may, on its own initiative, or on complaint of an interested party, begin an investigation proceeding to determine whether the proposed rate increase violates this subtitle.

"(B) In determining whether to investigate or not to investigate any proposed rate increase that results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of subparagraph (A) of this paragraph (without regard to whether such rate increase is authorized under this section), the Commission shall set forth its reasons therefor, giving due consideration to the following factors:

"(i) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;

"(ii) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

94 STAT. 1904

Ante, p. 1897.

49 USC 10704.

"(iii) the impact of the proposed rate or rate increase on the attainment of the national energy goals and the rail transportation policy under section 10101a of this title, taking into account the railroads' role as a primary source of energy transportation and the need for a sound rail transportation system in accordance with the revenue adequacy goals of section 10704 of this title.

This subparagraph shall not be construed to change existing law with regard to the nonreviewability of such determination.

"(C) In determining whether a rate is reasonable, the Commission shall consider, among other factors, evidence of the following:

"(i) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;

"(ii) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

"(iii) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.

"(f) In any proceeding under this section, evidence of the underlying rail carrier rate is admissible.

"(g) A finding by the Commission that a rate increase exceeds the increase authorized under this section does not establish a presumption that (1) the rail carrier proposing such rate increase has or does not have market dominance over the transportation to which the rate applies, or (2) the proposed rate exceeds or does not exceed a reasonable maximum.

"(h) The authority of the Commission to determine and prescribe reasonable rules, classifications, and practices may not be used, directly or indirectly, to limit the rates which rail carriers are otherwise authorized to establish under this subtitle.".

(b) The section analysis of chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10707 the following new item:

"10707a. Zone of rail carrier rate flexibility.".

Rail carrier rate increases.
49 USC 10707a note.

(c)(1) Any rail carrier rate which increased over 70 percent between 1976 and 1979 inclusive for the transportation, in shipper owned equipment over a distance exceeding 1,550 miles between points within the United States, of coal pursuant to a tariff calling for an annual volume of more than 2,000,000 tons per year purchased by a municipally owned utility for the generation of electric power under a 20-year purchase agreement entered into by such utility in the year 1974 shall not be increased so long as coal is purchased under such original agreement, except that—

(A) during the period beginning October 1, 1980, and ending September 30, 1987, the Interstate Commerce Commission may permit increases in such rate which result in a revenue-variable cost percentage of not more than 162 percent; and

Ante, p. 1898.

(B) after October 1, 1987, such rate shall be subject to section 10701a of title 49, United States Code, and related provisions of such title governing regulation of rail carrier rates, except that until such rate results in a revenue-variable cost percentage that is equal to or greater than the revenue-variable cost percentage applicable under section 10709(d) of such title, such rate may not be increased more than 4 percent, in addition to inflation, in any year.

Ante, p. 1900.

94 STAT. 1905

(2) Neither the provisions of this subsection nor any rate subject to this subsection shall be admissible as evidence or considered in any way in any proceeding involving any other rail carrier rate that is commenced to determine market dominance under section 10709 of title 49, United States Code, or to determine reasonableness under section 10701a of such title.

Ante, p. 1898.

TRANSPORTATION OF RECYCLABLE MATERIALS

SEC. 204. Section 10731 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this title or any other law, within 90 days after the effective date of the Staggers Rail Act of 1980, all rail carriers providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title shall take all actions necessary to reduce and thereafter maintain rates for the transportation of recyclable or recycled materials, other than recyclable or recycled iron or steel, at revenue-to-variable cost ratio levels that are equal to or less than the average revenue-to-variable cost ratio that rail carriers would be required to realize, under honest, economical, and efficient management, in order to cover total operating expenses, including depreciation and obsolescence, plus a reasonable and economic profit or return (or both) on capital employed in the business sufficient to attract and retain capital in amounts adequate to provide a sound transportation system in the United States. As long as any such rate equals or exceeds such average revenue-to-variable cost ratio established by the Commission, such rate shall not be required to bear any further rate increase. The Commission shall have jurisdiction to issue all orders necessary to enforce the requirements of this subsection.".

49 USC 10501.

RATE REGULATION PROCEEDINGS; ADEQUATE REVENUES

49 USC 10701a note.

SEC. 205. (a)(1) The Interstate Commerce Commission shall commence a proceeding for purposes of determining whether, and to what extent, product competition should be considered in proceedings under subtitle IV of title 49, United States Code, to determine the reasonableness of rail carrier rates. The Commission shall complete its proceeding under this subsection within 230 days after the effective date of this Act.

49 USC 10101.

"Product competition."

(2)(A) For purposes of this subsection, the term "product competition" means the availability to a consignee, at a competitive delivered cost and in sufficient quantities, of products or commodities which are of the same type as the commodity or product to which the rate in question applies, without regard to whether such products or commodities are available from the same or a different origin as those to which the rate applies.

(B) In determining the availability of alternative sources of a particular commodity for purposes of this subsection, such commodity must be capable, by reason of similar specifications, of being effectively utilized by the consignee.

(C) In determining the availability of alternative sources of coal for purposes of this subsection, such coal must be capable, by reason of similar specifications such as Btu's, sulfur content, and ash content of being effectively utilized by the consignee.

(D) For purposes of this subsection, any coal imported in the United States for the generation of electricity by utilities shall not be taken into account in the determination of whether coal is available to a consignee from another source.

94 STAT. 1906

(3)(A) Nothing in this subsection shall be construed as requiring the Commission to modify its standards for the determination of the reasonableness of rail carrier rates under existing law and procedures.

"Market dominance."

(B) Nothing in this subsection shall be construed as altering the meaning, use, or interpretation by the Commission, the courts, or any party of the term "market dominance", as defined in section 10709(a) of title 49, United States Code. The enactment of this subsection shall not be considered by the Commission in any proceeding, or by any court on an appeal from that or any other proceeding, to determine the proper scope of the term "market dominance" or whether there is market dominance over the transportation to which any particular rate applies.

(b)(1) Section 10704(a)(2) of title 49, United States Code, is amended by inserting "and revise as necessary" immediately after "shall maintain".

(2) Section 10704(a) of title 49, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(3) The Commission shall conclude a proceeding under paragraph (2) of this subsection within 180 days after the effective date of the Staggers Rail Act of 1980 and thereafter as necessary.

Ante, p. 1895.

"(4) On the basis of the standards and procedures under paragraph (2) of this subsection, the Commission shall, within 180 days after the effective date of the Staggers Rail Act of 1980 and on an annual basis thereafter, determine which rail carriers are earning adequate revenues.".

INFLATION-BASED RATE INCREASES

SEC. 206. (a) Subchapter I of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10712.

"§ 10712. Inflation-based rate increases

Ante, p. 1897.

"(a) The Commission may, on a quarterly basis and consistent with the rail transportation policy set forth in section 10101a of this title, prescribe a percentage rate increase or rate index for rail carriers in order to compensate for inflationary cost increases. Such percentage rate increase or rate index may be applicable on an industry-wide, territory-wide, or carrier-by-carrier basis.

"(b) Within 60 days after the date the Commission prescribes a percentage rate increase or rate index under subsection (a) of this section, each rail carrier or group of rail carriers shall notify the Commission of any rate or group of rates which such carrier or carriers intend to be excluded from the application of such percentage rate increase or rate index.

Total revenue increase, recovery.

"(c) For purposes of this section, a percentage rate index may permit rate increases within a specified range to allow carriers to recover a total revenue increase specified by the Commission as necessary to compensate for inflationary cost increases.".

(b) The section analysis for chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10711 the following new item:

"10712. Inflation-based rate increases.".

INVESTIGATION AND SUSPENSION OF RATES

SEC. 207. (a) Section 10707(b)(1) of title 49, United States Code, is amended to read as follows:

"(b)(1) The Commission must complete a proceeding under this section and make its final decision by the end of the 5th month after the rate, classification, rule, or practice was to become effective, except that if the Commission reports to the Congress by the end of such 5th month that it cannot make a final decision by that time and explains the reason for the delay, it may take an additional 3 months to complete the proceeding and make its final decision. If the

Commission does not reach a final decision within the applicable time period, the rate, classification, rule, or practice—

"(A) is effective at the end of that time period; or

"(B) if already in effect at the end of that time period, remains in effect.".

(b) Section 10707(c) of title 49, United States Code, is amended to read as follows:

"(c)(1) The Commission may not suspend a proposed rate, classification, rule, or practice during the course of a Commission proceeding under this section unless it appears from the specific facts shown by the verified statement of a person that—

"(A) it is substantially likely that the protestant will prevail on the merits;

"(B) without suspension, the proposed rate change will cause substantial injury to the protestant or the party represented by the protestant; and

"(C) because of the peculiar economic circumstances of the protestant, the provisions of subsection (d) of this section do not protect the protestant.

"(2) The burden shall be on the protestant to prove the matters described in paragraph (1) (A), (B), and (C) of this subsection.".

(c) Section 10707(d) of title 49, United States Code, is amended to read as follows:

"(d)(1) If the Commission does not suspend a proposed rate increase under subsection (c) of this section, the Commission shall require the rail carrier to account for all amounts received under the increase until the Commission completes its proceedings under subsection (b) of this section. The accounting shall specify by whom and for whom the amounts are paid. When the Commission takes final action, it shall require the carrier to refund to the person for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest at a rate equal to the average yield (on the date the statement is filed) of marketable securities of the United States Government having a duration of 90 days.

"(2) If a rate is suspended under subsection (c) of this section and any portion of such rate is later found to be reasonable under this title, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the portion of the suspended rate found to be reasonable for any services performed during the period of suspension, plus interest at a rate equal to the average yield (on the date the statement is filed) of marketable securities of the United States Government having a duration of 90 days, except that this paragraph shall not apply to general rate increases under section 10706 of this title. 49 USC 10706.

"(3) If any portion of a proposed rate decrease is suspended under subsection (c) of this section and later found to be reasonable under this title, the rail carrier may refund any part of the portion of the decrease found to comply with this title if the carrier makes the refund available to each shipper who participated in the rate, in accordance with the relative amount of such shipper's traffic transported at such rate.

94 STAT. 1908

"(4) Notwithstanding the provisions of section 10741 or section 10761 of this title, the Commission shall, by rule, establish standards and procedures permitting a rail carrier to waive the collection of amounts due under this subsection if such amounts are not significant.". 49 USC 10741, 10761.

(d) Section 10707(e) of title 49, United States Code, is repealed. Repeal.

CONTRACTS

SEC. 208. (a) Subchapter I of chapter 107 of title 49, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new section:

"§ 10713. Contracts 49 USC 10713.

"(a) One or more rail carriers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under sub-

49 USC 10501.

chapter I of chapter 105 of this title may enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions. Such a rail carrier may not enter into a contract with purchasers of rail service except as provided in this section.

"(b) Each contract entered into under this section shall be filed with the Commission, together with a summary of the contract containing such nonconfidential information as the Commission prescribes. The Commission shall publish special tariff rules for such contracts in order to assure that the essential terms of the contract are available to the general public in tariff format.

Special tariff rules.

Approval.

"(c) A contract filed under this section shall be approved by the Commission, as provided in subsection (e) of this section, unless the Commission determines in a proceeding under subsection (d) of this section that such contract is in violation of this section.

Review.

"(d)(1) No later than 30 days after the date of filing of a contract under this section, the Commission may, on its own initiative or on complaint, begin a proceeding to review such contract on the grounds described in this subsection.

Complaint filing.

"(2)(A) In the case of a contract other than a contract for the transportation of agricultural commodities (including forest products and paper), a complaint may be filed—

"(i) by a shipper only on the grounds that such shipper individually will be harmed because the proposed contract unduly impairs the ability of the contracting carrier or carriers to meet their common carrier obligations to the complainant under section 11101 of this title; or

49 USC 11101.

"(ii) by a port only on the grounds that such port individually will be harmed because the proposed contract will result in unreasonable discrimination against such port.

Agricultural commodities.

"(B) In the case of a contract for the transportation of agricultural commodities (including forest products and paper), in addition to the grounds for a complaint described in subparagraph (A) of this paragraph, a complaint may be filed by a shipper on the grounds that such shipper individually will be harmed because—

"(i) the rail carrier has unreasonably discriminated by refusing to enter into a contract with such shipper for rates and services for the transportation of the same type of commodity under similar conditions to the contract at issue, and that shipper was ready, willing, and able to enter into such a contract at a time essentially contemporaneous with the period during which the contract at issue was offered; or

94 STAT. 1909

"(ii) the proposed contract constitutes a destructive competitive practice under this subtitle.

In making a determination under clause (ii) of this subparagraph, the Commission shall consider the difference between contract rates and published single car rates.

"Unreasonable discrimination."
49 USC 10741.

"(C) For purposes of this paragraph, the term 'unreasonable discrimination' has the same meaning as such term has under section 10741 of this title.

"(3)(A) Within 30 days after the date a proceeding is commenced under paragraph (1) of this subsection, or within such shorter time period after such date as the Commission may establish, the Commission shall determine whether the contract that is the subject of such proceeding is in violation of this section.

Rates and service.

"(B) If the Commission determines, on the basis of a complaint filed under paragraph (2)(B)(i) of this subsection, that the grounds for a complaint described in such paragraph have been established with respect to a carrier, the Commission shall, subject to the provisions of this section, order such carrier to provide rates and service substantially similar to the contract at issue with such differentials in terms and conditions as are justified by the evidence.

Effective dates.

"(e) Approval of a contract filed under this section shall be effective—

"(1) on the date the Commission expressly approves such contract, but in no event before the end of the 30-day period beginning on the date such contract is filed or after the end of the 60-day period beginning on such date; or

"(2) if the Commission has not disapproved such contract by the end of the 60-day period beginning on the date such contract is filed, at the end of such 60-day period.

Future contracts.

"(f) The Commission may limit the right of a rail carrier to enter into future contracts under this section following a determination that additional contracts would impair the ability of the rail carrier to fulfill its common carrier obligations under section 11101 of this title.

49 USC 11101.

"(g) The Commission may not require a rail carrier to violate the terms of a contract that has been approved under this section, except to the extent necessary to comply with section 11128 of this title.

49 USC 11128.

"(h) A party to a contract entered into under this section shall have no duty in connection with services provided under such contract other than those duties specified by the terms of the contract.

"(i)(1) A contract that is approved by the Commission under this section, and transportation under such contract, shall not be subject to this subtitle, and may not be subsequently challenged before the Commission or in any court on the grounds that such contract violates a provision of this subtitle.

"(2) The exclusive remedy for any alleged breach of a contract entered into under this section shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree.

"(j) The provisions of this section shall not affect the status of any lawful contract between a rail carrier and one or more purchasers of rail service that is in effect on the effective date of the Staggers Rail Act of 1980. Any such contract shall hereafter have the same force and effect as if it had been entered into in accordance with the provisions of this section. Nothing in this section shall affect the rights of the parties to challenge the existence of such a contract.

Ante, p. 1895.

94 STAT. 1910

Agricultural products, transportation.

"(k)(1) Any rail carrier may, in accordance with the terms of this section, enter into contracts for the transportation of agricultural commodities (including forest products and paper) involving the utilization of carrier owned or leased equipment not in excess of 40 percent of the capacity of such carrier's owned or leased equipment by major car type (plain boxcars, covered hopper cars, gondolas and open top hoppers, coal cars, bulkhead flatcars, pulpwood rackcars, and flatbed equipment, including TOFC/COFC), except that in the case of a proposed contract between a class I carrier and a shipper originating an average of 1,000 cars or more per year during the prior 3-year period by major car type on a particular carrier, not more than 40 percent of carrier owned or leased equipment utilized on the average during the prior 3-year period may be used for such contract without prior authorization by the Commission.

"(2) The Commission may, on request of a rail carrier or other party or on its own initiative, grant such relief from the limitations of paragraph (1) of this subsection as the Commission considers appropriate, if it appears that additional equipment may be made available without impairing the rail carrier's ability to meet its common carrier obligations under section 11101 of this title.

49 USC 11101.

"(l) Service under a contract approved under this section shall be deemed to be a separate and distinct class of service, and the equipment used in the fulfillment of such a contract shall not be subject to car service decisions under section 11123 of this title.

49 USC 11123.

Railroad contract rate advisory service.

"(m) The Commission shall establish a railroad contract rate advisory service. The advisory service shall—

"(1) compile and disseminate to interested parties nonconfidential summaries of the provisions of individual contract information relating to the provisions of contracts entered into under this section with regard to various goods, items, and commodities covered by such contracts;

"(2) provide the Commission and interested parties with advice regarding contracts; and

"(3) assess the impact on competition among shippers of variations between contract rates for various shipments and the published single car rates, and submit a report on such impact to the Congress not later than 90 days after the effective date of the Staggers Rail Act of 1980.".

Ante, p. 1895.

(b) The section analysis for chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10712, as added by this Act, the following new item:

"10713. Contracts.".

DEMAND SENSITIVE RATES

Repeal.

SEC. 209. Section 10727 of title 49, United States Code, and the item relating to such section in the section analysis for chapter 107 of such title, are repealed.

PHASEOUT OF CAPITAL INCENTIVE RATES

Repeal.

SEC. 210. (a) Section 10729 of title 49, United States Code, and the item relating to such section in the section analysis of chapter 107 of such title, are repealed.

49 USC 10729 note.

(b) Notwithstanding any other provision of law, any rate established by a rail carrier under section 10729 of title 49, United States

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Code, prior to the effective date of this Act shall remain in effect in accordance with its terms, but for no longer than 5 years after the date it became effective, unless the parties otherwise agree. However, the Interstate Commerce Commission may, during the period such a rate is in effect, order such rate revised to a level equal to the incremental cost of providing the transportation if the Commission finds that the level then in effect reduces the going concern value of the rail carrier.

Rate revision.

PERMISSIVE LIMITED LIABILITY RATES

SEC. 211. (a) Section 10730(a) of title 49, United States Code, is amended by inserting "and excluding any rail carrier" immediately after "motor common carrier of property".

(b) Section 10730 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) A rail carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title may establish rates for transportation of property under which the liability of the carrier for such property is limited to a value established by written declaration of the shipper or by a written agreement between the shipper and the carrier, and may provide in such written declaration or agreement for specified amounts to be deducted from any claim against the carrier for loss or damage to the property or for delay in the transportation of such property.".

49 USC 10501.

(c) Section 11707(d) of title 49, United States Code, is amended—

(1) by inserting "(1)" immediately after "(d)";

(2) by inserting "(other than a rail carrier)" immediately after "delivering carrier"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) A civil action under this section may only be brought—

"(i) against the originating rail carrier, in the judicial district in which the point of origin is located;

"(ii) against the delivering rail carrier, in the judicial district in which the principal place of business of the person bringing the action is located if the delivering carrier operates a railroad or a route through such judicial district, or in the judicial district in which the point of destination is located; and

"(iii) against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

"(B) A civil action under this section may be brought in a United States district court or in a State court.

"Judicial district."

"(C) In this section, 'judicial district' means (i) in the case of a United States district court, a judicial district of the United States, and (ii) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.".

(d) Within one year after the effective date of this Act, the Attorney General and the Interstate Commerce Commission shall independently investigate whether rail carriers should continue to be subject to section 11707 of title 49, United States Code, and submit a report to the Congress setting forth recommendations to Congress for appropriate legislative action. Each such investigation shall address the following issues:

Investigation; report to Congress. 49 USC 11707 note.

(1) Whether, in the case of traffic with respect to which rail carriers do not have market dominance, such carriers should be subject to any higher level of liability for loss and damage than they are willing to agree to with the shippers of such traffic.

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(2) Whether, in the case of traffic with respect to which rail carriers have market dominance, such carriers should be subject to any greater liability than would be imposed under a statutory comparative negligence standard.

(3) Whether liability for damage to rail traffic should be determined under a no-fault liability system and what shippers should bear the cost of such a system.

(4) Whether venue in cases arising from rail carrier liability for damages to traffic should be further limited.

(5) Whether rail carrier property damage cases should be subject to laws other than Federal law.

(6) Whether the right to claims should be limited to either the shipper or receiver of property.

(7) Whether maximum time limits should be imposed on the filing of claims with rail carriers and the courts.

(8) Whether the prevailing party in a claims proceeding should be awarded attorneys fees in order to limit needless litigation.

(9) Whether excessive attorneys fees are awarded in cases under section 11707 of title 49, United States Code.

(10) Whether claimants should be able to recover damages in excess of the market value of the commodity transported unless liability for special or consequential damages is agreed to by the carrier in unity.

RATE DISCRIMINATION

SEC. 212. Section 10741 of title 49, United States Code, is amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) Differences between rates, classifications, rules, and practices of rail carriers providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title do not constitute a violation of this section if such differences result from different services provided by rail carriers.

49 USC 10501.

"(f) This section shall not apply to—

"(1) contracts approved under section 10713 of this title, other than as provided in subsection (d)(2)(A)(ii) and (d)(2)(B) of such section;

Ante, p. 1908.

"(2) surcharges or cancellations under section 10705a of this title;

"(3) separate rates for distinct rail services under section 10728 of this title;

49 USC 10728.

"(4) rail rates applicable to different routes; or

"(5) expenses authorized under section 10751 of this title, except that with respect to rates described in paragraphs (2), (3), and (4), nothing in this subsection shall affect the authority of the Commission under this section with respect to rate relationships between ports or within the same port.".

49 USC 10751.

EXEMPTION

SEC. 213. Section 10505 of title 49, United States Code, is amended to read as follows:

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"§ 10505. Authority to exempt rail carrier transportation

"(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under this subchapter, the Commission shall exempt a person, class of persons, or a transaction or service when the Commission finds that the application of a provision of this subtitle—

"(1) is not necessary to carry out the transportation policy of section 10101a of this title; and

Ante, p. 1897.

"(2) either (A) the transaction or service is of limited scope, or (B) the application of a provision of this subtitle is not needed to protect shippers from the abuse of market power.

"(b) The Commission may, where appropriate, begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party.

"(c) The Commission may specify the period of time during which an exemption granted under this section is effective.

Exemption revocation.

"(d) The Commission may revoke an exemption, to the extent it specifies, when it finds that application of a provision of this subtitle to the person, class, or transportation is necessary to carry out the transportation policy of section 10101a of this title.

Liability and claims.

49 USC 11707.

"(e) No exemption order issued pursuant to this section shall operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with the provisions of section 11707 of this title. Nothing in this subsection or section 11707 of this title shall prevent rail carriers from offering alternative terms nor give the Commission the authority to require any specific level of rates or services based upon the provisions of section 11707 of this title.

"(f) The Commission may exercise its authority under this section to exempt transportation that is provided by a rail carrier as a part of a continuous intermodal movement.

Intermodal ownership, prohibition.

"(g) The Commission may not exercise its authority under this section (1) to authorize intermodal ownership that is otherwise prohibited by this title, or (2) to relieve a carrier of its obligation to protect the interests of employees as required by this subtitle."

INTRASTATE RATES

SEC. 214. (a) Section 11501(a) of title 49, United States Code, is amended—

(1) by striking out paragraph (2).

(2) by striking out "(a)(1)" and inserting in lieu thereof "(a)";

(3) by striking out "subchapter I or IV" and inserting in lieu thereof "subchapter IV"; and

(4) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) Section 11501 of title 49, United States Code, is amended by redesignating subsections (b) and (c) as subsections (d) and (e), respectively, and by inserting immediately after subsection (a) the following new subsections:

49 USC 10501.

"(b)(1) A State authority may only exercise jurisdiction over intrastate transportation provided by a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title if such State authority exercises such jurisdiction exclusively in accordance with the provisions of this subtitle.

Ante, p. 1895.

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"(2) Within 120 days after the effective date of the Staggers Rail Act of 1980, each State authority exercising jurisdiction over intrastate rates, classifications, rules, and practices for intrastate transportation described in paragraph (1) of this subsection shall submit to the Commission the standards and procedures (including timing requirements) used by such State authority in exercising such jurisdiction.

"(3)(A) Within 90 days after receipt of the intrastate regulatory rate standards and procedures of a State authority under paragraph (2) of this subsection, the Commission shall certify such State authority for purposes of this subsection if the Commission determines that such standards and procedures are in accordance with the standards

Certification denial.

and procedures applicable to regulation of rail carriers by the Commission under this title. If the Commission determines that such standards and procedures are not in such accordance, it shall deny certification to such State authority, and such State authority may resubmit new standards and procedures to the Commission for review in accordance with this subsection.

Ante, p. 1895.

"(B) The standards and procedures existing in each State on the effective date of the Staggers Rail Act of 1980 for the exercise of jurisdiction over intrastate rail rates, classifications, rules, and practices shall be deemed to be certified by the Commission from that date until the date an initial determination is made by the Commission under subparagraph (A) of this paragraph.

"(4)(A) Any State authority which is certified by the Commission under this subsection may use its standards and procedures in exercising jurisdiction over intrastate rail rates, classifications, rules, and practices during the 5-year period commencing on the date of such certification. Any State authority which is denied certification or which does not seek certification may not exercise any jurisdiction over intrastate rates, classifications, rules, and practices until it receives certification under this subsection.

"(B) Any intrastate transportation provided by a rail carrier in a State which may not exercise jurisdiction over an intrastate rate, classification, rule, or practice of that carrier due to a denial of certification under this subsection shall be deemed to be transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title.

49 USC 10501.

5-year certification period.

"(5)(A) Certification of a State authority under this subsection is valid for the 5-year period beginning on the date of such certification. Prior to the expiration of such 5-year period, the State authority shall resubmit its intrastate regulatory standards procedures to the Commission for subsequent certification in accordance with this subsection.

"(B) During any 5-year certification period, a State may not change its certified standards and procedures without notifying and receiving express approval from the Commission.

49 USC 10706.

Ante, p. 1906.

"(6) Notwithstanding any other provision of this subtitle, a State authority may not exercise any jurisdiction over general rate increases under section 10706 of this title, inflation-based rate increases under section 10712 of this title, or fuel adjustment surcharges approved by the Commission.

"(c) Any rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title may petition the Commission to review the decision of any State authority, in any administrative proceeding in which the lawfulness of an intrastate rate, classification, rule, or practice is determined, on the grounds that the standards and procedures applied by the State were not in accordance with the provisions of this subtitle. The Commission shall take final action on any such petition within 30 days after the date it is received. If the Commission determines that the standards and procedures were not in accordance with the provisions of this subtitle, its order shall determine and authorize the carrier to establish the appropriate rate, classification, rule, or practice.".

94 STAT. 1915

(c)(1) Section 11501(d)(2) of title 49, United States Code, as redesignated by subsection (b) of this section, is amended by inserting "and chapter 107 of this title" immediately before the period at the end of the first sentence.

(2) Section 10103(a) of title 49, United States Code, is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided in this subtitle, the".

(3) Section 10501(a)(2) of title 49, United States Code, is amended by inserting "such jurisdiction is not limited by subsection (b) of this section or the extent" immediately after "to the extent".

(4) Section 10501(c) of title 49, United States Code, is amended by inserting "(1) the transportation is deemed to be subject to the

Ante, p. 1913.

jurisdiction of the Commission pursuant to section 11501(b)(4)(B) of this title, or (2)" immediately after "unless".

(5) Section 10501 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The jurisdiction of the Commission and of State authorities (to the extent such authorities are authorized to administer the standards and procedures of this title pursuant to this section and section 11501(b) of this title) over transportation by rail carriers, and the remedies provided in this title with respect to the rates, classifications, rules, and practices of such carriers, is exclusive.".

BUSINESS ENTERTAINMENT EXPENSES

SEC. 215. Section 10751 of title 49, United States Code, is amended by striking out "(other than transportation by rail)" in subsections (a) and (b).

49 USC 10751 note.

49 USC 10761.

(b) The provisions of section 10751 of title 49, United States Code, as amended by subsection (a) of this section, shall apply to any expense of the type described in subsection (a) of such section 10751 that was incurred prior to the effective date of this Act (other than an expense with respect to which a penalty was paid pursuant to section 10761 of such title 49) or that is incurred on or after such effective date.

EFFICIENT MARKETING

Ante, p. 1908.

SEC. 216. (a) Section 10762(c)(3) of title 49, United States Code, is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of a carrier other than a rail carrier, a proposed rate change or a new or reduced rate may not become effective for 30 days after the notice is published, filed, and held open as required under subsections (a) and (b) of this section. In the case of a rail carrier, a proposed rate change resulting in an increased rate or a new rate shall not become effective for 20 days after the notice is published and a proposed rate change resulting in a reduced rate shall not become effective for 10 days after the notice is published, except that a contract authorized under section 10713 of this title shall become effective in accordance with the provisions of such section.".

94 STAT. 1916

(b) Section 10762(d)(1) of title 49, United States Code, is amended by striking out "30-day" and inserting in lieu thereof "notice".

COMPENSATORY JOINT RATE RELIEF

SEC. 217. (a)(1) Chapter 107 of title 49, United States Code, is amended by inserting after section 10705 the following new section:

49 USC 10705a.

"§ 10705a. Joint rate surcharges and cancellations

49 USC 10501.

"(a)(1)(A) Except as provided in subparagraph (B) of this paragraph, a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title may publish and apply a surcharge increasing or decreasing the through charge applicable to any movement between points designated by the surcharging carrier subject to a joint rate. Such a surcharge may be applied without the concurrence of the other carriers that are party in such joint rate.

Ante, p. 1906.

"(B) A carrier earning adequate revenues, as determined under section 10704(a)(2) of this title, may not apply such a surcharge to any movement on a line operated by such carrier which carried more than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year.

"(C) Any surcharge applied pursuant to this subsection must be applied in equal dollar amounts to the movement subject to the surcharge over all routes between the points designated by the surcharging carrier which such carrier participates in under the joint rate involved, and when the surcharge increases the through charges, under any of such carrier's single line rates between the same points.

"(2)(A) Whenever a rail carrier applies a surcharge increasing a through charge pursuant to paragraph (1) of this subsection, any other rail carrier that participates in any movement subject to such surcharge may cancel the application of such surcharge to any route participated in by such other carrier, if such carrier makes the demonstration described in subparagraph (B) of this paragraph.

"(B) A rail carrier may cancel the application of a surcharge under this paragraph if such carrier demonstrates to the Commission that the surcharging carrier's share of the revenues, at the time the surcharge was filed with the Commission, from its participation in the movement over the route involved would have been equal to or greater than 110 percent of its variable costs of providing service over such route, under either—

"(i) the applicable joint rate in effect at the time the surcharge was filed with the Commission, without the surcharge;

"(ii) a new rate division increasing the share of the surcharging carrier;

"(iii) a new higher lawful rate published by the canceling carrier; or

"(iv) a new, lesser surcharge which shall be prescribed by the Commission upon and in conformity with the request of the carrier proposing to cancel the surcharge. Any such prescribed surcharge shall, in conjunction with the surcharging carrier's division of the joint rate in effect on the date the original surcharge was filed with the Commission, provide the carrier proposing the original surcharge revenues equal to or greater than 110 percent of such surcharging carrier's variable cost of providing service over such route.

"(C)(i) The canceling tariff shall only become effective if the rail carrier proposing to cancel the application of the surcharge makes the demonstration described in subparagraph (B) of this paragraph.

"(ii) If the demonstration described in clause (i) of this subparagraph is made on the basis of the applicable joint rate in effect at the time the surcharge was filed with the Commission, without the surcharge, the tariff shall become effective on one day's notice after such determination is made.

94 STAT. 1917

"(iii) If the demonstration described in clause (i) of this subparagraph is made on the basis of a new rate, division, or surcharge prescribed pursuant to subparagraph (B)(iv) of this paragraph, the tariff shall become effective on the date such new rate, division, or surcharge becomes effective.

"(D) The remedy available to a rail carrier canceling the application of a surcharge under this paragraph shall be in addition to any other remedy available to such carrier under this chapter.

"(3)(A) The Commission may cancel the application of a surcharge to a route to which such surcharge applies if a shipper moving traffic over such route demonstrates to the Commission that—

"(i) there is no competitive alternative to such route for the movement of the traffic involved that is not subject to such surcharge; and

"(ii) the surcharging carrier's share of the revenues from its participation in the movement over the route to which such surcharge applies, under the applicable joint rate in effect at the time the surcharge was filed with the Commission, with the surcharge, would be greater than 110 percent of its variable cost of providing service over such route.

Surcharge level, determination.

"(B) If the Commission cancels the application of a surcharge to a particular route pursuant to subparagraph (A) of this paragraph, the Commission shall determine the level of surcharge which, in conjunction with the surcharging carrier's division of the joint rate in effect at the time the surcharge was filed with the Commission, would equal 110 percent of the surcharging carrier's variable cost of providing service over such route, and shall authorize such carrier immediately to apply such a surcharge without any further proceedings under this subsection.

"(4) A rail carrier may not apply a surcharge under this subsection unless, for the one-year period preceding the surcharge, such carrier has concurred in all rate increases of general applicability applicable to the joint rate to which such surcharge applies and agreed to by all other carriers that are party to such joint rate.

"(5) A rail carrier may not apply a surcharge under this subsection increasing a through charge applicable to a particular movement more than once each calendar year.

Total charges, reduction.

"(6) Notwithstanding any other provision of this subsection, a rail carrier may, by tariff, reduce the total charges applicable to a movement over any specific joint line or single line route or routes in which such carrier participates, if such reduction does not lower the total charges applicable to such movement to a level that is less than the lowest total charges applicable to the same movement over a competing route. Any such reduction may be made without the concurrence of any other rail carrier, and shall be borne solely by the carrier reducing the charge. Nothing in this paragraph shall be construed to limit the right of a carrier to reduce rates over routes not in direct competition between the same points with routes to which it has applied a surcharge.

"(b)(1) Notwithstanding subsection (a) of this section—

Ante, p. 1906.

94 STAT. 1918

"(A) a rail carrier not earning adequate revenues, as determined under section 10704(a)(2) of this title, may publish and apply a surcharge applicable to traffic originating or terminating upon any of its lines that carried less than 3,000,000 gross ton miles of traffic per mile in the most recent calendar year for which traffic data is available; and

"(B) a rail carrier earning adequate revenues, as so determined, may publish and apply a surcharge applicable to traffic originating or terminating upon any of its lines that carried less than 1,000,000 gross ton miles of traffic per mile in such most recent calendar year.

Such a surcharge may be applied without the concurrence of any rail carrier. Any such surcharge may be allocated, subject to the provisions of paragraph (4) of this subsection, in different amounts among different movements between different origins and destinations, and shall accrue solely to the surcharging carrier.

"(2) A rail carrier may apply a surcharge under this subsection if, prior to the application of such surcharge, that portion of the charges applicable to traffic to and from the line to which the surcharge applies and accruing to the surcharging carrier does not provide such carrier revenues adequate to cover—

"(A) 110 percent of such carrier's variable cost of transporting the traffic involved to or from such line; plus

"(B) 100 percent of such carrier's reasonably expected costs of continuing to operate such line, which shall include all costs necessary to sustain service on the line.

Ante, p. 1895.

The Commission shall, within 120 days after the effective date of the Staggers Rail Act of 1980, complete a proceeding to define the term 'reasonably expected costs' as used in subparagraph (B) of this paragraph. In the interim, the term shall be construed in accordance with Rail Services Planning Office subsidy standards.

Shipper petition.

"(3)(A) Upon petition of a shipper located upon a line to which a surcharge under this subsection is applied, the Commission may cancel the application of a surcharge under this subsection if such shipper demonstrates to the Commission that, after application of the surcharge, the surcharging carrier's revenues from all traffic originating or terminating upon the line to which the surcharge applies exceed 110 percent of such carrier's variable cost of transporting all traffic to or from such line plus such carrier's reasonably expected costs of continuing to operate such line.

"(B)(i) A rail carrier's revenue from all traffic originating or terminating upon a line shall be presumed to exceed 110 percent of its variable cost of transporting all traffic to or from such line plus its reasonably expected costs of continuing to operate such line if the complaining shipper demonstrates that the carrier is earning revenues from all traffic originating or terminating upon such line that result in a revenue-variable cost percentage that is equal to or greater than the revenue-variable cost percentage applicable in that year under section 10709(d) of this title.

Ante, p. 1900.

"(ii) A surcharging carrier may rebut the presumption set forth in clause (i) of this subparagraph by demonstrating to the Commission that its reasonably expected costs for operating the line to which the surcharge applies exceed the percentage of variable cost set forth in such clause (i).

"(C) Upon a finding by the Commission that application of the surcharge will produce revenues in excess of 110 percent of the surcharging carrier's variable cost of transporting traffic to or from the line plus its reasonably expected costs for operating the line, the Commission shall determine the level of surcharge which would produce revenues equal to such figure and shall authorize such carrier immediately to apply such surcharges as will generate such

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revenues without any further proceedings, subject only to the right of a shipper to proceed under paragraph (4) of this subsection.

Shipper complaint.

"(4)(A) A rail carrier may not apply a surcharge under this subsection that results in any shipper being required to bear more than a reasonable proportion of the reasonably expected costs of continuing to operate the line to which such surcharge applies.

"(B) Upon complaint of a shipper, the Commission shall determine whether the shipper is being required to bear more than a reasonable proportion of the costs described in subparagraph (A) of this paragraph.

"(C) If the Commission finds that a complaining shipper is being required to bear more than a reasonable proportion of the costs described in subparagraph (A) of this paragraph, the Commission may reallocate the surcharge among the traffic originating or terminating on the line to which the surcharge applies, but may not order relief which would result in the surcharging carrier earning revenues less than those which the carrier would have earned had the surcharge been applied as filed.

Relief.

"(5) A shipper may, in a single complaint, seek relief under paragraphs (3) and (4) of this subsection. In any such complaint, the Commission shall first determine the right to relief under paragraph (3) and shall grant such relief as is appropriate under such paragraph.

"(6) In any proceeding brought before the Commission challenging the application or amount of a surcharge under this subsection, whether the surcharge is claimed to violate this subsection or some other provision of this chapter, the Commission shall not suspend the application of any such surcharge unless the person filing the verified statement required by section 10707(c) of this title, in addition to the matters required by such section, also makes the demonstration required by paragraph (3)(A) of this subsection. If the demonstration required by such paragraph (3)(A) is made, the Commission may suspend the application of only so much of the surcharge as will produce revenues in excess of the amount so demonstrated.

Ante, p. 1907.

"(c)(1) Notwithstanding any other provision of this title, any prior agreement in effect on the effective date of the Staggers Rail Act of 1980, or any requirement of the Commission, a rail carrier may cancel the application of a joint rate to a through route in which it participates, without the concurrence of any other rail carrier that is a party to such joint rate, unless another rail carrier that participates in such through route or a shipper that has no competitive alternative to such route makes the demonstration described in paragraph (2) of this subsection.

Ante, p. 1895.

"(2) The application of a joint rate to a through route may not be canceled under this subsection if a rail carrier that participates in such through route or a shipper that has no competitive alternative to such route from an origin or destination served by such route demonstrates to the Commission that the canceling carrier's share of the revenues, under the joint rate in effect at the time the application of the joint rate is canceled, is equal to or greater than—

"(A) 110 percent of the canceling carrier's variable cost of providing service over such route; or

"(B) such lesser percent of the canceling carrier's variable cost as such carrier earns over a competing through route to which application of the joint rate has not been canceled, or over a competing single line route.

"(3) When a complaining party is unable to make the demonstration required by paragraph (2) of this subsection, the Commission may suspend the tariff canceling the joint rate only if—

"(A) a complaining carrier publishes a new rate division or a new higher lawful rate which increases the canceling carrier's share of the revenues over such route to the amount calculated under paragraph (2)(A) or (2)(B) of this subsection, whichever is less; or

"(B) a complaining carrier or shipper petitions the Commission and the Commission imposes a surcharge, in conformity with such petition, upon the joint rate which will accrue solely to the canceling carrier and which, in conjunction with the canceling carrier's division of the joint rate in effect on the date the tariff canceling the joint rate was filed, will provide the canceling carrier revenues equal to or greater than 110 percent of its variable cost of providing service over such route.

Unless a new rate, division, or surcharge described in this paragraph becomes effective within 120 days after the proposed effective date of the rate cancellation, the canceling tariff shall, nevertheless, become effective.

"(4) If the demonstration described in paragraph (2) is made or a new rate, division, or surcharge described in paragraph (3) becomes effective, the tariff canceling the joint rate shall be considered by the Commission in accordance with section 10705 of this title. The existing joint rate or the new rate, division, or surcharge, shall remain in effect during the pendency of the Commission's consideration.

49 USC 10705.

"(5) Whenever the application of a joint rate to a through route is canceled under this subsection and a rate other than a joint rate is or has been published by the canceling carrier to apply to such route, such rate shall thereafter apply in lieu of all other rates (except joint rates subsequently agreed to by such carrier) and any through rate of which such rate is a factor shall divide as the separate factors of such rate are made.

"(6) Nothing in this subsection shall be construed to limit the authority of the Commission under section 10705(a) of this title to prescribe joint rates which provide a rail carrier participating in such joint rate revenues equal to or greater than 110 percent of its variable cost of providing service over each route to which such rate applies.

Increased or decreased revenues.

"(d)(1) Except as provided in paragraph (2) of this subsection, any increase or decrease in revenue resulting from the application of a surcharge under subsection (a) of this section, or from the cancellation of the application of a joint rate under subsection (c) of this section, shall accrue solely to or be borne solely by the carrier applying the surcharge or canceling the application of the joint rate, as the case may be.

"(2) Whenever a class III rail carrier which participates in a through route to which a surcharge has been applied under subsection (a) of this section by a carrier operating in the same rate territory as such class III carrier demonstrates to the Commission that the application of such surcharge to such route provides, in the absence of any increase in the joint rate in effect on the date the surcharge was filed with the Commission, revenues from traffic moving over such route to such surcharging carrier in excess of 110 percent of its variable costs over such route, such surcharging carrier shall, from the date of such demonstration, share those revenues from such route, from the surcharge and the applicable joint rate in effect on the date the surcharge was filed with the Commission, in excess of

110 percent of its variable costs with all class III rail carriers in the same rate territory participating in such route, on the basis of their existing divisions of the joint rate to which the surcharge applies.

"(e)(1) Except as provided in paragraph (2) of this subsection, whenever a rail carrier proposes to apply a surcharge under subsection (a) of this section or to cancel the application of a joint rate under subsection (c) of this section and another rail carrier subsequently agrees to a new rate division or a new lawful rate that increases the surcharging or canceling carrier's share of the total through charges for a movement over a particular through route subject to a joint rate, such other rail carrier shall also agree to any other new rate division and new lawful rate—

"(A) that is proposed within 120 days after the date of the first agreement; and

"(B) that increases the surcharging or canceling carrier's share of the total through charges for movements over a competing through route subject to such joint rate.

"(2) A rail carrier shall not be required to agree under this subsection to any proposed new division or new rate which would—

"(A) reduce such carrier's share of the total through charges for a movement over any through route to less than (i) 110 percent of its variable costs of providing service over such route, or (ii) such lesser percent of its variable costs as such carrier earns from such movement over a competing through route with respect to which such carrier has agreed to a new division or rate;

"(B) increase the surcharging or canceling carrier's share of the total through charges for a movement over any through route to an amount in excess of 110 percent of its variable costs of providing service over such route;

"(C) reduce such carrier's share of the total through charges for a movement over any through route by a dollar amount in excess of the greatest dollar reduction which such carrier has agreed to make, for purposes of increasing the surcharging or canceling carrier's share, to its share of the total through charges for a movement over any competing through route; or

"(D) reduce such carrier's share of the total through charges for a movement over any through route in an amount in excess of such carrier's pro rata share (based on established divisions for movements over such route) of the increase of the surcharging or canceling carrier's share of the total through charges for movements over such route.

Tariff filing.

"(f) A rail carrier applying a surcharge or canceling the application of a joint rate under this section shall file a tariff with the Commission in accordance with section 10762 of this title. Such a tariff may not become effective until the expiration of the 45-day period (or such longer period as the filing carrier specifies) beginning on the date such tariff is filed.

Ante, p. 1898.
49 USC 10709.

"(g)(1) Any rail rate to which a surcharge is applied under this section shall be subject to section 10701a and 10709 of this title, and any such surcharge shall constitute a rate increase for purposes of such sections.

"(2) For purposes of rate regulation under section 10701a of this title—

"(A) only the rail carrier proposing a surcharge under this section shall be required to defend such surcharge; and

"(B) the reasonableness of the surcharge and the revenues received by the rail carrier proposing the surcharge under the joint rate to which the surcharge applies shall be determined

without regard to amount received and services performed by other rail carriers that are party to such joint rate.

"(3) Except as provided in subsection (i), (j), or (k) of this section, if the application of a surcharge or the cancellation of the application of a joint rate under this section is found to constitute a violation of any provision of this title, such violation shall not be ordered remedied in any manner which—

"(A) requires the carrier applying a surcharge under subsection (a) of this section or canceling the application of a joint rate under subsection (c) of this section to provide service over any rate under a rate that provides revenues to such carrier that are less than 110 percent of its variable costs of providing such service; or

"(B) which requires the carrier applying a surcharge under subsection (b) of this section to provide service over the route to which such surcharge applies in a manner that provides revenues to such carrier that are less than 110 percent of such carrier's variable cost of transporting the traffic involved to or from the line to which the surcharge applies, plus such carrier's reasonably expected costs of providing service over such line.

Variable costs and revenues, determination.

"(h) Within 5 days after the request of a rail carrier participating in a joint rate subject to a surcharge or cancellation under this section, a shipper moving traffic over a route to which such surcharge or cancellation applies, or an affected port, the Commission shall make available to such carrier, shipper, or port the Commission's determination of the variable costs and revenues, over the route or routes to which the surcharge or cancellation applies, of the carrier applying the surcharge or canceling the application of the joint rate.

Investigation.

"(i)(1) Whenever a class III rail carrier, in a protest filed with the Commission, makes a prima facie showing that the application of a surcharge under subsection (a) of this section or the cancellation of the application of a joint rate under subsection (c) of this section will have an adverse effect on competition, the Commission shall investigate such protest. If, on the basis of such investigation, the Commission finds that the protested surcharge or cancellation is or is intended to be anticompetitive, the Commission shall, within 30 days after the date such protest is filed, enter an order rescinding such surcharge or cancellation, and may, on presentation of an adequate record, prescribe new joint rates or divisions of joint rates.

Rescinding order.

"(2) No order prescribed under this subsection shall require a carrier to provide service over any route under a rate which provides revenues less than 110 percent of the variable cost of providing such service unless the Commission determines that the public interest requires a lesser revenue to variable cost ratio to avoid anticompetitive action and to preserve service on the route involved.

"(j)(1) Any class III rail carrier which originates or terminates traffic subject to the application of a surcharge under subsection (a) of this section or the cancellation of the application of a joint rate under subsection (c) of this section may protest such surcharge or cancellation whenever—

"(A) such surcharge or cancellation affects the sole remaining route available to that carrier for that traffic; and

"(B)(i) such carrier demonstrates that alternative transportation is available or that a shipper dependent on that carrier will suffer significant market loss because of such surcharge or cancellation; or

"(ii) such surcharge or cancellation, alone or when considered in conjunction with other surcharges or cancellations affecting

the carrier, is likely to unduly impair a carrier's ability to earn an adequate rate of return.

"(2)(A) The Commission may, after an investigation on the basis of a protest under this subsection, prescribe a lesser surcharge or a different division of the joint rate. The Commission shall grant the surcharging or canceling carrier revenues not less than 110 percent of its variable cost of the movement involved, unless it determines that the public interest requires a lesser revenue to variable cost ratio to preserve service on the route involved. Any action by the Commission based on a protest under this subsection shall be taken within 30 days after the date such protest is filed.

"(B) If the Commission prescribes a different division of a joint rate under this paragraph, the Commission shall, upon petition of the surcharging or canceling carrier or the protesting class III rail carrier, reopen the proceeding in which such division was prescribed to reconsider whether such prescribed division is reasonable. If, on the basis of such reconsideration, the Commission determines that such division is not reasonable, it shall prescribe a new, reasonable division of the joint rate to which the surcharge or cancellation applied.

Rail carrier complaint.

"(k)(1) Upon the complaint of a class III rail carrier which originates or terminates traffic subject to the application of a surcharge under subsection (a) of this section or the cancellation of the application of a joint rate under subsection (c) of this section that such surcharge or cancellation will result in differences or greater differences in rates, including any surcharges, for the traffic to which the surcharge or cancellation applies over different routes in which the surcharging or canceling carrier participates—

"(A) from a single origin point to destination points within a 75 mile direct radius from the destination point on such class III rail carrier; or

"(B) to a single destination point from origin points within a 75 mile direct radius from the origin point on such class III rail carrier,

the Commission shall investigate such complaint and shall, within 30 days after the date such complaint is filed, take such actions, including rescinding surcharges or cancellations or prescribing new joint rates or surcharges, as it determines are required to eliminate such differences in rates, unless it finds that such actions are not warranted by the public interest in ensuring effective competition among rail carriers or in the preservation of rail service on the route involved.

"(2) No action taken by the Commission under this subsection shall require a carrier to provide service over any route under a rate which provides a revenue to variable cost ratio over such route less than that provided under the joint rate to which the surcharge or cancellation was applied or less than 110 percent, whichever is greater, unless the Commission determines that the public interest in ensuring effective competition among rail carriers or in preserving service over such route warrants requiring the surcharging or canceling carrier to provide service at a lesser revenue to variable cost ratio.

"(3) Notwithstanding subsection (m)(1) of this section, if, in a proceeding under this subsection or under subsection (i) or (j) of this section, the Commission considers whether to require the revenues of a carrier applying a surcharge under subsection (a) of this section or canceling the application of a joint rate under subsection (c) of this section to be less than 110 percent of its variable costs (as calculated using the Commission's Rail Form A cost finding methodology), such surcharging or canceling carrier may prove its actual variable costs on the basis of evidence other than unadjusted costs calculated using such Rail Form A cost finding methodology. Such evidence shall be prepared in accordance with generally accepted accounting principles.

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"(l) Whenever the application of a joint rate to a through route is canceled under subsection (c) of this section, the Commission shall, upon petition by a class II or III rail carrier participating in such route, prescribe a new compensatory through rate or rates over such route within 30 days after the date such petition is filed.

"(m) For purposes of this section—

"(1) variable costs for a class I rail carrier shall be determined only by using such carrier's unadjusted costs, calculated using the Commission's Rail Form A cost finding methodology (or an alternative methodology adopted by the Commission in lieu thereof) and indexed quarterly to account for current wage and price levels in the region in which the carrier operates;

"(2) variable costs for a rail carrier other than class I shall be presumed to be the average variable costs of all class I rail carriers in the region in which such carrier operates (as determined under paragraph (1) of this subsection) unless a rail carrier rebuts such presumption with other proof of variable costs; and

"(3) at the option of a carrier applying a surcharge or canceling the application of a joint rate under this section, revenue share may be determined by reference to past revenue settlements actually made in the most recent calendar year by connecting lines.

"(n) Surcharges applied under subsection (a) or (c) of this section and cancellations under subsection (c) of this section shall not be subject to the provisions of section 10726 (a)(1)(B) of this title.

49 USC 10726.

Ante, p. 1897.

"(o) The Special Counsel of the Commission may, consistent with the rail transportation policy in section 10101a of this title, provide assistance to class III rail carriers and small businesses in preparing actions under this section.

Ante, p. 1895.

"(p)(1) The authority to apply a surcharge under subsection (a) of this section, and (except as provided in paragraph (2)) the authority to cancel such a surcharge, shall expire 3 years after the effective date of the Staggers Rail Act of 1980 unless extended for one additional year by the Commission upon petition of any rail carrier and for good cause shown.

"(2) Any surcharge lawfully applied under subsection (a) of this section shall remain in effect in accordance with its terms following the expiration of the provisions of this section. Any such surcharge applied during the 45-day period immediately preceding the date of the expiration of the provisions of this section shall, notwithstanding such expiration, be subject to cancellation under subsection (a)(2) or (a)(3) of this section during the 45-day period beginning on the date such surcharge is applied.".

(2) The section analysis of chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10705 the following new item:

"10705a. Joint rate surcharges and cancellations.".

49 USC 10705a note.

Ante, p. 1916.

(b) For purposes of section 10705a of title 49, United States Code, the Interstate Commerce Commission shall classify all rail carriers on the basis of revenues, shall from time to time review its regulations setting forth revenue-based classifications for rail carriers, and

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shall make appropriate changes in such regulations in order to reflect inflation. The Commission shall not reclassify switching and terminal carriers, or any other rail carriers not classified on the basis of revenues on the effective date of this Act, for any purpose other than for purposes of such section 10705a.

Ante, p. 1916.

Report to Congress.

49 USC 10311 note.

Ante, p. 1916.

Contents.

(c)(1) The Interstate Commerce Commission shall include in its annual report to the Congress under section 10311 of title 49, United States Code, a report with respect to the application of surcharges and the cancellation of the application of joint rates by the Consolidated Rail Corporation and other rail carriers, during the preceding year, under section 10705a of title 49, United States Code. Each such report shall include—

(A) an analysis of the effect of application of surcharges and the cancellation of the application of joint rates under such section 10705a on shippers, ports, class II and class III rail carriers, railroad employees, and other elements of the rail system;

(B)(i) the number of surcharges applied by the Consolidated Rail Corporation and all other rail carriers under such section 10705a and the amount of revenue received by the Corporation and all other rail carriers from the application of such surcharges, (ii) the number of surcharges applied by the Corporation and all other rail carriers that were canceled under the procedures of such section 10705a, and (iii) the number of cancellations of the application of a joint rate by the Corporation and all other rail carriers under such section 10705a; and

(C) an analysis of the operation of the remedies made available to class III rail carriers under subsections (i), (j), and (k) of such section 10705a and to class II and class III rail carriers under subsection (l) of such section 10705a.

Report to Congress.

49 USC 10705a note.

Ante, p. 1916.

(2) The Interstate Commerce Commission shall, within 2 years after the effective date of this Act, submit a report to the Congress with respect to whether the provisions of section 10705a of title 49, United States Code, have adequately addressed the joint rate prob-

lems of rail carriers. The report shall include such recommendations with respect to such joint rate problems as the Commission considers necessary and appropriate.

EXPEDITED DIVISION OF REVENUES PROCEEDINGS

SEC. 218. (a) Section 10705(f)(1) of title 49, United States Code, is amended to read as follows:

"(f)(1)(A) The Commission may begin a proceeding under subsection (a) or (b) of this section on its own initiative or on complaint. The Commission must complete all evidentiary proceedings to adjust the division of joint rates for transportation by a rail carrier within 9 months after the complaint is filed if the proceeding is brought on complaint or within 18 months after the commencement of a proceeding on the initiative of the Commission. The Commission must take final action by the 180th day after completion of the evidentiary proceedings, except that—

"(i) when the proceeding involves a railroad in reorganization or a contention that the divisions at issue do not cover the variable costs of handling the traffic, the Commission shall give the proceedings preference over all other proceedings and shall take final action at the earliest practicable time, which in no event may exceed 100 days after the completion of the evidentiary proceedings; and 94 STAT. 1926

"(ii) in all cases other than those specified in clause (i) of this subparagraph, the Commission may decide to extend such a proceeding to permit its fair and expeditious completion, but whenever the Commission decides to extend a proceeding pursuant to this clause, it must report its reasons to Congress.

"(B) The provisions of this paragraph imposing time limitations upon Commission action shall not apply to any division proceeding involving a joint rate participated in by a class III rail carrier.".

(b) Section 10705(f)(1) of title 49, United States Code, as amended by subsection (a) of this section, is further amended—

(1) by striking out subparagraph (B);

(2) by striking out "(A)" immediately before "The Commission";

(3) by striking out "(i)" and inserting in lieu thereof "(A)";

(4) by striking out "(ii)" and inserting in lieu thereof "(B)"; and

(5) by striking out "clause (i) of this subparagraph" and inserting in lieu thereof "subparagraph (A) of this paragraph".

RATE BUREAUS

SEC. 219. (a) Section 10706(a)(1) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(C) 'practicably participates in that movement' shall have such meaning as the Commission shall by regulation prescribe.".

(b) Section 10706(a)(2)(A) of title 49, United States Code, is amended—

(1) by inserting "publication," immediately after "initiation," in the first sentence; and

(2) by striking out "section 10101" in the second sentence and inserting in lieu thereof "section 10101a".

(c)(1) Section 10706(a)(3)(A) of title 49, United States Code, is amended to read as follows:

"(3)(A) An organization established or continued under an agreement approved under this subsection shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed. Such an organization may not—

"(i) permit a rail carrier to discuss, to participate in agreements related to, or to vote on single line rates proposed by another rail carrier, except that for purposes of general rate increases and broad tariff changes only, if the Commission finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part;

"(ii) permit a rail carrier to discuss, to participate in agreements related to, or to vote on rates related to a particular interline movement unless that rail carrier practicably participates in that movement; or

"(iii) if there are interline movements over two or more routes between the same end points, permit a carrier to discuss, to participate in agreements related to, or to vote on rates except with a carrier which forms part of a particular single route. This clause shall take effect on January 1, 1984, or on such earlier date as the Commission determines. If the Commission finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part.".

(2) Section 10706(a)(3)(B) of title 49, United States Code, is amended to read as follows:

"(B) Until January 1, 1984, subparagraph (A)(ii) and (A)(iii) of this paragraph do not apply to—

"(i) general rate increases to cover inflationary cost increases, or general rate decreases, for joint rates if the agreement gives shippers, under specified procedures, at least 15 days notice of the proposal and an opportunity to present comments on it before a tariff containing the increases or decreases is filed with the Commission; or

"(ii) broad tariff changes that are of at least substantially general application throughout the area where the changes will apply, except single line rates where subparagraph (A)(i) of this paragraph prohibits the participation of carriers with single line rates.

If the Commission finds at any time that the implementation of this subparagraph is not feasible, it may delay or suspend such implementation in whole or in part.".

(3) Section 10706(a)(3)(C) of title 49, United States Code, is amended—

(A) by inserting "(i)" immediately after "(C)"; and

(B) by adding at the end thereof the following new clause:

"(ii) In any proceeding in which it is alleged that a carrier was a party to an agreement, conspiracy, or combination in violation of a Federal law cited in subsection (a)(2)(A) of this section or of any similar State law, proof of an agreement, conspiracy, or combination may not be inferred from evidence that two or more carriers acted together with respect to an interline rate or related matter and that a party to such action took similar action with respect to a rate or related matter on another route or traffic. In any proceeding in which such a violation is alleged, evidence of a discussion or agreement between or among such carrier and one or more other carriers, or of any rate or other action resulting from such discussion or agreement, shall not be admissible if the discussion or agreement—

"(I) was in accordance with an agreement approved under paragraph (2) of this subsection; or

"(II) concerned an interline movement of the carrier, and the discussion or agreement would not, considered by itself, violate the laws referred to in the first sentence of this clause.

In any proceeding before a jury, the court shall determine whether the requirements of clause (I) or (II) are satisfied before allowing the introduction of any such evidence.".

(4) Section 10706(a)(3) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

Records.

"(D) An organization described in subparagraph (A) of this paragraph shall provide that transcripts or sound recordings be made of all meetings, that records of votes be made, and that such transcripts or recordings and voting records be submitted to the Commission and made available to other Federal agencies in connection with their statutory responsibilities over rate bureaus, except that such material shall be kept confidential and shall not be subject to disclosure under section 552 of title 5, United States Code.".

(d) Section 10706(a) of title 49, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of this subsection, one or more rail carriers may enter into an agreement, without obtaining prior Commission approval, that provides solely for compilation, publication, and other distribution of rates in effect or to become effective. The Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936, as amended (15 U.S.C. 13, 13a, 13b, 21a) shall not apply to parties and other persons with respect to making or carrying out such agreement. However, the Commission may, upon application or on its own initiative, investigate whether the parties to such an agreement have exceeded its scope, and upon a finding that they have, the Commission may issue such orders as are necessary, including an order dissolving the agreement, to ensure that actions taken pursuant to the agreement are limited as provided in this paragraph.".

Investigation.

(e) Section 10706(i)(1)(B) of title 49, United States Code, is amended by striking out "section 10101" and inserting in lieu thereof "section 10101a".

49 USC 10101.
Ante, p. 1897.

(f) The Interstate Commerce Commission may not take any action with respect to the elimination of general rate increases or decreases prior to April 1, 1982.

49 USC 10706 note.

(g) The Interstate Commerce Commission shall require rail carrier members of a rate bureau to provide the employees of such rate bureau who are affected by the amendments made by this section with fair arrangements no less protective of the interests of such employees than those established pursuant to section 11347 of title 49, United States Code. For purposes of this subsection, the term "employees" does not include any individual serving as president, vice-president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions.

49 USC 10706 note.

"Employees."

LONG AND SHORT HAUL TRANSPORTATION

SEC. 220. Section 10726(c) of title 49, United States Code, is repealed.

Repeal.

RAILROAD ENTRY

SEC. 221. (a) Section 10901(a) of title 49, United States Code, is amended by striking "will be enhanced by" and inserting in lieu thereof "permit".

(b) Section 10901 of title 49, United States Code, is further amended by adding at the end thereof the following new subsections:

"(d)(1) Where a rail carrier has been issued a certificate of public convenience and necessity by the Commission authorizing the construction or extension of a railroad line, no other rail carrier may block such construction or extension by refusing to permit the carrier to cross its property if (A) the construction does not unreasonably interfere with the operation of the crossed line, (B) the operation does not materially interfere with the operation of the crossed line, and (C) the owner of the crossing line compensates the owner of the crossed line.

"(2) If the carriers are unable to agree on the terms of operation or the amount of payment for purposes of paragraph (1) of this subsection, either party may submit the matters in dispute to the Commission for determination.

"(e) The Commission may require any rail carrier proposing both to construct and operate a new railroad line pursuant to this section to provide a fair and equitable arrangement for the protection of the interests of railroad employees who may be affected thereby no less protective of and beneficial to the interests of such employees than those established pursuant to section 11347 of this title.".

49 USC 11347.

94 STAT. 1929

SERVICE DURING PERIODS OF PEAK DEMAND

SEC. 222. Section 11101(a) of title 49, United States Code, is amended by adding at the end thereof the following new sentence: "A rail carrier shall not be found to have violated this section because it fulfills its commitments under contracts approved under section 10713 of this title before responding to reasonable requests for service.". *Ante*, p. 1908.

RECIPROCAL SWITCHING

SEC. 223. Section 11103 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) The Commission may require rail carriers to enter into reciprocal switching agreements, where it finds such agreements to be practicable and in the public interest, or where such agreements are necessary to provide competitive rail service. The carriers entering into such an agreement shall establish the conditions and compensation applicable to such agreement, but, if the carriers cannot agree upon such conditions and compensation within a reasonable period of time, the Commission may establish such conditions and compensation.

"(2) The Commission may require reciprocal switching agreements entered into by rail carriers pursuant to this subsection to contain provisions for the protection of the interests of employees affected thereby.".

CAR SERVICE COMPENSATION

Repeal.

SEC. 224. (a)(1) Section 11122(b)(2) of title 49, United States Code, is repealed.

(2) Section 11122(b)(1) of title 49, United States Code, is amended by striking out "(1)" immediately before "The rate".

(b) Section 10706(a) of title 49, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new paragraph:

"(5)(A) Whenever two or more shippers enter into an agreement to discuss among themselves that relates to the amount of compensation such shippers propose to be paid by rail carriers providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title, for use by such rail carriers of rolling stock owned or leased by such shippers, the shippers shall apply to the Commission for approval of that agreement under this paragraph. The Commission shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy set forth in section 10101a of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of approval. If the Commission approves the agreement, it may be made and carried out under its terms and under the terms required by the Commission, and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement. The Commission shall approve or disapprove an agreement under this paragraph within one year after the date application for approval of such agreement is made. 49 USC 10501. *Ante*, p. 1897.

"(B) If the Commission approves an agreement described in subparagraph (A) of this paragraph and the shippers entering into such agreement and the rail carriers proposing to use rolling stock owned

94 STAT. 1930

or leased by such shippers, under payment by such carriers or under a published allowance, are unable to agree upon the amount of compensation to be paid for the use of such rolling stock, any party directly involved in the negotiations may require that the matter be settled by submitting the issues in dispute to the Commission. The Commission shall render a binding decision, based upon a standard of reasonableness and after taking into consideration any past precedents on the subject matter of the negotiations, no later than 90 days after the date of the submission of the dispute to the Commission.

"(C) Nothing in this paragraph shall be construed to change the law in effect prior to the effective date of the Staggers Rail Act of 1980 *Ante*, p. 1895.

with respect to the obligation of rail carriers to utilize rolling stock owned or leased by shippers.".

CAR UTILIZATION

SEC. 225. (a) Subchapter II of chapter 107 of title 49, United States Code, is amended by inserting at the end thereof the following new section:

"§ 10734. Car utilization

49 USC 10734.

"In order to encourage more efficient use of freight cars, notwithstanding any other provision of this subtitle, rail carriers shall be permitted to establish tariffs containing premium charges for special services or special levels of services not provided in any tariff otherwise applicable to the movement. The Commission shall facilitate development of such tariffs so as to increase the utilization of equipment.".

(b) The section analysis of chapter 107 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10731 the following new item:

"10734. Car utilization.".

CAR SERVICE ORDERS FOR EXIGENT CIRCUMSTANCES

SEC. 226. Section 11123(a) of title 49, United States Code, is amended to read as follows:

"(a)(1) When the Interstate Commerce Commission finds that a shortage of equipment, congestion of traffic, or other failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States, the Commission may, for a period not to exceed thirty days—

"(A) suspend any car service rule or practice;

"(B) take action during the emergency to promote service in the interest of the public and of commerce regardless of the ownership (as between carriers) of a locomotive, car, or other vehicle on terms of compensation the carriers establish between themselves, subject to subsection (b)(2) of this section;

"(C) require joint or common use of facilities, on terms of compensation the carriers establish between themselves, subject to subsection (b)(2) of this section, when that action will best meet the emergency and serve the public interest; and

"(D) give directions for preference or priority in transportation, embargoes, or movement of traffic under permits.

Commission action, extension.

"(2) The Commission may extend any action taken under paragraph (1) of this subsection beyond the thirty-day period provided in such paragraph only if the full Commission, after a hearing, certifies that a transportation emergency exists.

"(3) In carrying out the provisions of this subsection, the Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with the traffic subject to the action of the Commission.".

EMPLOYEE PROTECTION

Railroad line abandonments.

SEC. 227. (a) Section 1170 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) In authorizing any abandonment of a railroad line under this section, the court shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees as that established under section 11347 of title 49.

"(2) Nothing in this subsection shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this subsection.".

(b) Section 1172 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) In approving an application under subsection (b) of this section, the Commission shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees as that established under section 11347 of title 49.

"(2) Nothing in this subsection shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this subsection.".

MERGERS AND OTHER TRANSACTIONS

Applications.

SEC. 228. (a) Section 11344(b) of title 49, United States Code, is amended—

(1) by inserting immediately after "section" the following: "which involves the merger or control of at least two class I railroads, as defined by the Commission"; and

(2) by adding at the end thereof the following new paragraph:

"(5) whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region.".

(b) Section 11344 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In a proceeding under this section which does not involve the merger or control of at least two class I railroads, as defined by the Commission, the Commission shall approve such an application unless it finds that—

"(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

"(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

In making such findings, the Commission shall, with respect to any application that is part of a plan or proposal developed under section 5 (a)-(d) of the Department of Transportation Act (49 U.S.C. 1654 (a)-(d)), accord substantial weight to any recommendations of the Secretary of Transportation.".

(c) Section 11344 of title 49, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new subsection:

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"(e) A rail carrier, or a person controlled by or affiliated with a rail carrier, together with one or more affected shippers, may apply for approval under this subsection of a transaction for the purpose of providing motor carrier transportation prior or subsequent to rail transportation to serve inadequately served shippers located on a railroad other than the applicant carrier. Such application shall be approved by the Commission if the applicants demonstrate presently impaired rail service and inadequate motor common carrier service which results in the serious failure of the rail carrier serving the shippers to meet the rail equipment or transportation schedules of shippers or seriously to fail otherwise to provide adequate normal rail services required by shippers and which shippers would reasonably expect the rail carrier to provide. The Commission shall approve or disapprove applications under this subsection within 30 days after receipt of such application. The Commission shall approve applications which are not protested by interested parties within 30 days following receipt of such application.".

(d) Section 11345 of title 49, United States Code, is amended to read as follows:

Applications.
49 USC 11345.

"§ 11345. Consolidation, merger, and acquisition of control: rail carrier procedure

49 USC 10501.
49 USC 11343, 11344.

"(a) If a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title is involved in a proposed transaction under section 11343 of this title, this section and section 11344 of this title also apply to the transaction. The Commission shall publish notice of the application in the Federal Register by the end of the 30th day after the application is filed with the Commission and after a certified copy of it is furnished to the Secretary of Transportation. However, if the application is incomplete, the Commission shall reject it by the end of that period. The order of rejection is a final action of the Commission under section 10327 of this title. The published notice shall indicate whether the application involves—

Publication in Federal Register.

49 USC 10327.

"(1) the merger or control of at least two class I railroads, as defined by the Commission, to be decided within the time limits specified in subsection (b) of this section;

"(2) transactions of regional or national transportation significance, to be decided within the time limits specified in subsection (c) of this section; or

"(3) any other transaction covered by this section, to be decided within the time limits specified in subsection (d) of this section.

"(b) If the application involves the merger or control of two or more class I railroads, as defined by the Commission:

Comments.

"(1) Written comments about an application may be filed with the Commission within 45 days after notice of the application is published under subsection (a) of this section. Copies of such comments shall be served on the Secretary of Transportation and the Attorney General, each of whom may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Commission by the end of the 15th day after the date of receipt of the written comments.

"(2) The Commission shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it and given to the Secretary of Transportation by the 90th day after publication of notice under that subsection.

Evidentiary proceedings.

"(3) The Commission must conclude evidentiary proceedings by the end of the 24th month after the date of publication of notice under subsection (a) of this section. The Commission must issue a final decision by the 180th day after the date on which it concludes the evidentiary proceedings.

"(c) If the application involves a transaction other than the merger or control of at least two class I railroads, as defined by the Commission, which the Commission has determined to be of regional or national transportation significance:

Comments.

"(1) Written comments about an application may be filed with the Commission within 30 days after notice of the application is published under subsection (a) of this section. Copies of such comments shall be served on the Secretary of Transportation and the Attorney General, each of whom may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Commission by the end of the 15th day after the date of receipt of the written comments.

"(2) The Commission shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it and given to the Secretary of Transportation by the 60th day after publication of notice under that subsection.

Evidentiary proceedings.

"(3) The Commission must conclude any evidentiary proceedings by the 180th day after the date of publication of notice under subsection (a) of this section. The Commission must issue a final decision by the 90th day after the date on which it concludes the evidentiary proceedings.

"(d) For all applications under this section other than those specified in subsections (b) and (c) of this section:

Comments.

"(1) Written comments about an application may be filed with the Commission within 30 days after notice of the application is published under subsection (a) of this section. Copies of such comments shall be served on the Secretary of Transportation and the Attorney General, each of whom may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Commission by the end of the 15th day after the date of receipt of the written comments.

Evidentiary proceedings.

"(2) The Commission must conclude any evidentiary proceedings by the 105th day after the date of publication of notice under subsection (a) of this section. The Commission must issue a final decision by the 45th day after the date on which it concludes the evidentiary proceedings.

Notice to Congress.
49 USC 10327.

"(e) If the Commission does not issue a decision that is a final action under section 10327 of this title, it shall send written notice to Congress that a decision was not issued and the reasons why it was not issued.

Waiver.

49 USC 11341.

"(f) The Commission may waive the requirement that an initial decision be made under section 10327 of this title and make a final decision itself when it determines that action is required for the timely execution of its functions under this subchapter or that an application governed by this section is of major transportation

49 USC 10327.

importance. The decision of the Commission under this subsection is a final action under section 10327 of this title.".

Adjudication.
49 USC 11343 note.
Ante, p. 1932.

(e) Any application filed or pending on the effective date of this Act under section 11343, 11344, or 11345 of title 49, United States Code, before the Secretary of Transportation, the Interstate Commerce Commission, or any court shall be adjudicated or determined as if this Act had not been enacted.

SAVINGS PROVISIONS

Rail carrier rates, complaints.
49 USC 10701a note.
49 USC 10501.

SEC. 229. (a) Any rate that is in effect on the effective date of this Act for transportation by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of title 49, United States Code, may, during the 180-day period beginning on such effective date, be challenged in a complaint filed with the Interstate Commerce Commission by any interested party alleging that the rail carrier has market dominance over the transportation to which the rate applies, as determined under section 10709 of such title, and that the rate is not reasonable under section 10701a of such title.

49 USC 10709.
Ante, p. 1898.

(b) Any rate described in subsection (a) of this section—

(1) which is not challenged in a complaint filed within the 180-day period provided in such subsection; or

(2) which is challenged in such a complaint, but (A) the rail carrier is found not to have market dominance over the transportation to which the rate applies, or (B) the rate is found to be reasonable,

shall be deemed to be lawful and may not thereafter be challenged in the Commission or in any court (other than on appeal from a decision of the Commission).

(c) The provisions of this section shall not apply to any rate under which the volume of traffic moved during the 12-month period immediately preceding the effective date of this Act did not exceed 500 net tons and has increased tenfold within the 3-year period immediately preceding the bringing of a challenge to the reasonableness of such rate.

(d) The burden of proof in any proceeding under this section shall be on the complainant.

TITLE III—RAILROAD COST DETERMINATIONS

UNIFORM ACCOUNTING SYSTEM

SEC. 301. Section 11142 of title 49, United States Code, is amended to read as follows:

49 USC 11142.

"§ 11142. Uniform accounting system

"The Interstate Commerce Commission may prescribe a uniform accounting system for classes of carriers providing, and brokers for, transportation subject to the jurisdiction of the Commission under subchapters II, III, and IV of chapter 105 of this title.".

49 USC 10521, 10541, 10561.

RAILROAD COST ACCOUNTING

SEC. 302. (a) Chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following new subchapter:

94 STAT. 1935

"SUBCHAPTER IV—RAILROAD COST ACCOUNTING

Establishment.

49 USC 11161.

"§ 11161. Railroad Accounting Principles Board

"(a)(1) There is established a Railroad Accounting Principles Board which shall be within and responsible to the legislative branch of the Federal Government.

Membership.

"(2) The Board shall be composed of the Comptroller General of the United States, who shall serve as chairman, and six members to be appointed by the Comptroller General.

"(3) The Comptroller General shall appoint members of the Board from among persons who are well qualified for such position by virtue of experience in or knowledge of rate regulation, accounting, or cost determinations. Of the members of the Board so appointed—

"(A) one shall be from the accounting profession;
"(B) one shall be from the railroad industry;
"(C) one shall be a representative of major rail shippers;
"(D) one shall be from the Interstate Commerce Commission;
"(E) one shall be a representative of small rail shippers; and
"(F) one shall be from the economics profession.

"(4) The term of office of each appointed member of the Board shall be three years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed.

"(5) The Board shall not act in the absence of a quorum, which shall consist of three members.

Compensation.

"(b) Each appointed member of the Board shall receive compensation at a rate equal to $1/260$ of the rate prescribed for level IV of the Executive Schedule, under section 5315 of title 5, for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

Advisory committees; staff services.

"(c)(1) The Board may utilize personnel from the Federal Government, with the consent of the head of the appropriate Federal department or agency, or appoint individuals from private life, to serve on advisory committees or to provide the staff services necessary to assist the Board in carrying out its functions and responsibilities under this subchapter.

"(2) Individuals appointed by the Board under this subsection may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

"(d) All Federal departments and agencies are authorized to cooperate with the Board and to furnish information, appropriate personnel (with or without reimbursement), and such financial and other assistance as may be agreed upon by the Board and the Federal department or agency involved.

Confidential information.

"(e) Members and employees of the Board and all other individuals appointed under this subsection having or having had access to information in the possession of the Board shall be subject to the provisions of section 1905 of title 18.

Termination. *Ante*, p. 1895.

"(f) The Board shall cease to exist three years after the effective date of the Staggers Rail Act of 1980.

49 USC 11162.

"§ 11162. Cost accounting principles

Ante, p. 1895.

49 USC 10501.

"(a) Within two years after the effective date of the Staggers Rail Act of 1980, the Railroad Accounting Principles Board shall establish, for rail carriers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title, principles governing the determination of economically accurate railroad costs directly and indirectly associated with particular movements of goods, including the variable costs associated with particular movements of goods or such other costs as the Board believes most accurately represent the economic costs of such movements. Such principles shall govern the determination of all railroad costs for specific regulatory proceedings under this title.

"(b) In developing cost accounting principles under this section, the Board shall take into account the following considerations:

"(1) The specific regulatory purposes for which railroad costs are required.

"(2) The degree of accuracy of the cost information which is needed to meet regulatory purposes.

"(3) The existing capability and the probable future capability of rail carriers to provide such information and the relative benefits and costs of requiring development of additional capability.

"(4) The means by which the degree of economic accuracy required can be obtained at the least possible expense and with the least possible information reporting.

"(5) The means by which the confidentiality of such costs can best be maintained while meeting the need for such information in regulatory proceedings.

Cost information disclosure.

"(c) The cost accounting principles established by the Board shall require that cost information be reported or disclosed only for the essential regulatory purposes defined by the Board.

Rules. 49 USC 11163.

"§ 11163. Implementation of cost accounting principles

"Upon the establishment of cost accounting principles by the Railroad Accounting Principles Board under section 11162 of this title, the Interstate Commerce Commission shall promptly promulgate rules to implement and enforce such principles. Not less than once every five years after the promulgation of the original rules, the Commission shall review the principles of the Board and shall, by rule, make such changes in such principles as are required to achieve the regulatory purposes of this title and the goals of this subchapter. The Commission shall insure that the rules promulgated under this section are the most efficient and least burdensome means by which the required information may be developed for regulatory purposes.

49 USC 11164.

"§ 11164. Certification of rail carrier cost accounting systems

Ante, p. 1895.

49 USC 10501.

"(a) Within 180 days after the effective date of the Staggers Rail Act of 1980, each rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title shall file with the Commission a request for preliminary certification of its cost accounting system. The Commission shall grant such preliminary certification if it determines that the cost accounting system of such rail carrier is in compliance with the accounting standards of the Commission in effect on the day prior to the effective date of the Staggers Rail Act of 1980.

Ante, p. 1895.

"(b)(1) As soon as practicable, but not later than 9 months, after the promulgation of rules by the Commission under section 11163 of this title, each rail carrier described in subsection (a) of this section shall file with the Commission a request for final certification of its cost accounting system developed to comply with this section.

94 STAT. 1937

"(2) Within 90 days, or such additional time as the Commission finds necessary, after a rail carrier files its request for final certification under paragraph (1) of this subsection, the Commission shall grant such final certification to such carrier if the Commission determines that the cost accounting system of such carrier is in compliance with the rules promulgated by the Commission under section 11163 of this title. If the Commission denies such final certification, the rail carrier shall revise its cost accounting system and file a new request for certification within 90 days after the date of such denial. The Commission shall thereupon grant final certification if it determines that such cost accounting system, as revised, is in compliance with such rules. If the Commission again denies final certification to the rail carrier, the Commission shall prescribe a cost accounting system which such carrier shall adopt within a reasonable time and which shall be considered a finally certified cost accounting system for purposes of this section.

"(c) Each rail carrier shall have and maintain a cost accounting system that is in compliance with the rules promulgated by the Commission under section 11163 of this title.

"(d)(1) Certification under this section that the cost accounting system of a rail carrier is in compliance with the rules promulgated by the Commission under section 11163 of this title shall be valid until the promulgation of new rules by the Commission.

Cost accounting systems, modification.

"(2) After the cost accounting system of a rail carrier is certified under this section, such rail carrier may, after notifying the Commission, make modifications in such system unless, within 60 days after the date of notification, the Commission finds such modifications to be inconsistent with the rules promulgated by the Commission under section 11163 of this title.

Compliance determination.

"(e) For purposes of determining whether the cost accounting system of a rail carrier is in compliance with the rules promulgated by the Commission, the Commission shall have the right to examine and make copies of any documents, papers, or records of such rail carrier relating to compliance with such rules. Such documents, papers, and records (and any copies thereof) shall not be subject to the mandatory disclosure requirements of section 552 of title 5.

"§ 11165. Cost availability

49 USC 11165.

"As required by the rules of the Interstate Commerce Commission governing discovery in Commission proceedings, rail carriers shall make relevant cost data available to shippers, States, ports, communities, and other interested parties that are a party to a Commission proceeding in which such data is required.

"§ 11166. Accounting and cost reporting

Rules.
49 USC 11166.

"(a) To obtain expense and revenue information for regulatory purposes, the Interstate Commerce Commission may promulgate reasonable rules for rail carriers providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title, prescribing expense and revenue accounting and reporting requirements consistent with generally accepted accounting principles uniformly applied to such carriers. Such requirements shall be cost effective and compatible with and not duplicative of the managerial and responsibility accounting requirements of those carriers. To the extent such rules are required solely to provide expense and revenue information necessary for determining railroad costs in regulatory proceedings pursuant to this title, such rules shall be promulgated in accordance with the cost accounting principles established by the Railroad Accounting Principles Board under section 11162 of this title.

49 USC 10501.

94 STAT. 1938

Reports.

"(b) Any reports required by the rules established by the Commission under this section shall include only information considered necessary for disclosure under the cost accounting principles established by the Board or under generally accepted accounting principles or the requirements of the Securities and Exchange Commission.

Submittal to Congress.
49 USC 1167.
Ante, p. 1895.

"§ 11167. Report

"The Railroad Accounting Principles Board shall, within 2 years after the effective date of the Staggers Rail Act of 1980, submit to the Congress a report setting forth any recommendations of the Board for appropriate legislative or administrative action in order to integrate the cost accounting principles and the cost accounting system certification process under this subchapter into existing rail carrier rate regulation under this title, including determinations under section 10709 of this title.

49 USC 10709.

49 USC 11168.

"§ 11168. Authorization of appropriations

"There are authorized to be appropriated to carry out the provisions of this subchapter not to exceed $1,000,000 for the fiscal year ending September 30, 1981, not to exceed $1,000,000 for the fiscal year ending September 30, 1982, and not to exceed $1,000,000 for the fiscal year ending September 30, 1983.".

(b) The analysis of chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER IV—RAILROAD COST ACCOUNTING

"11161. Railroad Accounting Principles Board.
"11162. Cost accounting principles.
"11163. Implementation of cost accounting principles.
"11164. Certification of rail carrier cost accounting systems.
"11165. Cost availability.
"11166. Accounting and cost reporting.
"11167. Report.
"11168. Authorization of appropriations.".

CIVIL PENALTIES FOR VIOLATIONS OF ACCOUNTING PRINCIPLES PROVISIONS

SEC. 303. (a)(1) Chapter 119 of title 49, United States Code, is amended by inserting immediately after section 11913 the following new section:

49 USC 11913a.

"§ 11913a. Accounting principles violations

49 USC 10501.
Ante, p. 1936.

"Any rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title that fails to obtain final certification of its cost accounting system under section 11164(b) of this title shall be fined not less than $50,000.".

(2) The section analysis of chapter 119 of title 49, United States Code, is amended by inserting immediately after the item relating to section 11913 the following new item:

"11913a. Accounting principles violations.".

Confidential data, disclosure.
Ante, p. 1937.

(b) Section 11910 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A person that knowingly discloses confidential data made available to such person under section 11165 of this title by a rail carrier providing transportation subject to the jurisdiction of the

94 STAT. 1939

49 USC 10501.

Commission under subchapter I of chapter 105 of this title shall be fined not more than $50,000.".

TITLE IV—RAILROAD MODERNIZATION ASSISTANCE

FEEDER RAILROAD DEVELOPMENT PROGRAM

SEC. 401. (a) Subchapter I of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10910.

"§ 10910. Railroad development

Definitions.

"(a) In this section—

"(1) 'financially responsible person' means a person who (A) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired, and (B) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years. Such term includes a government authority but does not include a class I or a class II rail carrier.

"(2) 'railroad line' means (A) during the 3-year period beginning on the effective date of the Staggers Rail Act of 1980, a line of railroad which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, and (B) after the end of such 3-year period, any line of railroad.

Ante, p. 1895.

Railroad lines, sale.

"(b)(1) When the Interstate Commerce Commission finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line has been placed on a system diagram map as required under section 10904 of this title, but the rail carrier owning such line has not filed an application to abandon such line under sections 10903 and 10904 of this title; and

49 USC 10904.

49 USC 10903.

"(B) an application to purchase such line has been filed, in accordance with regulations required under subsection (k) of this section, by a financially responsible person,

the Commission shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater, but shall not include the cost of providing a protective arrangement under subsection (j) of this section.

"(c)(1) For purposes of this section, the Commission may determine that the public convenience and necessity require or permit the sale of a railroad line if the Commission determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

94 STAT. 1940

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

Publication in Federal Register.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Commission finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Commission shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

Carrier trackage rights.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Commission shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Commission shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

Joint rates.

49 USC 10705.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Commission for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Commission shall, within 30 days after the date such petition is filed and pursuant to section 10705(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

Exemptions.

49 USC 10701 *et seq.*

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this title, except that such a person may not be exempt from the provisions of chapter 107 of this title with respect to transportation under a joint rate.

Ante, p. 1895.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

Preconditions for shippers.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

Employee interests, protection.

49 USC 11347.

"(j) In the case of any railroad line sold pursuant to this section, the Commission shall require the selling carrier to provide a fair arrangement at least as protective of the interests of employees as that established under section 11347 of this title.

Regulatioins and procedures.

Ante, p. 1895.

"(k) The Commission shall, within 60 days after the effective date of the Staggers Rail Act of 1980, prescribe such regulations and procedures as may be necessary to carry out the provisions of this section.".

94 STAT. 1941

(b) The section analysis of chapter 109 of title 49, United States Code, is amended by adding immediately after the item relating to section 10909 the following new item:

"10910. Railroad development.".

ABANDONMENT

SEC. 402. (a)(1) Section 10903(b)(1) of title 49, United States Code, is amended by striking out the first sentence.

(2) Section 10903(c) of title 49, United States Code, is repealed.

(b)(1) Section 10904(a) of title 49, United States Code, is amended—

(A) by striking out "at least 60" and all that follows through "effective" in paragraph (1);

(B) by striking out "and" at the end of paragraph (2)(A);

(C) by striking out the period at the end of paragraph (2)(B) and inserting in lieu thereof "; and";

(D) by adding at the end of paragraph (2) the following new subparagraph:

Post, p. 1942.

"(C)(i) a statement that the line is available for subsidy or sale in accordance with section 10905 of this title, (ii) a statement that the carrier will promptly provide to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation, calculated in accordance with section 10905 of this title, and (iii) the name and business address of the person who is authorized to discuss sale or subsidy terms for the carrier."; and

(E) by inserting immediately before the period at the end of paragraph (3)(E) the following: ", and certifying that clauses

(A)-(D) have been satisfied within the most recent 30 days prior to the date the application is filed".

Railroad line abandonment or discontinuance, certificate.

(2) Section 10904(b) of title 49, United States Code, is amended to read as follows:

"(b) If no protest is received within 30 days after the application is filed, the Commission shall find that the public convenience and necessity require or permit the abandonment or discontinuance. In such a case, the Commission shall, within 45 days after the application is filed, issue a certificate which permits the abandonment or discontinuance to occur within 75 days after the application is filed.".

Protests.

(3) Section 10904(c) of title 49, United States Code, is amended to read as follows:

"(c)(1) If a protest is received within 30 days after the application is filed, the Commission shall, within 45 days after the application is filed, determine whether an investigation is needed to assist in determining what disposition to make of the application.

"(2) If the Commission decides that no investigation is to be undertaken, the Commission shall, within 75 days after the application is filed, decide whether the present or future public convenience and necessity require or permit the abandonment or discontinuance, taking into consideration the application of the rail carrier and any materials submitted by protestants. If the Commission finds that the present or future public convenience and necessity require or permit the abandonment, it shall, within 90 days after the date of application, issue a certificate which permits the abandonment or discontinuance to occur within 120 days after the application is filed.

94 STAT. 1942

Investigation.

"(3) If the Commission decides that an investigation should be undertaken under this section, the investigation must be completed within 135 days, and an initial decision must be rendered within 165 days, after the date the application is filed. Thirty days after such decision, the initial decision shall become the final decision of the Commission unless, during the interim, the Commission decides to hear appeals. If an initial decision is appealed and considered by the Commission, the Commission shall issue a final decision within 255 days after the date of application. Whenever the Commission decides upon investigation that the present or future public convenience and necessity require or permit the abandonment or discontinuance of rail service, it shall, within 15 days of the final decision, issue a certificate which permits the abandonment or discontinuance to occur within 75 days of the date of the final decision.

"(4) The effective date of any certificate which permits abandonment or discontinuance may be stayed by the Commission pursuant to the provisions of section 10905 of this title.".

Infra.

(4) Section 10904 of title 49, United States Code, is amended by redesignating subsection (d) as subsection (e), and by inserting immediately after subsection (c) the following new subsection:

"(d)(1) The burden is on the person applying for the certificate to prove that the present or future public convenience and necessity require or permit the abandonment or discontinuance.

"(2) For applications approved by the Secretary of Transportation as part of a plan or proposal under section 5(a)-(d) of the Department of Transportation Act (49 U.S.C. 1654(a)-(d)), the Commission shall consider whether any detriment from the abandonment or discontinuance exceeds the transportation benefit from the plan or proposal as a whole.".

Waiver.

(5) Section 10904(e) of title 49, United States Code, as redesignated by paragraph (4) of this subsection, is amended by inserting immediately before the period at the end thereof the following: ", except that the requirement of such description or identification in such diagram may be waived by the Commission if the application was approved by the Secretary of Transportation as part of a plan or proposal under section 5(a)-(d) of the Department of Transportation Act (49 U.S.C. 1654(a)-(d)), or the application is filed by a railroad in bankruptcy".

(c) Section 10905 of title 49, United States Code, is amended to read as follows:

49 USC 10905.

"§ 10905. Offers of financial assistance to avoid abandonment and discontinuance

Definitions.

"(a) In this section—

"(1) 'avoidable cost' means all expenses that would be incurred by a rail carrier in providing transportation that would not be incurred if the railroad line over which the transportation was provided were abandoned or if the transportation were discontinued. Expenses include cash inflows foregone and cash outflows incurred by the rail carrier as a result of not abandoning or discontinuing the transportation. Cash inflows foregone and cash outflows incurred include—

"(A) working capital and required capital expenditure;

"(B) expenditures to eliminate deferred maintenance;

"(C) the current cost of freight cars, locomotives, and other equipment; and

"(D) the foregone tax benefits from not retiring properties from rail service and other effects of applicable Federal and State income taxes.

"(2) 'reasonable return' means—

"(A) if a rail carrier is not in reorganization, the cost of capital to the rail carrier, as determined by the Interstate Commerce Commission; and

"(B) if a rail carrier is in reorganization, the mean cost of capital of rail carriers not in reorganization, as determined by the Commission.

"(b) Any rail carrier which has filed an application for a certificate of abandonment or discontinuance shall provide promptly to a party considering an offer of financial assistance and shall provide concurrently to the Commission—

"(1) an estimate of the annual subsidy and minimum purchase price required to keep the line or a portion of the line in operation;

"(2) its most recent reports on the physical condition of that part of the railroad line involved in the proposed abandonment or discontinuance;

"(3) traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over that part of the railroad line; and

"(4) any other information that the Commission may deem necessary to allow a potential offeror to calculate an adequate subsidy or purchase offer.

Publication in Federal Register.
49 USC 10903.

Subsidy or purchase offer.

"(c) When the Commission finds under section 10903 of this title that the public convenience and necessity require or permit abandonment or discontinuance of a particular railroad line, it shall, concurrently with service of the decision upon the parties, publish the finding in the Federal Register. Within 10 days following the publication, any person may offer to pay the carrier a subsidy or offer to purchase the line. Such offer shall be filed concurrently with the Commission. If the offer to subsidize or purchase the line is less than the carrier's estimate provided under subsection (b)(1) of this section, the offer shall explain the basis of the disparity, and the manner in which the offer of subsidy or purchase is calculated.

Railroad line abandonment or discontinuance, postponement.

"(d) If, within 15 days after the publication required in subsection (c) of this section, the Commission finds that—

"(1) a financially responsible person (including a government authority) has offered financial assistance to enable the rail transportation to be continued over that part of the railroad line to be abandoned or over which all rail transportation is to be discontinued; and

"(2) it is likely that the assistance would be equal to—

"(A) the difference between the revenues attributable to that part of the railroad line and the avoidable cost of providing rail freight transportation on the line, plus a reasonable return on the value of the line; or

"(B) the acquisition cost of that part of the railroad line; the Commission shall postpone the issuance of a certificate authorizing abandonment or discontinuance in accordance with subsections (e) and (f) of this section.

"(e) If the carrier and a person offering financial assistance enter into an agreement which will provide continued rail service, the Commission shall postpone the issuance of the certificate for so long as the agreement, or an extension or modification of the agreement, is in effect. If the carrier and a person offering to purchase a line enter into an agreement which will provide continued rail service, the Commission shall approve the transaction and dismiss the application for abandonment or discontinuance. If the carrier and a financially responsible person (including a government authority) fail to agree on the amount or terms of the subsidy or purchase, either party may, within 30 days after the offer is made, request that the Commission establish the conditions and amount of compensation. If no agreement is reached within 30 days after the offer is made and neither party requests that the Commission establish the conditions and amount of compensation during that same period, the Commission shall immediately issue a certificate authorizing the abandonment or discontinuance.

Subsidy or purchase terms, establishment.

"(f)(1) Whenever the Commission is requested to establish the conditions and amount of compensation under this section—

"(A) the Commission shall render its decision within 60 days;

"(B) where subsidy has been offered, the Commission shall determine the amount and terms of subsidy based on the avoidable cost of providing continued rail transportation, plus a reasonable return on the value of the line; and

"(C) where an offer of purchase has been made in order to continue rail service on the line, the Commission shall determine the price and other terms of sale. In no case shall the Commission set a price which is below the fair market value of the line (including, unless otherwise mutually agreed, all facilities on the line or portion necessary to provide effective transportation services).

"(2) The decision of the Commission shall be binding on both parties, except that the person who has offered to subsidize or purchase the line may withdraw his offer within 10 days of the Commission's decision. In such a case, the Commission shall immediately issue a certificate authorizing the abandonment or discontinuance, unless other offers are being considered pursuant to paragraph (3) of this subsection.

"(3) If a carrier receives more than one offer to purchase or subsidize, it shall select the offeror with whom it wishes to transact business, and complete the sale or subsidy agreement, or request that the Commission establish the conditions and amount of compensation prior to the 40th day after the date on which notice was published under subsection (c) of this section. If no agreement on subsidy or sale is reached within the 40-day period and the Commission has not been requested to establish the conditions and amount of compensation, any other offeror may request that the Commission establish the conditions and amount of compensation. If the Commission has established the conditions and amount of compensation and the original offer has been withdrawn, any other offeror may accept the Commission's decision within 20 days of such decision, and the Commission shall require the carrier to enter into a sale or subsidy agreement with such offeror, if such sale or agreement incorporates the Commission's decision.

Service discontinuance or transfer, prohibition.

"(4) No purchaser of a line or portion of line sold under this section may transfer or discontinue service on such line prior to the end of the second year after consummation of the sale, nor may such purchaser transfer such line, except to the carrier from whom it was purchased, prior to the end of the fifth year after consummation of the sale.

Subsidy discontinuance.

"(5) Any subsidy provided under this section may be discontinued on notice of 60 days. Unless, within such 60-day period, another

94 STAT. 1945

financially responsible party enters into a subsidy agreement at least as beneficial to the carrier as that which was or was to be discontinued, the Commission shall, at the carrier's request, immediately issue a certificate authorizing the abandonment or discontinuance of service on the line.".

CONVERSION OF ABANDONED RAILROAD RIGHTS-OF-WAY

49 USC 10906 note.

SEC. 403. Section 809(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by inserting "(1)" immediately before the first sentence thereof; and

(2) by adding at the end thereof the following new paragraph:

Appropriation authorization.

"(2) There are authorized to be appropriated, for the purposes of carrying out the provisions of subsection (b)(2) of this section, not to exceed an aggregate amount of $10,000,000 for the fiscal years 1981, 1982, and 1983. Such sums are authorized to remain available until expended. Notwithstanding the provisions of subsection (b)(2) of this section, the Federal share for each grant made from the funds authorized to be appropriated pursuant to this paragraph may not exceed 80 percent of the total cost of any project.".

EXTENSION OF REDEEMABLE PREFERENCE SHARE FINANCING

SEC. 404. Sections 505(e), 507(a), 507(d), and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(e), 827(a), 827(d), and 829) are each amended by striking out "September 30, 1980" wherever it appears and inserting in lieu thereof "September 30, 1982" in each such place.

FINANCING

Post, p. 1947.

SEC. 405. (a)(1) Section 505(d)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(d)(3)) is amended by striking out "$700,000,000" and inserting in lieu thereof "$1,400,000,000".

(2) Sections 507(a) and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 827(a) and 829) are each amended by striking out "$600,000,000" and inserting in lieu thereof "$1,400,000,000".

(b)(1) Section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829) is amended by inserting "(a)" immediately after "SEC. 509." and by adding at the end thereof the following new subsection:

Funds transfer.

Post, p. 1946.

"(b)(1) Not more than $200,000,000 of the funds received by the Secretary of Transportation from amounts appropriated under subsection (a) of this section shall be transferred by the Secretary to the United States Railway Association for use by the Association in accordance with section 216(b)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)(3)). Such funds shall be transferred immediately upon the finding by the Finance Committee under such section 216(b)(3).

Railroad lines, purchase or rehabilitation.

Ante, p. 1939.

"(2) Not less than 5 percent of the funds received by the Secretary of Transportation from amounts appropriated under subsection (a) (excluding funds transferred under paragraph (1) of this subsection) shall be available for the purchase or rehabilitation of railroad lines acquired under section 10910 of title 49, United States Code, except that no such funds shall be available for the purchase or rehabilitation of such a railroad line unless such purchase or rehabilitation is consistent with the rail plan (as defined under section 5 of the Department of Transportation Act) of the State in which such line is located.

94 STAT. 1946

49 USC 1654.

Appropriation authorization.

"(3) Of the funds authorized to be appropriated under this section (other than funds described in paragraphs (1) and (2) of this subsection) not more than $180,000,000 are authorized to be appropriated in fiscal year 1981.".

Work force reduction.

(2) Section 216(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)) is amended by adding at the end thereof the following new paragraph:

Ante, p. 1945.

"(3)(A) Amounts transferred to the Association pursuant to section 509(b)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 may be used to purchase series A preferred stock of the Corporation to provide for the implementation by the Corporation of a program to reduce the Corporation's work force, if the Finance Committee finds that the implementation of such program will result in substantial savings to the United States.

"(B) An employee who ceases to be an employee as a result of the reduction of work force under a program implemented pursuant to this paragraph shall not, by reason of so ceasing to be an employee, or by reason of any work or employment entered into after so ceasing to be an employee, lose such employee's current connection with the railroad industry for the purposes of the Railroad Retirement Act of 1974.".

45 USC 231t.

Financial assistance.
45 USC 825.

(c)(1) Section 505(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 725(a)) is amended—

(A) by inserting "(1)" immediately before "Any railroad"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) An employee or employee-shipper group may apply to the Secretary for financial assistance pursuant to subsection (b)(3) of this section.

Ante, p. 1939.
Ante, p. 1945.

"(3) A financially responsible person (as defined in section 10910(a)(1) of title 49, United States Code) may apply to the Secretary for financial assistance from funds made available pursuant to section 509(b)(2) of this title.".

(2) Section 505(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(b)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary may approve applications to provide financial assistance to any employee or employee-shipper ownership group formed pursuant to a plan for the purchase or rehabilitation of a line or lines of railroad or of rail facilities which are considered to be in the public interest. The Secretary shall not use more than 20 percent of the total funds available under this section for such financial assistance. In considering the allocation of available funds and priority of eligible projects under this subsection, the Secretary shall consider the availability of viable alternatives to the ownership or rehabilitation by the eligible employee-shipper group for the continuation of rail service. Projects with no such alternative shall receive highest priority.".

Ante, p. 1945.

(3) Sections 506 through 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 826 through 829) are amended by—

(A) inserting "employee or employer-shipper group" immediately after "railroad" wherever it appears;

(B) inserting "employee or employee-shipper groups" immediately after "railroads" wherever it appears; and

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(C) inserting "employee or employee-shipper group's" immediately after "railroad's" wherever it appears.

Ante, p. 1945.

(4) Section 505(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(d)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

Ante, p. 1945.
Ante, p. 1939.

"(3) In the case of a Government authority that applies for financial assistance from funds made available pursuant to section 509(b)(2) for the purchase or rehabilitation of railroad lines purchased under section 10910 of title 49, United States Code, financing pursuant to this section shall be in the form of purchase by the Secretary of bonds or other debt obligations issued for such purpose by such Government authority.".

45 USC 825.

(5) Paragraph (4) of section 505(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 725(d)), as redesignated by

this subsection, is amended by inserting ", bonds, and other debt obligations" immediately after "trustee certificates".

(d) Section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821), as amended, is further amended by—

(1) striking out "and" at the end of paragraph (7);

(2) inserting "acquisition or sale of assets or securities," immediately after "merger," in paragraph (8);

(3) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

Definitions.

(4) adding at the end thereof the following new paragraphs:

"(9) 'consolidation' means the combination of separate rail facilities and the abandonment of the excess facilities, except that such term does not include the combination by a single railroad of multiple tracks into fewer tracks where the tracks do not constitute separate physical and operating lines of railroad; and

"(10) 'coordination' means the combination of rail freight traffic flows through the use of joint facilities arrangements or internally that result in a reduction of service on at least one facility and includes arrangements for joint use of tracks or other facilities and the acquisition or sale of assets.".

(e) The first sentence of section 511(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(a)) is amended by inserting immediately after "equipment" the following: "(which includes but is not limited to computerized car management systems)".

TRANSACTION ASSISTANCE

Sec. 406. Section 505(h) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(h)) is amended by adding at the end thereof the following new paragraphs:

"(5) Financial assistance made available under paragraph (1)(B) of this subsection may be used to purchase, for purposes of rail banking, properties of the Milwaukee Railroad located in the State of Montana with respect to which an interest in future rail common carrier operations has been evidenced.

"(6) Applications for rail banking shall be treated equally with other applications for transaction assistance."

ELECTRIFICATION LOAN GUARANTEES

Sec. 407. Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is amended—

(1) by inserting "or any other railroad" immediately after "the Corporation" the first place it appears;

(2) by inserting "or such railroad" immediately after "the Corporation" the second and third places it appears; and

(3) by inserting immediately after the first sentence the following new sentences: "Upon application by the Corporation or by any railroad in reorganization in the region which receives a loan under section 211(a) of this Act, the Secretary shall, pursuant to the provisions of and within the obligational limitations contained in sections 511 through 513 of such Act, guarantee obligations of the Corporation or such railroad for purposes of making capital improvements to coal export facilities.".

45 USC 831-833.

AMENDMENT TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Sec. 408. (a) The second sentence of section 211(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(d)) is amended by inserting "is not required to make the findings with respect to subsections (e)(3) and (f) and" immediately after "the Association" the first place it appears.

(b) Section 211(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(d)(2)) is amended by striking out "$4,000,000" and inserting in lieu thereof "$7,500,000".

(c) The last sentence of section 211(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(d)) is amended by striking out "1980" and inserting in lieu thereof "1981".

FEDERAL ASSISTANCE REPORT

Submittal to Congress.
49 USC 1654a.

SEC. 409. Within 90 days after the end of each fiscal year, the Secretary of Transportation shall submit a report to the Congress listing the specific Federal assistance provided the railroad industry during such fiscal year. Each such report shall set forth the reasons for each Federal loan or grant and explain the way in which such loan or grant contributed to the overall goal of providing a safe and efficient transportation system.

TITLE V—CONRAIL TITLE V LABOR PROTECTION

MONTHLY DISPLACEMENT ALLOWANCE

Pay rate.

SEC. 501. Section 505(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(b)) is amended to read as follows:

"(b) MONTHLY DISPLACEMENT ALLOWANCE.—A protected employee shall be paid a monthly displacement allowance for any calendar month within the period identified in subsection (c) of this section in which the employee is deprived of employment or adversely affected with respect to such employee's compensation, in accordance with the following provisions:

Ante, p. 1895.

"(1)(A) Effective on the effective date of the Staggers Rail Act of 1980, the protected rate of pay of a protected nonoperating employee (other than a maintenance-of-way employee) who has been deprived of employment or adversely affected with respect to such employee's compensation shall be based on the rate of pay of the position held by the employee on September 1, 1979, or if the employee held no position on that date, the rate of pay of the last position held by the employee prior to that date. A guaranteed hourly rate of pay will be computed for each protected employee, based on the rate described in the preceding sentence, and will be (i) the actual hourly rate for hourly rated employees, (ii) the daily rate divided by 8 for daily rated employees, and (iii) the monthly rate divided by the working days in the claim month, further divided by 8, in the case of monthly rated employees. For employees occupying relief positions, the guarantee shall be computed on the basis of the weighted average daily rate of the positions relieved. Extra list employees will be guaranteed the extra list rate.

"(B) In the event a protected employee's position is abolished or such employee is displaced and is thereby required to occupy a position paying an hourly rate that is less than such employee's guaranteed hourly rate, the protected employee shall be paid the difference between the hourly rate of pay of the position such employee is occupying and his guaranteed hourly rate for all hours included in the straight time work schedule of such employee's position for the month of claim, less any time lost on account of voluntary absences other than vacations. Hours worked in excess of the straight time work schedule shall be paid in addition to the guarantee at the rate applicable to the position occupied, as provided for in the applicable collective bargaining agreement.

"(C) For any month or portion thereof in which a protected employee is deprived of employment, the protected employee shall be paid such employee's guaranteed hourly rate for the number of hours such employee would have worked in the straight time work schedule of such employee's previously held position.

"(D) Notwithstanding the provision that the protected rate shall be the rate of the position held on or immediately preceding September 1, 1979, if a protected employee becomes the permanent incumbent of a higher rated position and is not disqualified therefrom, the higher rate shall become such employee's protected rate.

Ante, p. 1895.

"(2) Notwithstanding paragraph (1) of this subsection, effective on the effective date of the Staggers Rail Act of 1980, a protected maintenance-of-way employee shall be afforded his average monthly compensation, which is defined as the total compensation received by such employee during the 12 months immediately preceding January 1, 1975, divided by his total time paid for during that period and multiplied by 174 or by his average monthly time paid for, whichever is less, and adjusted to reflect subsequent general wage increases. If a protected employee is deprived of employment or if the employee's straight-time compensation in his current position is less in any month than the employee's average monthly compensation, the employee shall be paid the difference between his straight-time earnings, if any, and 80 percent of the average monthly compensation, less any time lost on account of voluntary absences other than vacations. If, at the close of the calendar year, the sum of the protected employee's annual straight-time compensation, monthly displacement allowance payments and offsets applicable pursuant to this title is less than the employee's average monthly compensation multiplied by 12, the employee shall receive an additional payment representing the difference. If in the previous calendar year an employee has received displacement allowance payments in excess of his annual entitlement, the excess payments shall be recovered from any current or future entitlement to monetary benefits afforded by this title, exclusive of benefits afforded by section 505(g) of this title.

94 STAT. 1950

45 USC 775.

Ante, p. 1895.

"(3) Effective on the effective date of the Staggers Rail Act of 1980 a protected operating employee (as defined in Interstate Commerce Commission classifications 107 through 128) who has been deprived of employment or adversely affected with respect to such employee's compensation shall be afforded his average monthly compensation computed in accordance with this subsection as in effect prior to such effective date, but subject to a maximum amount equal to one-twelfth of the average annual earnings of all employees in the Interstate Commerce Commission classification, computed by cumulating the employee earnings reported to the Commission by the Corporation on a monthly basis for calendar year 1977 for the Interstate Commerce Commission classification of operating service in which such employee performed the preponderance of such employee's work in calendar year 1974, increased by applicable general wage increases. If the employee performed no operating service in 1974, the Interstate Commerce Commission classification shall be determined by the preponderance of such employee's operating service in an immediately preceding calendar year. If the average monthly compensation of a protected operating employee exceeds the maximum amount described in the first sentence of this paragraph, the average monthly compensation of the employee will be reduced to such maximum amount for purposes of computing such employee's monthly displacement allowance, if any. If the average monthly compensation of a protected operating employee is less than such maximum amount, the average monthly compensation of the employee will be used to compute such employee's monthly displacement allowance, if any. If a protected employee is deprived of employment, or if the employee is adversely affected with respect to his compensation such that the compensation in such employee's current position is less in any month than the average monthly compensation of the employee or such maximum amount, whichever is less, the employee shall be paid 75 per centum of the difference between such employee's earnings, if any, and the lesser figure, minus any time lost on account of voluntary absences other than vacations. If at the close of the calendar year the sum of the protected employee's annual earnings, monthly displacement allowance payments, and offsets applicable pursuant to this title is less than such employee's average monthly compensation subject to the maximum amount and multiplied by 12, the employee shall receive an additional payment representing the difference. In the computation of the annual payment, if during the calendar year an employee has been force assigned to, or has been required to exercise seniority to, a position in an Interstate Commerce Commission classification with a lesser maximum amount than the maximum amount applicable to such employee's 1974 Interstate Commerce Commission classification, such employee shall be paid the difference without credit being taken for compensation earned by virtue of actual working hours in the calendar year in excess of the number of hours paid for in such employee's average monthly compensation multiplied by 12 or such employee's annual 1977 maximum amount, whichever is less. An employee's compensation for purposes of this subsection shall not include savings sharing productivity payments received pursuant to paragraph (t) of the Crew Consist Agreement between the Corporation and the United Transportation Union dated September 8, 1978. If, in the previous calendar year, an employee has received displacement allowance payments in excess of such employee's annual entitlement, the excess payments shall be recovered from any current or future entitlement to monetary benefits afforded by this title, exclusive of benefits afforded by subsection (g) of this section.

"(4) Effective on the effective date of the Staggers Rail Act of 1980, a protected noncontract employee who has been deprived of employment or adversely affected with respect to such employee's compensation shall retain his average monthly compensation and monthly displacement allowance computed in accordance with this subsection as in effect prior to such effective date. In the event such noncontract employee exercises or has exercised seniority in a craft or class of operating employees, such employee's entitlement to a monthly displacement allowance and fringe benefits, and such employee's eligibility for transfer, shall be the same as the entitlement and eligibility of other protected employees in the craft or class in which seniority is exercised. In the event such noncontract employee exercises or has exercised seniority in a craft or class of nonoperating employees, the entitlement of such employee to a monthly displacement allowance and fringe benefits, and such employee's eligibility for transfer, shall be consistent with the entitlement and eligibility of other protected employees in the craft or class in which seniority is exercised, except that the protected rate of pay shall be based on the rate of pay of the position first obtained through the exercise of seniority, rather than the rate of any position held on or prior to September 1, 1979.

Ante, p. 1895.

"(5) Notwithstanding the preceding provisions of this subsection, employees who, prior to September 1, 1979, accepted transfer to positions requiring a change of residence pursuant to subsection (d) of this section, shall retain their average monthly compensation and monthly displacement allowance computed in accordance with this subsection prior to the effective date of the Staggers Rail Act of 1980.

"(6) In determining compensation in a protected employee's current employment, such employee shall be treated as occupying the position producing the highest rate of pay to which such employee's qualifications and seniority entitle the employee under the applicable collective bargaining agreement and which does not require a change in residence. A protected operating employee will be considered to be occupying the position producing the highest rate of pay if the employee occupies a position producing compensation equal to such employee's average monthly compensation, subject to the maximum amount.

"(7) With respect to a protected employee who has been deprived of employment, the monthly displacement allowance shall be reduced by (A) the full amount of any unemployment compensation benefits received by such employee, and (B) an amount equivalent to any outside earnings of such employee.

"(8) A protected employee's average monthly compensation or protected rate of pay shall be adjusted from time to time thereafter to reflect subsequent general wage increases.

94 STAT. 1952

"(9) The average monthly compensation or protected rate of pay provided by this section shall in no event exceed $2,500 in any month, except that such amount shall be adjusted to reflect general wage increases subsequent to April 1, 1976.

"(10) A protected employee and his representative shall be furnished with such employee's protected rate of pay, or average monthly compensation and average monthly time paid for, subject to the maximum amount, computed in accordance with the terms of this subsection. Each protected employee who has been deprived of employment or his representative and the employer shall agree upon a procedure by which the employee shall keep the employer currently informed of the unemployment compensation benefits received by such employee and the earnings of such employee in employment other than with such employer.

"(11) In the case of a supplemental transaction—

"(A) with respect to an employee described in paragraph (1) of this subsection who was not employed on September 1, 1979, the protected rate of pay of such employee shall be based on the rate of pay of the position held by such employee on the first day of the first month after September 1979 in which such employee was employed;

"([illegible]) with respect to an employee described in paragraph (2) of this subsection who was not employed during the 12 months immediately preceding January 1, 1975, the average monthly compensation of such employee shall be determined on the basis of the first 12-month period after January 1, 1974, during which such employee was employed; and

"(C) with respect to an employee described in paragraph (3) of this subsection—

"(i) if such employee was employed during the 12 months immediately preceding January 1, 1975, the average monthly compensation of such employee shall be determined on the basis of such 12-month period; and

"(ii) if such employee was not employed during the 12 months immediately preceding January 1, 1975, the preponderance of work of such employee shall be determined on the basis of the first 12-month period after January 1, 1974, during which such employee was employed.".

DURATION OF MONTHLY DISPLACEMENT ALLOWANCE

SEC. 502. Section 505(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(c)) is amended to read as follows:

"(c) DURATION OF MONTHLY DISPLACEMENT ALLOWANCE.—The monthly displacement allowance provided for in subsection (b) of this section shall, in the case of a protected employee with 5 or more years of service on the effective date of this Act, continue until the attainment of age 65 by such employee, and shall, in the case of a protected employee who has less than 5 years of service on such date, continue for a period equal to the employee's total prior years of service, except that such monthly displacement allowance—

"(1) shall terminate upon the protected employee's death, retirement, resignation, or dismissal for cause;

"(2) shall not be paid with respect to any period of disciplinary suspension for cause, failure to work due to illness or disability, voluntary furlough, or failure to retain or obtain a position available to the employee by the exercise of such employee's seniority rights in accordance with the provisions of this section;

"(3) shall not be paid to a protected employee deprived of employment with respect to any period of failure to work due to strike, fire, flood, snowstorm, hurricane, earthquake, tornado, or other similar natural occurrence that causes a suspension of operations in whole or in part and precludes performance of the work which would be performed by the incumbents of the positions to be abolished or the work which would be performed by the employees involved in the force reductions (but the payment of monthly displacement allowances shall be resumed upon termination of the emergency); and

"(4) shall not be paid with respect to any month that commences after the effective date of the Staggers Rail Act of 1980 for which the employee has failed to make a claim for such allowance within 3 full calendar months (unless otherwise agreed upon by the employee or his representative and the employer) after the last day of the month for which such allowance is sought, except that such 3-month limit shall not apply to any claim which is the subject of or is based upon an arbitration decision issued pursuant to section 507 of this title. Unless otherwise agreed upon by the employee or his representative and the employer, the entitlement of an employee to an allowance shall be approved or denied within 150 days after the claim therefor is made if such claim is filed during the 12-month period beginning on the effective date of the Staggers Rail Act of 1980, and within 90 days after the claim therefor is made if such claim is filed after such 12-month period. Any claim not approved or denied at the expiration of the time limits described in the preceding sentence shall be deemed approved.".

Ante, p. 1895.

45 USC 777.

TRAINING AND TRANSFER

SEC. 503. (a)(1) Section 505(d) (1) and (3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(d) (1) and (3)) are each amended by inserting "or other employers with employees protected under this section" immediately after "Corporation" wherever it appears.

(2) Section 505(d)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(d)(1)) is amended by inserting "or the system of other employers with employees protected under this section" immediately after "Corporation's system".

(3) Section 505(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(d)(2)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this subsection, a protected employee of the National Railroad Passenger Corporation shall not be required to transfer to a location outside the seniority district of such protected employee.".

(b) Section 505(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(d)(4)) is amended by striking out "Transfers" and inserting in lieu thereof "Except as provided in paragraph (5) of this subsection, transfers".

(c) Section 505(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(d)(4)), as amended, is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of a marine craft or class on the Corporation's system, or in the craft or class of a Penn Truck Lines, Incorporated, employee, transfers to vacancies requiring a change in residence shall be subject to the following:

"(A) The vacancy shall be first offered to the junior qualified protected employee or employees deprived of employment in the seniority district where the vacancy exists, and each such employee shall have 20 days to elect one of the options set forth in paragraph (1) of this subsection. The Corporation shall determine the number of junior qualified protected employees deprived of employment (not to exceed four employees per offer) who will be included in the offer of transfer. The vacancy will be awarded to the most junior qualified protected employee who accepts transfer. Other qualified protected employees who have accepted the transfer will retain their status as employees deprived of employment. Employees junior to the acceptor who have elected one of the options set forth in paragraph (1) of this subsection shall retain the option. If the vacancy is not filled, it may be again offered in inverse seniority order to remaining qualified protected employee(s) deprived of employment (not to exceed four employees per offer) in the seniority district.

"(B) If there are no qualified protected employees deprived of employment in the seniority district where the vacancy exists, the vacancy may be offered in inverse seniority order to qualified protected employees deprived of employment (not to exceed four employees per offer) on the system, in accordance with the procedure in subparagraph (A) of this paragraph. Employees offered transfer pursuant to this paragraph will be afforded 30 days to elect one of the options set forth in paragraph (1) of this subsection.

"(C) The provisions of this paragraph shall not prevent the adoption of other procedures pursuant to an agreement made by the Corporation and representatives of the class or craft of employees involved.

"(D) When no bona fide vacancies exist in such craft or class, the Corporation may offer such employee comparable employment for which the employee is qualified, or for which the employee can be trained, in another craft or class. The Corporation shall first attempt to locate a comparable position in a seniority district which encompasses the employee's last work location, and if successful, a transfer notice may be tendered pursuant to subparagraph (A) of this paragraph. If no such position exists, the Corporation may tender the employee a transfer notice involving a position elsewhere on the system pursuant to subparagraph (B) of this paragraph. In the event it is necessary to train an employee after such employee's acceptance of a position pursuant to this paragraph, such training shall be provided by the Corporation at no cost to the employee.".

(d) Section 505(i)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 775(i)(1)) is amended by adding at the end thereof the following new sentences: "The Corporation may simultaneously offer a position to not more than 4 protected noncontract employees. The position shall be given to the protected employee accepting transfer whom the Corporation considers to be best qualified for the particular position involved. Other protected employees who have accepted the transfer shall retain their previous status. Employees who have elected a voluntary suspension of employment at their home location in lieu of protective benefits or a severance of employment shall retain the option elected.".

94 STAT. 1955

PAYMENT, AUDIT, AND REPORT

SEC. 504. Section 509 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 779) is amended to read as follows:

"PAYMENT, AUDIT, AND REPORT

"SEC. 509. (a) PAYMENT.—The Corporation, the Association (where applicable), replacement operators, and acquiring railroads, as the case may be, shall be responsible for the actual payment of all allowances, expenses, and costs provided protected employees pursuant to the provisions of this title. The Corporation, the Association (where applicable), replacement operators, and acquiring railroads shall then be reimbursed for the actual amounts paid to, or for the benefit of, protected employees, pursuant to the provisions of this title (including such amounts paid by the employer prior to the effective date of the Staggers Rail Act of 1980 and training costs incurred by the Corporation pursuant to section 505(d)(4)(D) of this

Ante, p. 1895.
45 USC 775.

title), other than provisions with respect to employee pension benefits, not to exceed an aggregate sum of $485,000,000, by the Railroad Retirement Board, upon certification to such Board in such detail as the Board may reasonably require, by the Corporation, the Association (where applicable), replacements operators, and acquiring railroads, of the amounts paid such employees, except that the aggregate amount of reimbursements made by the Board for the payment of monthly displacement allowances in the period after the effective date of the Staggers Rail Act of 1980 shall not exceed $180,000,000. There is authorized to be appropriated to the Secretary annually such sums as may be required to meet the obligations payable under this title, not to exceed the aggregate sum of $485,000,000. Upon the exhaustion of such authorization, the Corporation, the Association (where applicable), replacement operators, and acquiring railroads shall retain responsibility for the payment of benefits otherwise reimbursable under this title, but they shall not be reimbursed therefor. There is further authorized to be appropriated to the Secretary such sums as may be necessary to provide for additional administrative expenses to be incurred by the Railroad Retirement Board in the performance of its functions under this section. Appropriations authorized under this section may be allocated by the Secretary to the Railroad Retirement Board.

Ante, p. 1895.
Appropriation authorization.

"(b) AUDIT.—Beginning October 1, 1980, the Association shall conduct a program audit of the payment of benefits pursuant to this title and shall evaluate the effectiveness of the provisions of this title in improving the Corporation's management of certain protected employees in its workforce who are entitled to receive monthly displacement allowances. Such audits and evaluations shall be conducted in accordance with such rules and regulations as the Association may prescribe. The representatives of the Association shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to, or in use by or in connection with, the Corporation, replacement operators, acquiring railroads, or the Railroad Retirement Board which pertain to the benefits provided protected employees pursuant to this title and which are necessary to facilitate such audit and evaluation.

Records, accessibility.

"(c) REPORT.—The Association shall transmit to the Congress and the President, not later than 90 days after the end of each fiscal year, a comprehensive and detailed report on the payment of benefits under this title and the effectiveness of the provisions of this title in improving the Corporation's management of certain protected employees in its workforce who are entitled to receive monthly displacement allowances.".

Transmittal to Congress and the President.

94 STAT. 1956

RAILROAD HIRING

SEC. 505. Title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.) is amended by adding at the end thereof the following new section:

45 USC 780.

"RAILROAD HIRING

"SEC. 510. Any protected employee of the Corporation and any employee of the Corporation who is separated or furloughed from his employment with the Corporation (other than for cause) shall, unless found to be less qualified than other applicants, have the first right of hire by any other railroad that is subject to regulation by the Commission for any vacancy that is not covered by (1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulation, or Executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan. For purposes of this section, a railroad shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.".

SINGLE COLLECTIVE-BARGAINING AGREEMENT

SEC. 506. Section 504(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 774(d)) is amended to read as follows:

"(d) NEW COLLECTIVE-BARGAINING AGREEMENTS.—Not later than 60 days after the effective date of any conveyance pursuant to the provisions of this Act, the representatives of the various classes of crafts of the employees of a railroad in reorganization involved in a conveyance and representatives of the Corporation shall commence negotiation of a new single collective-bargaining agreement for each class and craft of employees covering the rate of pay, rules, and working conditions of employees who are employees of the Corporation. Such collective-bargaining agreement shall include appropriate provisions concerning rates of pay, rules, and working conditions, but shall not include any provisions for job stabilization resulting from any transaction effected pursuant to this Act which may exceed or conflict with those established herein. Negotiations with respect to such single collective-bargaining agreement, and any successor thereto, shall be conducted systemwide.".

EMPLOYEE PROTECTION PAYMENTS

45 USC 779 note.

45 USC 771.

SEC. 507. Notwithstanding any other provision of law, the Consolidated Rail Corporation and other employers with employees protected under the provisions of title V of the Regional Rail Reorganization Act of 1973 shall, until the effective date of this Act, continue to make payments for employee protection under such Act in accordance with the provisions of such Act which were in effect on January 1, 1979. Notwithstanding any other provision of law, such Corporation and employers shall be reimbursed for such payments in accordance with the provisions of section 509(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 779(a)).

Ante, p. 1955.

94 STAT. 1957

TECHNICAL AMENDMENTS

SEC. 508. (a)(1) The item relating to section 509 in the table of contents of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) is amended to read as follows:

"Sec. 509. Payment, audit, and report.".

(2) The table of contents of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) is amended by inserting immediately after the item relating to section 509 the following new item:

"Sec. 510. Railroad hiring.".

(b) Section 102(16) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702(16)) is amended to read as follows:

"Secretary."

"(16) 'Secretary' means the Secretary of Transportation or the designated representative of the Secretary;".

(c) Section 201 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711) is amended—

(1) by amending subsection (d)(2) to read as follows:

United States Railway Association, Board of Directors.

"(2) three Government members, who shall be (A) the Secretary, acting directly or at any time through the Deputy Secretary of Transportation, the General Counsel of the Department of Transportation, the Federal Railroad Administrator, or the Deputy Administrator of the Federal Railroad Administration, (B) the Secretary of the Treasury, acting directly or at any time through an officer of the Department of the Treasury who has been appointed with the advise and consent of the Senate, and (C) the Chairman of the Commission, acting directly or at any time through the Vice Chairman of the Commission; and";

(2) striking out "through their respective Deputy Secretaries" from the first sentence of subsection (i) and inserting in lieu thereof "in the case of the Secretary, through the Deputy Secretary of Transportation, the General Counsel of the Depart-

ment of Transportation, the Federal Railroad Administrator, or the Deputy Administrator of the Federal Railroad Administration, and, in the case of the Secretary of the Treasury, through an officer of the Department of the Treasury who has been appointed with the advise and consent of the Senate"; and

(3) by striking out the first sentence of subsection (j)(4).

(d) Section 501 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771) is amended—

(1) in paragraph (6), by inserting immediately after "disability," the following: "failure to work due to strike, fire, flood, snowstorm, hurricane, earthquake, tornado, or other similar natural occurrence that causes a suspension of operations in whole or in part and precludes performance of the work which would be performed by the incumbents of the positions to be abolished or the work which would be performed by the employees involved in the force reductions,"; and

(2) by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"Compensation."
48 Stat. 1283.

"(12) 'compensation' means earnings in employment subject to the Railroad Retirement Act.".

(e) Section 507 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 777) is amended by inserting ", section 509(b), or section 509(c)" immediately after "section 504(d)".

94 STAT. 1958

(f) The first sentence of section 403(d)(1) of the Rail Passenger Service Act (45 U.S.C. 563(d)(1)) is amended by striking out "if such State" and all that follows through "service".

TITLE VI—EXPEDITED SUPPLEMENTAL TRANSACTION PROPOSALS

EXPEDITED SUPPLEMENTAL TRANSACTION PROPOSALS

SEC. 601. (a) Section 305 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745) is amended by adding at the end thereof the following new subsection:

Rail properties in Connecticut and Rhode Island, transfer.
Ante, p. 1895.

"(f) EXPEDITED PROPOSALS.—(1) Within 240 days after the effective date of the Staggers Rail Act of 1980, the Secretary, after providing an opportunity for comments from interested parties, shall determine whether to initiate a proposal for a supplemental transaction under this section for the transfer of all rail properties of the Corporation in the States of Connecticut and Rhode Island to another railroad in the region. If the Secretary determines that—

Conditions.

"(A) the proposed transferee railroad is financially and operationally capable of assuming the freight operations and freight service obligations of the Corporation on a financially self-sustaining basis;

"(B) the proposed transfer would promote the establishment and retention of a financially self-sustaining rail system in the States of Connecticut and Rhode Island adequate to meet the needs of such States; and

45 USC 716.

"(C) the proposed transfer is consistent with the goals set forth in section 206(a)(8) of this Act,

the Secretary shall develop such a proposal and may, after providing the Association, the Commission, and the States of Connecticut and Rhode Island an opportunity to review and comment on such proposal, petition the special court for an order to carry out such proposal.

Price establishment.

"(2) The Secretary shall establish a fair and equitable price for any rail properties transferred pursuant to a proposal developed under this subsection.

"(3) If the special court determines that a proposal developed under this subsection is fair and equitable, meets the requirements of this subsection, and is in the public interest, it shall issue such orders as may be necessary to carry out such proposal. The provisions of paragraphs (2)–(6) of subsection (d) of this section shall apply to the determination of the special court under this subsection, except that the standards for such determination shall be those set forth in this paragraph.

Agreement.

45 USC 771.

45 USC 778.

Ante, p. 1895.

"(4) In complying with the requirements of subsection (d)(7) of this section with respect to the application of the provisions of title V of this Act to supplemental transactions, the parties to an expedited supplemental transaction under this subsection and the representatives of the employees affected thereby shall enter into a new agreement pursuant to section 508 of this Act and shall not be bound by the terms of any agreement executed under such section 508 and in effect on the date of enactment of the Staggers Rail Act of 1980.".

(b) Section 102(19) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702(19)) is amended by striking out ", within 6 years after the date on which the special court orders conveyances of rail properties to the Corporation".

94 STAT. 1959

TITLE VII—MISCELLANEOUS PROVISIONS

ROCK ISLAND AND MILWAUKEE RAILROADS AMENDMENTS

45 USC 1001 note.
Ante, p. 399.

SEC. 701. (a)(1) The Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1001 et seq.) is amended by redesignating section 124 as section 125 and by inserting immediately after section 123 the following new section:

"JUDICIAL REVIEW

45 USC 1018.

"SEC. 124. (a) Notwithstanding any other provision of law, any appeal from—

"(1) any decision of the bankruptcy court with respect to the constitutionality of any provision of this Act; and

"(2) any decision of the court having jurisdiction over the reorganization of the Milwaukee Railroad with respect to the constitutionality of the Milwaukee Railroad Restructuring Act (45 U.S.C. 901 et seq.),

shall be taken to the United States Court of Appeals for the Seventh Circuit.

Ante, pp. 401, 403.
45 USC 908, 914.

"(b) If appeals are taken from decisions described in subsection (a) of this section involving section 106 or 110 of this title or section 9 or 15 of the Milwaukee Railroad Restructuring Act, the court of appeals shall determine such appeals in a consolidated proceeding, sitting en banc, and shall render a final decision no later than 60 days after the date the last such appeal is filed.

"(c) Nothing in this Act or in the Milwaukee Railroad Restructuring Act (45 U.S.C. 901 et seq.) shall limit the right of any person to commence an action in the United States Court of Claims under section 1491 of title 28, United States Code (commonly referred to as the Tucker Act).".

Ante, p. 403.

(2) Section 110(e) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1008(e)) is amended by inserting "to employees" immediately after "liability".

(3) Section 15(e) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 914(E)) is amended by inserting "to employees" immediately after "liability".

Ante, p. 401.

(b)(1) Section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005) is amended to read as follows:

"EMPLOYEE PROTECTION AGREEMENTS

Ante, p. 1895.

"SEC. 106. (a) No later than 5 days after the date of enactment of the Staggers Rail Act of 1980, in order to avoid disruption of rail service and undue displacement of employees, the Rock Island Railroad and labor organizations representing the employees of such railroad with the assistance of the National Mediation Board, may enter into an agreement providing protection for employees of such railroad who are adversely affected as a result of a reduction in service by such railroad. Such employee protection may include, but need not be limited to, employee relocation incentive compensation, moving expenses, and separation allowances.

"(b) If the Rock Island Railroad and the labor organizations representing the employees of such railroad are unable to enter into an employee protection agreement under subsection (a) of this section within 5 days after the date of enactment of the Staggers Rail Act of 1980, the matter shall be immediately submitted to the Commission. The Commission shall impose upon the parties by appropriate order a fair and equitable arrangement with respect to employee protection no later than 15 days after the date of enactment of the Staggers Rail Act of 1980, unless the Rock Island Railroad, and the authorized representatives of its employees have by then entered into a labor protection agreement. For purposes of this subsection, the term 'fair and equitable' means no less protective of the interests of employees than protection established by and pursuant to section 9 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 908), subject to the limitations set forth in section 110 of this title.

Ante, p. 1895.

"Fair and equitable."

Ante, p. 403.

"(c) If an employee protection arrangement is imposed by the Commission under subsection (b) of this section, the bankruptcy court shall immediately authorize and direct the Rock Island Railroad trustee to, and the Rock Island Railroad trustee and the labor organizations representing the employees of the railroad shall, immediately implement such arrangement.

"(d) Any order of the Commission under subsection (b) of this section and any order of the bankruptcy court under subsection (c) of this section may be appealed only to the United States Court of Appeals for the Seventh Circuit. Any such appeal to such court of appeals shall be filed within 5 days after the date of entry of the order of the Commission or the bankruptcy court, as the case may be, and such court of appeals shall finally determine such appeal within 60 days after the date such appeal is filed.

Employee benefits and allowances.

"(e)(1) Any claim of an employee for benefits and allowances under an employee protection agreement or arrangement entered into under this section shall be filed with the Board in such time and manner as the Board by regulation shall prescribe. The Board shall determine the amount for which such employee is eligible under such agreement or arrangement and shall certify such amount to the Rock Island Railroad for payment.

"(2) Benefits and allowances under such agreement or arrangement entered into this section shall be paid by the Rock Island Railroad from its own assets or in accordance with section 110 of this title, and claims of employees for such benefits and allowances shall be treated as administrative expenses of the estate of the Rock Island Railroad.

"(f) The first sentence of section 7(b)(7) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(7)) is amended by striking out "Milwaukee Railroad Restructuring Act" and inserting in lieu thereof ", the Milwaukee Railroad Restructuring Act, and the Rock Island Railroad Transition and Employee Assistance Act.".

Ante, p. 402.

(2) Section 108(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1007(a)) is amended by inserting immediately before the period at the end thereof the following: "(other than as provided in the agreement entered into in Washington, District of Columbia, on March 4, 1980, entitled 'Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives' Association')".

Ante, p. 399.

(3) Section 103(5) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1002(5)) is amended by inserting immediately before the period at the end thereof the following. ", the estate of such Company in its reorganization proceeding, or the trustee appointed in such proceeding".

94 STAT. 1961

(c)(1) Section 7 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 906) is amended by adding at the end thereof the following new subsection:

"(h)(1) All obligations to the United States or any agency or instrumentality of the United States incurred pursuant to this section by the Milwaukee Railroad or the trustee of the property of the Milwaukee Railroad shall be waived and canceled when—

"(A) the Milwaukee Railroad is reorganized as an operating rail carrier; or

"(B) substantially all of the Milwaukee Railroad is purchased.

"(2) For purposes of this subsection, substantially all of the Milwaukee Railroad shall be considered as having been purchased when (A) more than 50 percent of the rail system operated by the Milwaukee Railroad on the date of enactment of the Staggers Rail Act of 1980 has been purchased, and (B) more than 50 percent of the employees employed by the Milwaukee Railroad on such date of enactment have obtained employment with other rail carriers.".

Ante, p. 1895.

(2) Section 14 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 913) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

Appropriation authorization.

"(d) There are authorized to be appropriated $15,000,000 for purposes of providing transaction assistance in accordance with section 505(h)(1) (A) and (B) of the Railroad Revitalization and Regulatory Reform Act of 1976.".

Ante, p. 404.

(d) Section 505(h) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(h)) is amended—

(1) in paragraph (1)(A), by striking out "$25,000,000" and inserting in lieu thereof "$38,000,000";

(2) in paragraph (1)(B), by striking out "$18,000,000" and inserting in lieu thereof "$27,000,000"; and

(3) by amending paragraph (4) to read as follows:

"(4) This subsection shall apply to (A) purchase offers submitted to the Trustee of the Rock Island Railroad Estate and filed with the Commission prior to September 15, 1980 (or such other time as the Secretary considers appropriate), and (B) purchase applications filed with the Commission prior to September 15, 1980 (or such other time as the Secretary considers appropriate) and approved by the court having jurisdiction over the reorganization of the Rock Island Railroad or the Milwaukee Railroad, as the case may be, and by the Commission.".

LOAN GUARANTEES

Powder River Coal Region, Mont. and Wyo.
45 USC 831 note.

SEC. 702. (a) To promote competition in the transportation of coal, the Secretary of Transportation shall, no later than 75 days after the date of the issuance of the final environmental impact statement with respect to the loan application, take final action on any application for loan guarantees, under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, to be used in connection with joint ownership, construction, or rehabilitation of any facilities (including support facilities) for a second rail carrier to serve the Powder River Coal Region in Montana and Wyoming.

45 USC 831.

Chicago and Northwestern connector line route, review.

(b)(1) The Secretary of Transportation shall review the proposed Chicago and North Western connector line route and shall not approve any route which requires the use of any agricultural land unless (A) there is no feasible and prudent alternative to the use of such land, and (B) the proposed route construction plan requires all possible planning to minimize harm to such agricultural land resulting from such use. The Secretary of Transportation may not otherwise disapprove a proposed route for the Chicago and North Western line under the authority of this subsection. This review of a proposed route shall be conducted within 90 days after the final action specified in subsection (a) of this section.

94 STAT. 1962

Private grade crossings.

(2)(A) The Secretary shall review the use of any agricultural land used in any route for newly constructed line and shall require, to the maximum extent prudent and feasible, that such railroad provide a private grade crossing for the convenience of each landowner whose agricultural holdings are divided by such newly constructed line when the Secretary finds that such division of property will cause a substantial disruption to the agricultural use of such land. The owners of such property shall file a request for such grade crossing with the Secretary within 180 days of the final determination of the route. The finding of the Secretary under this subsection shall be final.

(B) The Secretary shall render a decision on each request for grade crossing under this paragraph within 180 days of its receipt. Such review shall not require the delay of construction of new line under subsection (a) of this section.

Claims and judicial review.

(c)(1) Notwithstanding any other provision of law, the actions of the Secretary of Transportation taken pursuant to subsections (a) and (b) of this section shall not be subject to judicial review except as provided in this section.

(2) A claim alleging the invalidity of this section may be brought no later than the 60th day following the date a final action is taken pursuant to subsections (a) and (b) of this section.

USC prec. title 1.

(3) A claim challenging an action of the Secretary of Transportation under subsection (a) or (b) of this section may be brought only on the grounds that such action will deny rights under the Constitution of the United States, is arbitrary, capricious, or an abuse of discretion, exceeds statutory jurisdiction, authority, or limitations, or is short of statutory right. Such a claim may be brought not later than the 60th day following the date of such action.

(4) A claim under paragraph (2) or (3) shall be barred unless prior to the expiration of such time limits, a complaint is filed in the United States Court of Appeals for the District of Columbia acting as a special court. Such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim in any proceeding instituted prior to or on or after the date of enactment of this Act.

Hearing.

(5) Any such proceeding shall be assigned for hearing and completed at the earliest possible date, and to the greatest extent practical shall take precedence over all other matters pending on the docket of the court at that time, and shall be expedited in every way by such court, and such court shall render its decision relative to any claim within 90 days from the date such claim is brought unless such court determines that a longer period is required to satisfy requirements of the Constitution of the United States.

USC prec. title 1.

(d) Notwithstanding any other provision of law, the Secretary shall take the final action described in subsection (a) of this section without regard to the consent, or lack thereof, of any Committee of the Congress.

CONRAIL STUDIES AND EMERGENCY FUNDING

Definitions.
45 USC 747 note.

94 STAT. 1963

SEC. 703. (a) For purposes of this section, the term—

(1) "Association" means the United States Railway Association;

(2) "Commission" means the Interstate Commerce Commission;

(3) "Corporation" means the Consolidated Rail Corporation;

(4) "rail properties" means assets or rights owned, leased, or otherwise controlled by the Corporation which are used or useful in rail transportation service;

(5) "region" has the meaning given such term in section 101(15) of the Regional Rail Reorganization Act of 1973; and

45 USC 702.

(6) "Secretary" means the Secretary of Transportation.

Report to Congress.

(b)(1) No later than April 1, 1980, the Association and the Corporation shall each submit a report to the Congress analyzing the impact, upon the Corporation, rail service in the region, railroad employees, the economy of the region, and other rail carriers in the region and elsewhere, and the Federal budget, of—

(A) no further Federal funding for the Corporation;

(B) continued Federal funding of the rail system of the Corporation as it is presently structured; and

(C) future Federal funding of the Corporation to the extent necessary to preserve rail service in the region which can be self-supporting, without undue interim disruption of operations which will be maintained.

(2) Each report submitted under paragraph (1) of this subsection shall contain a description, under each of the Federal funding alternatives set forth in subsection (a) of this section, of the lines of the Corporation which would be maintained, the lines of the Corporation which would be abandoned, and the lines which would be transferred.

(3) Each report submitted under paragraph (1) of this subsection shall also include specific recommendations with respect to—

(A) future projected funding requirements of the Corporation;

(B) future structure and activities of the Corporation in the region;

(C) any legislative action needed with respect to the matters described in subparagraphs (A) and (B) of this paragraph; and

(D) any other matters which the Association or the Corporation considers appropriate.

The specific recommendations submitted under this paragraph shall set forth alternatives for the Congress to consider in the event it determines that modification of such recommendations is appropriate.

(4) In developing recommendations in accordance with this subsection, the Association and the Corporation shall identify measures designed to ensure a financially self-sustaining rail system in the region. The recommendations shall be based on analyses of rail properties which might be proposed for abandonment or transfer to another railroad or qualified person and proposed operating efficiencies which could improve the Corporation's revenue-to-cost ratio.

(5) In developing recommendations under this subsection, the Association and the Corporation shall each analyze and consider—

(A) projections of the Corporation's future traffic, revenues, operating costs, and capital requirements;

(B) rail properties which might be proposed for abandonment or transfer to another railroad or qualified person, taking into account the potential impact of changes in the regulatory environment;

94 STAT. 1964

(C) the impact on communities served by lines proposed for abandonment or transfer;

(D) proposed operating efficiencies which could improve the Corporation's revenue-to-cost ratio;

(E) the impact on the Corporation of proposed mergers by connecting or competing railroads;

(F) employee motivation and labor productivity programs and a projection of labor protection costs which could result from the recommendations;

(G) the future capital structure of the Corporation; and

(H) any other factors identified by the Association as relevant to the recommendations required to be developed and submitted pursuant to this section.

(6)(A) The Association and the Corporation shall, on the date of submission of their recommendations to the Congress under this subsection, transmit copies of such recommendations to the Secretary, the Commission, and the Governor of each State that could be affected by such recommendations. Upon request, the Association and the Corporation shall furnish a copy of their recommendations to any interested person.

Publication in Federal Register.

(B) As soon as practicable after submission of their recommendations to the Congress, the Association and the Corporation shall publish in the Federal Register a summary of such recommendations and invite interested parties to comment on such recommendations.

Comments on reports, submission to Congress.

(7) The Commission shall, no later than May 1, 1981, submit to the Congress its comments on the reports of the Association, the Secretary, and the Corporation under this subsection.

Recommendations, submission to Congress.

(8) Not later than April 1, 1981, the Secretary shall submit to the Congress his recommendations with respect to the future structure and operations of the Corporation. Not later than May 1, 1981, the Secretary shall submit to the Congress his comments and recommendations with respect to the reports of the Association and the Corporation under this subsection, and shall make any changes in his recommendations that he determines are necessary.

(9) The antitrust laws, as defined in section 601(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 791(a)(3)), shall not apply to any action taken by the Association or the Secretary prior to May 1, 1981, in accordance with and under the authority of the provisions of this subsection.

Analysis, submission to Congress.

(c) The Corporation shall, no later than March 15, 1981, submit to the Congress an analysis of the effects upon the Corporation and its employees of alternative changes in labor agreements and related operational changes. Such report shall include an analysis of any Federal funding that will be required.

Ante, p. 1895.

(d) The Corporation shall, no later than January 15, 1981, submit to the Association its projections of the benefits to the Corporation of the Staggers Rail Act of 1980, its projections of changes needed in the structure of the rail system of the Corporation including properties which may be abandoned or transferred, and other projections of potential savings or increased revenues to the Corporation.

Ante, p. 1946.

(e) Section 216(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)), as amended by this Act, is further amended by adding at the end thereof the following new paragraph:

"(4) Purchases of up to $329,000,000 of a series A preferred stock shall be made by the Association, subject to the availability of appropriations, as required and requested by the Corporation, if the Finance Committee makes an affirmative finding that the Corporation has taken appropriate action to eliminate losses on light density

94 STAT. 1965

lines and other lines which are unprofitable. Such action shall include the imposition of surcharges on such lines, the abandonment of such lines, and the transfer of such lines.".

(f)(1) Section 216(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(a)) is amended by striking out "$2,300,000,000" and inserting in lieu thereof "$2,629,000,000".

(2) Section 216(g) of such Act (45 U.S.C. 726(g)) is amended by striking out "$3,300,000,000" and inserting in lieu thereof "$3,629,000,000".

(3) Section 210(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 720(e)) is amended by inserting immediately after "section" in the first sentence thereof the following: "or under subsection (a) of section 306 of this Act".

USRA AUTHORIZATION OF APPROPRIATIONS

SEC. 704. Section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

"(c) ASSOCIATION.—For the fiscal year ending September 30, 1981, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $30,000,000. Sums appropriated under this subsection are authorized to remain available until expended.".

FEEDER LINE REHABILITATION STUDY

Report to Congress.

26 USC 103.

SEC. 705. (a) The Secretary of Transportation and the Secretary of the Treasury shall jointly submit to the Congress, within 9 months of the effective date of this Act, a comprehensive report on the anticipated effect (including the loss of revenue to the Federal Treasury) of amending section 103 of the Internal Revenue Code of 1954 to provide an exemption from taxation for obligations incurred in connection with the rehabilitation of railroad feeder lines. Such report shall also include such criteria as may be necessary to prevent the abuse of such special tax status.

(b) For purposes of this section, railroad feeder line rehabilitation includes the acquisition, construction, reconstruction, or erection of any feeder line roadbed, track, trestle, depot, switching, and signaling equipment, or any other rail equipment (other than rolling stock).

EFFECT ON PENDING MATTERS

49 USC 10706 note.

SEC. 706. In the case of any proposal docketed with a rate bureau prior to the effective date of this Act which is or becomes the subject of an application or proceeding before the Interstate Commerce Commission, such application or proceeding shall be determined as if this Act had not been enacted, and the antitrust immunity provided in section 10706(b) of title 49, United States Code, resulting from approval of such agreement shall continue in effect.

CONSTRUCTION OF AMENDMENTS

49 USC 10706 note.

Post, p. 1966.

94 STAT. 1966

SEC. 707. With respect to the relationship between water carriers and rail carriers, none of the amendments made by this Act shall be construed to make lawful (1) any competitive practice that is unfair, destructive, predatory, or otherwise undermines competition and that was unlawful on the effective date of this Act, or (2) any other competitive practice that is unfair, destructive, predatory, or otherwise undermines competition.

SURPLUS PROPERTY

Consolidated Rail Corporation, contract authority.

SEC. 708. Notwithstanding any other provision of law, the Consolidated Rail Corporation shall be considered a Federal agency for the sole purpose of Department of the Army Regulations 735-5, paragraph 1-16. Such Corporation may enter into a contract under the authority granted by this section only when it determines that the safety of the public so requires.

STUDY OF ALASKA RAILROAD RATES

Infra.

Ante, p. 1899.

SEC. 709. Within 6 months after the effective date of this Act, the Interstate Commerce Commission shall commence and complete a study to determine whether the rates charged by the Alaska Railroad pursuant to ICC-ARR Freight Tariffs 4108 and 4109 (as supplemented by supplements 1-4) would, if such rates had been entered into after the effective date of this Act, have constituted a violation of section 10701a(c)(1) of title 49, United States Code, as amended by this Act. To the extent feasible, such study shall be coordinated with the study by the State of Alaska in progress on the effective date of this Act.

EFFECTIVE DATES

49 USC 10101 note.

Ante, p. 1906.

Ante, p. 1925.

SEC. 710. (a) Except as provided in subsections (b), (c), and (d) of this section, the provisions of this Act and the amendments made by this Act shall take effect on October 1, 1980.

(b) Section 206 of this Act shall take effect on January 1, 1981.

(c) Section 218(b) of this Act shall take effect on October 1, 1983.

(d) Section 701 of this Act shall take effect on the date of enactment of this Act.

Approved October 14, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1035 accompanying H.R. 7235 (Comm. on Interstate and Foreign Commerce) and No. 96-1430 (Comm. of Conference).
SENATE REPORT No. 96-470 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Apr. 1, considered and passed Senate.
Apr. 3, Senate considered and agreed to an amendment.
June 25, 26, 30, July 2, 24, Sept. 5, 9, H.R. 7235 considered and passed House; passage vacated and S. 1946, amended, passed in lieu.
Sept. 18, Senate agreed to House amendment with amendments.
Sept. 30, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 42:
Oct. 14, Presidential statement.

Public Law 96-451
96th Congress

94 STAT. 1983

An Act

To amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes.

Oct. 14, 1980
[H.R. 4310]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Recreational Boating Safety and Facilities Improvement Act of 1980.
46 USC 1451 note.

TITLE I—RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT

SEC. 101. This title may be cited as the "Recreational Boating Safety and Facilities Improvement Act of 1980".

SEC. 102. The Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213), as amended, is amended as follows:

46 USC 1451.

(1) In section 2 by striking the first sentence and inserting in lieu thereof the following: "It is declared to be the policy of Congress and the purpose of this Act to improve recreational boating safety and facilities and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in the development, administration, and financing of a national recreational boating safety and facilities improvement program; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible authority governing the use of boats and equipment.".

46 USC 1452.
Definitions.

(2) In section 3—

(a) by striking clauses (10) and (11) and inserting in lieu thereof the following:

"(10) 'United States' and 'State' include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States has jurisdiction.

"(11) 'Eligible State' means a State that has a State recreational boating safety and facilities improvement program that has been accepted by the Secretary."; and

(b) by adding the following new clauses:

"(12) 'State recreational boating safety and facilities improvement program' means a State recreational boating safety program, or a State recreational boating facilities improvement program, or both.

"(13) 'State recreational boating safety program' means education, assistance, and enforcement activities conducted for the purpose of boating accident or casualty prevention, reduction, and reporting.

"(14) 'State recreational boating facilities improvement program' means programs to develop or improve public facilities that create, or add to, public access to the waters of the United States to improve their suitability for recreational boating purposes, including such ancillary facilities as are necessary to insure the safe use of those facilities. Such term shall include acquisition of title, or any interest in, riparian or submerged land, and the capital improvement of riparian or submerged land for the purpose of increasing public access to the waters of the United States.

"(15) 'Fund' means the National Recreational Boating Safety and Facilities Improvement Fund established by title II of this Act.".

(3) Section 25 is amended to read as follows:

"NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT PROGRAM

46 USC 1474.

Funds, allocation and distribution.

Guidelines and standards.

"SEC. 25. (a) In order to encourage greater State participation and uniformity in boating safety and facility improvement efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities, the Secretary shall implement and administer a national recreational boating safety and facilities improvement program. Under this program, the Secretary may allocate and distribute funds to eligible States to assist them in the development, administration, and financing of State recreational boating safety and facilities improvement programs. The Secretary shall establish guidelines and standards for this program. In doing so, he shall—

"(1) consider, among other things, factors which affect recreational boating safety by contributing to overcrowding and congestion of waterways, such as the increasing number of recreational boats using those waterways and their geographic distribution, and the availability and geographic distribution of recreational boating facilities within and among applying States, as well as State recreational boating casualty and fatality statistics;

Consultation.

"(2) consult with the Secretary of the Interior so as to minimize duplication with the purposes and expenditures of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4) and with the guidelines developed thereunder; and

Environmental standards.

"(3) maintain environmental standards consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464) and other Federal laws and policies intended to safeguard the ecological and esthetic quality of our Nation's waters and wetlands.

Funds, eligibility.

Matching funds.

"(b) A State whose recreational boating safety and facilities improvement program has been accepted by the Secretary shall be eligible for allocation and distribution of funds under this Act to assist that State in the development, administration, and financing of its State program. Matching funds shall be allocated and distributed among eligible States by the Secretary in accordance with section 26 of this Act.".

(4) Section 26 is amended to read as follows:

"PROGRAM ACCEPTANCE

46 USC 1475.

"SEC. 26. (a) The Secretary, in accordance with this section and such regulations as he may promulgate, may allocate and distribute funds from the fund to any State that has an accepted State recreational boating safety and facilities improvement program, if the State demonstrates to his satisfaction that—

"(1) the program submitted by that State is consistent with the purposes of this Act;

"(2) funds distributed will be used to develop and administer a State recreational boating safety and facilities improvement program containing the minimum requirements set forth in subsection (b), (c), or (d) of this section;

Matching funds.

"(3) sufficient State matching funds are available from either general revenue, boat registration and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of such a tax and established for the purpose of financing a State recreational boating safety and facilities improvement program. No Federal funds from other sources may be used to provide a State's share of the costs of the program described under this section, nor may any State matching funds committed to a program under this Act be used to constitute the State's share of matching funds required by any other Federal program; and

Designated State authority; reports, submittal.

"(4) the program submitted by that State designates a State lead authority or agency, which would implement or coordinate the implementation of the State recreational boating safety and facilities improvement program supported by Federal financial assistance in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable for a proper and efficient administration of the program and that are in the form prescribed by the Secretary.

Post, p. 1987.

"(b) The Secretary shall accept a State recreational boating safety program, and such program shall be eligible to receive funds appropriated pursuant to section 30(a) of this Act, if such program includes—

"(1) a vessel numbering system, either approved or administered by the Secretary under this Act;

"(2) a cooperative boating safety assistance program with the Coast Guard in that State;

"(3) sufficient patrol and other activity to insure adequate enforcement of applicable State boating safety laws and regulations; and

"(4) an adequate State boating safety education program.

"(c) The Secretary shall accept a State recreational boating facilities improvement program, and such program shall be eligible to receive funds appropriated pursuant to section 30(b) of this Act, if such program includes—

"(1) a complete description of recreational boating facility improvement projects to be undertaken by the State; and

Other programs, consultation.

16 USC 460*l*-4 note.

"(2) consultation with State officials responsible for the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4) and for any program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-64).

Combined program.

"(d) Any State may, at its election, submit a combined program to the Secretary for the improvement of recreational boat safety and the improvement of recreational boating facilities in that State. The Secretary shall approve such program if it contains the minimum requirements set forth in subsections (b) and (c) of this section. Those portions of such combined program that are designed to improve recreational boating safety shall be eligible to receive funds appropriated for State recreational boating safety programs pursuant to section 30(a) of this Act. Those portions of such combined program that are designed to improve recreational boating facilities shall be eligible to receive funds appropriated for State recreational boating

94 STAT. 1986

Post, p. 1987.

facilities improvement programs pursuant to section 30(b) of this Act.".

(5) Section 27 is amended to read as follows:

"ALLOCATION OF FEDERAL FUNDS

46 USC 1476.

"SEC. 27. (a) The Secretary shall allocate the Federal funds available for allocation and distribution under this Act for State recreational boating safety programs as follows:

"(1) one-third shall be allocated equally among eligible States;

"(2) one-third shall be allocated among eligible States that maintain a State vessel numbering system approved under this Act so that the amount allocated each fiscal year to each such State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States; and

"(3) one-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State funds expended or obligated by such State for the State recreational boating safety program during the previous fiscal year bears to the total State funds expended or obligated during that fiscal year by all eligible States for State recreational boating safety programs.

"(b) The Secretary shall allocate the Federal funds available for allocation and distribution under this Act for State recreational boating facilities improvement programs as follows:

"(1) one-third shall be allocated equally each year among eligible States;

"(2) one-third shall be allocated so that the amount each year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States; and

"(3) one-third shall be allocated so that the amount each year to each eligible State shall be in the same ratio as the State funds expended or obligated by the State for a recreational boating facilities improvement program approved under this Act during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all eligible States for recreational boating facilities improvement programs.

Limitations. "(c) The amount received by any State under this section in any fiscal year may not exceed one-half of the total cost incurred by that State in the development, administration, and financing of that State's recreational boating safety and facilities improvement program in that fiscal year.

"(d) No allocation or distribution of funds under this section may be made to any State for the maintenance of boating facilities under an approved State recreational boating safety and facilities improvement program.

"(e) The Secretary may allocate not more than 5 percent of the funds available for allocation and distribution in any fiscal year for national boating safety activities of one or more national nonprofit public service organizations.

"(f) The Secretary is authorized to expend from the funds available for allocation and distribution in any fiscal year such sums as are necessary for the administration of this Act, but in no event may the funds expended for such administration in any fiscal year exceed the greater of $250,000 or 2 percent of the funds available for allocation and distribution in that fiscal year.".

94 STAT. 1987

46 USC 1477. (6) In section 28 by striking subsections (a) and (d) and redesignating subsections (b) and (c) as (a) and (b), respectively.

46 USC 1478. (7) In section 29 by (A) striking the words "boating safety program" and substituting "State recreational boating safety and facilities improvement program" and (B) by inserting the word "land," immediately after the words "costs of" the first time they appear therein.

(8) Section 30 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

46 USC 1479. "SEC. 30. (a) For the purpose of providing financial assistance for State recreational boating safety programs, there is authorized to be appropriated from the National Recreational Boating Safety and Facilities Improvement Fund $10,000,000 for each of the fiscal years 1981, 1982, and 1983, such appropriations to remain available until expended.

"(b) For the purpose of providing financial assistance for State recreational boating facilities improvement programs, there is authorized to be appropriated from the National Recreational Boating Safety and Facilities Improvement Fund $10,000,000 for each of the fiscal years 1981, 1982, and 1983, such appropriations to remain available until expended.".

46 USC 1480. (9) Section 31 is amended—

(a) in subsection (a) to read as follows:

Ante, p. 1986. "(a) Amounts allocated and distributed under section 27 of this Act shall be computed and paid to the States as follows: The Secretary shall determine, during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount."; and

(b) in subsection (c) by striking the words "boating safety program" each time they appear and substituting "State recreational boating safety and facilities improvement program".

(10) Section 32 is amended—

46 USC 1481.

(a) by striking in subsection (a) the words "boating and boating safety" and inserting in lieu thereof the words "boating safety and facilities improvement."; and

(b) by adding in the first sentence of subsection (b) following the word "safety" the words "and facilities improvement".

TITLE II—ESTABLISHMENT OF FUND

Recreational Boating Fund Act of 1980.

SEC. 201. SHORT TITLE.

This title may be cited as the "Recreational Boating Fund Act of 1980".

46 USC 1451 note.

SEC. 202. ESTABLISHMENT OF NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT FUND.

46 USC 1479a.

There is established in the Treasury of the United States a separate fund to be known as the "National Recreational Boating Safety and Facilities Improvement Fund", consisting of such amounts as may be paid into it as provided in section 209(f)(5) of the Highway Revenue Act of 1956. Amounts in the Fund shall be available, as provided in appropriation Acts, for making expenditures after September 30, 1980, and before April 1, 1984, as provided in section 26 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1476).

94 STAT. 1988

Infra.

Ante, p. 1984.
46 USC 1475.

SEC. 203. TRANSFER OF MOTORBOAT FUEL TAXES TO FUND.

(a) General Rule.—Paragraph (5) of section 209(f) of the Highway Revenue Act of 1956 (23 U.S.C. 120 note) is amended to read as follows:

"(5) Transfers from the trust fund for motorboat fuel taxes.—

"(A) Transfer to national recreational boating safety and facilities improvement fund.—

"(i) In general.—The Secretary of the Treasury shall pay from time to time from the trust fund into the National Recreational Boating Safety and Facilities Improvement Fund established by section 202 of the Recreational Boating Fund Act amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 1980, and before October 1, 1983.

Ante, p. 1987.

"(ii) Limitations.—

"(I) Limit on transfers during any fiscal year.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $20,000,000.

"(II) Limit on amount in fund.—No amount shall be transferred under this subparagraph if the Secretary determines that such transfer would result in increasing the amount in the National Recreational Boating Safety and Facilities Improvement Fund to a sum in excess of $20,000,000.

"(B) Excess funds transferred to land and water conservation fund.—Any amount received in the trust fund which is attributable to motorboat fuel taxes and which is not transferred from the trust fund under subparagraph (A) shall be transferred by the Secretary from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965.

16 USC 460l-4 and note.

"(C) Motorboat fuel taxes.—For purposes of this paragraph, the term 'motorboat fuel taxes' means the taxes under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel in motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

26 USC 4041.

26 USC 4081.

23 USC 120 note.

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxes received on or after October 1, 1980.

SEC. 204. STUDY BY SECRETARY OF THE TREASURY.

26 USC 4041 note.

The Secretary of the Treasury (after consultation with the Secretary of the department in which the Coast Guard is operating) shall conduct a study to determine the portion of the taxes imposed by sections 4041(b) and 4081 of the Internal Revenue Code of 1954 which is attributable to fuel used in recreational motorboats. Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Congress on his findings under such study.

Report to Congress.

94 STAT. 1989

TITLE III—REFORESTATION

SEC. 301. AMORTIZATION OF REFORESTATION EXPENDITURES.

(a) In General.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

26 USC 194.

"SEC. 194. AMORTIZATION OF REFORESTATION EXPENDITURES.

"(a) Allowance of Deduction.—In the case of any qualified timber property with respect to which the taxpayer has made (in accordance with regulations prescribed by the Secretary) an election under this subsection, the taxpayer shall be entitled to a deduction with respect to the amortization of the amortizable basis of qualified timber property based on a period of 84 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The 84-month period shall begin on the first day of the first month of the second half of the taxable year in which the amortizable basis is acquired.

"(b) Limitations.—

"(1) Maximum dollar amount.—The aggregate amount of amortizable basis acquired during the taxable year which may be taken into account under subsection (a) for such taxable year shall not exceed $10,000 ($5,000 in the case of a separate return by a married individual (as defined in section 143)).

26 USC 143.

"(2) Allocation of dollar limit.—

"(A) Controlled group.—For purposes of applying the dollar limitation under paragraph (1)—

"(i) all component members of a controlled group shall be treated as one taxpayer, and

"(ii) the Secretary shall, under regulations prescribed by him, apportion such dollar limitation among the component members of such controlled group.

For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to it by section 1563(a),

26 USC 1563.

except that the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1563(a)(1).

"(B) PARTNERSHIPS.—In the case of a partnership, the dollar limitation contained in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(3) SECTION NOT TO APPLY TO TRUSTS.—This section shall not apply to trusts.

"(4) ESTATES.—The benefit of the deduction for amortization provided by this section shall be allowed to estates in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiary and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account for purposes of determining the amount allowable as a deduction under this section to such beneficiary.

"(c) DEFINITIONS AND SPECIAL RULE.—For purposes of this section— 94 STAT. 1990

"(1) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' means a woodlot or other site located in the United States which will contain trees in significant commercial quantities and which is held by the taxpayer for the planting, cultivating, caring for, and cutting of trees for sale or use in the commercial production of timber products.

"(2) AMORTIZABLE BASIS.—The term 'amortizable basis' means that portion of the basis of the qualified timber property attributable to reforestation expenditures.

"(3) REFORESTATION EXPENDITURES.—

"(A) IN GENERAL.—The term 'reforestation expenditures' means direct costs incurred in connection with forestation or reforestation by planting or artificial or natural seeding, including costs—

"(i) for the preparation of the site;

"(ii) of seeds or seedlings; and

"(iii) for labor and tools, including depreciation of equipment such as tractors, trucks, tree planters, and similar machines used in planting or seeding.

"(B) COST-SHARING PROGRAMS.—Reforestation expenditures shall not include any expenditures for which the taxpayer has been reimbursed under any governmental reforestation cost-sharing program unless the amounts reimbursed have been included in the gross income of the taxpayer.

"(4) BASIS ALLOCATION.—If the amount of the amortizable basis acquired during the taxable year of all qualified timber property with respect to which the taxpayer has made an election under subsection (a) exceeds the amount of the limitation under subsection (b)(1), the taxpayer shall allocate that portion of such amortizable basis with respect to which a deduction is allowable under subsection (a) to each such qualified timber property in such manner as the Secretary may by regulations prescribe.

"(d) LIFE TENANT AND REMAINDERMAN.—In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.".

(b) ADJUSTED GROSS INCOME.—Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (14) the following: 26 USC 62.

"(15) REFORESTATION EXPENSES.—The deduction allowed by section 194.". *Ante*, p 1989.

(c) CONFORMING AMENDMENTS.—

(1)(A) Paragraph (2) of section 1245(a) of such Code (relating to gain from dispositions of certain depreciable property) is amended by striking out "190, 193" each place it appears and inserting in lieu thereof "190, 193, 194". 26 USC 1245.

(B) Paragraphs (2) and (3)(D) of such section 1245(a) are each amended by striking out "or 193" and inserting "193, or 194".

(C) Section 1245(b) of such Code (relating to exceptions and limitations) is amended by adding at the end thereof the following new paragraph:

"(8) TIMBER PROPERTY.—In determining, under subsection (a)(2), the recomputed basis of property with respect to which a deduction under section 194 was allowed for any taxable year, the taxpayer shall not take into account adjustments under section 194 to the extent such adjustments are attributable to the

94 STAT. 1991

amortizable basis of the taxpayer acquired before the 10th taxable year preceding the taxable year in which gain with respect to the property is recognized.".

(2) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 194. Amortization of reforestation expenditures.".

26 USC 194 note. (d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to additions to capital account made after December 31, 1979.

SEC. 302. INVESTMENT CREDIT.

26 USC 48, 38. (a) GENERAL RULE.—Paragraph (1) of section 48(a) of the Internal Revenue Code of 1954 (relating to definition of section 38 property) is amended—

(1) by striking out the period at the end of subparagraph (E) and inserting ", or";

(2) by inserting after subparagraph (E) the following new subparagraph:

Ante, p. 1989. "(F) in the case of qualified timber property (within the meaning of section 194(c)(1)), that portion of the basis of such property constituting the amortizable basis acquired during the taxable year (other than that portion of such amortizable basis attributable to property which otherwise qualifies as section 38 property) and taken into account under section 194 (after the application of section 194(b)(1)).''; and

(3) by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to property described in subparagraph (F) and, for purposes of this subpart, the useful life of such property shall be treated as its normal growing period.".

26 USC 48 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to additions to capital account made after December 31, 1979.

16 USC 1606a. **SEC. 303. REFORESTATION TRUST FUND.**

(a) There is established in the Treasury of the United States a trust fund, to be known as the Reforestation Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2).

(b)(1) Subject to the limitation in paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the sum of the tariffs received in the Treasury after September 30, 1979, and before October 1, 1985, under subparts A and B of part 1 of schedule 2 of the Tariff Schedules of the United States (19 U.S.C. 1202) and under part 3 of such schedule.

(2) The Secretary shall not transfer more than $30,000,000 to the Trust Fund for any fiscal year.

(3) The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

Report to Congress. (c)(1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Agriculture) to report to the Congress each year on the financial condition

94 STAT. 1992

and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

Printing as House and Senate document.

Investment.

(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest

31 USC 774.

(B) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

Appropriation authorization.

(d) For each of the first 5 fiscal years beginning after September 30, 1980, there is authorized after that date to be appropriated to the Secretary of Agriculture, out of any amounts in the Trust Fund, an amount equal to the sum of—

(1) the amount by which—

(A) the sum estimated by the Secretary of Agriculture for the fiscal year under section 3(d)(2) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)(2)) to be necessary for reforestation and other treatment of acreage, as set forth in the report transmitted by the Secretary to the Congress under that section for the fiscal year, exceeds

(B) the sum of the amounts appropriated for the fiscal year under the authorization contained in section 3(d)(3) of such Act and under any other provision of law to carry out the same purpose; and

(2) such sums as are determined by the Secretary of Agriculture to be properly allocable to administrative costs of the Federal Government incurred for the fiscal year in connection with the reforestation program carried out under that Act.

94 STAT. 1993

(e) The Secretary of the Treasury shall pay into the general fund of the Treasury any amounts, including interest earned on such amounts, remaining in the Trust Fund after September 30, 1985, which were not expended and remain in the Trust Fund.

Approved October 14, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-591 Pt. I (Comm. on Merchant Marine and Fisheries), No. 96-591, Pt. II (Comm. on Ways and Means), and No. 96-1320 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 3, considered and passed House.
Vol. 126 (1980): Aug. 25, considered and passed Senate, amended.
Sept. 10, Senate agreed to conference report.
Sept. 25, House agreed to conference report.

94 STAT. 3453

Public Law 96-594
96th Congress

An Act

Dec. 24, 1980
[H.R. 1196]

To revise and improve the laws relating to the documentation of vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vessel documentation laws, improvement.

TITLE I

Vessel Documentation Act.
46 USC 65 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Vessel Documentation Act".

46 USC 65.

SEC. 102. DEFINITIONS.

As used in this title—

(1) "documented vessel" means a vessel for which a certificate of documentation has been issued under this title;

(2) "fisheries" includes the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells, or marine vegetation at any place within the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811); and

(3) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

46 USC 65a.

SEC. 103. PORTS OF DOCUMENTATION.

The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.

46 USC 65b.

SEC. 104. VESSELS ELIGIBLE FOR DOCUMENTATION.

Any vessel of at least five net tons that is not registered under the laws of a foreign country is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;

(2) a partnership or association whose members are all citizens of the United States;

(3) a corporation created under the laws of the United States, or any State, territory, or possession thereof, or of the District of Columbia, or the Commonwealth of Puerto Rico; whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(4) the United States Government; or

(5) the government of any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

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SEC. 105. HOME PORTS.

46 USC 65c.

(a) With the approval of the Secretary and subject to such regulations as he may prescribe, the port of documentation selected by an owner for the documentation of his vessel shall be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a), it may not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.

SEC. 106. NAME OF VESSEL.

46 USC 65d.

(a) At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary and upon the issuance of a certificate of documentation, that name shall become the vessel's name of record.

(b) Once a vessel's name of record has been fixed as provided in subsection (a), it shall not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.

Fee.

(c) The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.

SEC. 107. CERTIFICATE OF DOCUMENTATION: APPLICATION; ISSUANCE; FORM; EXHIBITION.

46 USC 65e.

(a) Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in section 110, 111, 112, 113, or 114 of this title.

(b) The Secretary may prescribe the form of, the manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;

(2) identify its owner; and

(3) be in the form and contain any additional information prescribed by the Secretary.

(d) The Secretary shall, by regulation, prescribe procedures to insure the integrity of, and the accuracy of information contained in, certificates of documentation issued under this title.

(e) The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination as the law may require or as the Secretary may prescribe.

SEC. 108. NUMBERS; SIGNAL LETTERS; IDENTIFICATION MARKINGS.

46 USC 65f.

(a) The Secretary shall maintain a numbering system for the identification of documented vessels and shall assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for documented vessels.

(c) The owner of each documented vessel shall affix to the vessel and maintain in the manner prescribed by the Secretary the number assigned under subsection (a) and any other identification markings the Secretary may prescribe.

SEC. 109. PURPOSE OF DOCUMENTATION.

46 USC 65g.

A certificate of documentation issued under this title is—

(1) conclusive evidence of nationality for international purposes, but not in any proceeding conducted under the laws of the United States;

(2) except in the case of a pleasure vessel license, conclusive evidence of qualification to be employed in a specified trade; and

(3) not conclusive evidence of ownership in any proceeding in which ownership is in issue.

SEC. 110. CERTIFICATE OF DOCUMENTATION; REGISTRY.

46 USC 65h.

(a) A registry may be issued for any vessel that is eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) Upon application of the owner of any vessel that qualifies for a coastwise license under section 111 of this title, a Great Lakes license under section 112 of this title, or a fishery license under section 113 of this title, the Secretary may issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

(d) Except as provided in sections 111, 112, and 113 of this title, a foreign built vessel registered pursuant to this section may not engage in the coastwise trade, the Great Lakes trade, or the fisheries.

46 USC 65i.

SEC. 111. CERTIFICATE OF DOCUMENTATION: COASTWISE LICENSE.

(a) A coastwise license or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.

(b) Only a vessel for which a coastwise license or an appropriately endorsed registry is issued may, subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade; and

(2) the fisheries.

46 USC 65j.

SEC. 112. CERTIFICATE OF DOCUMENTATION: GREAT LAKES LICENSE.

(a) A Great Lakes license, or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under the laws of the United States to be employed in the coastwise trade.

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(b) Only a vessel for which a Great Lakes license or an appropriately endorsed registry is issued may, on the Great Lakes and their tributary and connecting waters and subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

46 USC 65k.

SEC. 113. CERTIFICATE OF DOCUMENTATION: FISHERY LICENSE.

(a) A fishery license, or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(b) Subject to the laws of the United States regulating the fisheries, only a vessel for which a fishery license or an appropriately endorsed registry is issued may be employed in that trade.

SEC. 114. CERTIFICATE OF DOCUMENTATION: PLEASURE VESSEL LICENSE.

46 USC 65*l*.

(a) A pleasure vessel license may be issued for any vessel that—

(1) is eligible for documentation, and

(2) is to be used exclusively for pleasure.

(b) A licensed pleasure vessel may proceed from or to any port of the United States and to any foreign port without entering or clearing with the United States Customs Service.

(c) Notwithstanding any other law, the Secretary may prescribe reasonable fees for issuing, renewing, or replacing a pleasure vessel license; or for providing any other service in connection with a pleasure vessel license. The fees shall be based on the costs of the service provided.

SEC. 115. VESSEL LIMITED TO TRADE COVERED BY CERTIFICATE OF DOCUMENTATION; EXEMPTIONS; PENALTY.

46 USC 65m.

Pleasure vessel.

(a) A vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. A documented pleasure vessel may not be used for purposes other than pleasure. However, any certificate of documentation may, under regulations prescribed by the Secretary, be exchanged for any other type of certificate of documentation, or appropriately endorsed for any trade, for which the vessel qualifies.

(b) A non-self-propelled vessel which is qualified to be employed in the coastwise trade may, without being documented, be employed in that trade within a harbor or on the rivers or inland lakes of the United States, or on the internal waters or canals of any State.

(c) Whenever a vessel is employed in a trade that is not covered by the certificate of documentation issued for that vessel or a documented pleasure vessel is used other than for pleasure, the vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

(d) A documented vessel may not be placed under the command of a person other than a citizen of the United States.

SEC. 116. FALSIFICATION IN DOCUMENTATION: FRAUDULENT USE OF DOCUMENT; PENALTY.

46 USC 65n.

(a) Whenever the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation in connection with the documentation of his vessel under this title, in addition to any other penalty provided by law, that vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

(b) Whenever a certificate of documentation is knowingly and fraudulently used for any vessel, that vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

SEC. 117. CERTIFICATE OF DOCUMENTATION: TERMINATION OF VALIDITY.

46 USC 65*o*.

(a) A certificate of documentation is invalid if the vessel for which it is issued—

(1) no longer meets the requirements of this Act and the regulations prescribed thereunder pertaining to that certificate of documentation; or

(2) is placed under the command of a person who is not a citizen of the United States.

(b) Except as provided by subsection (o) of section 30 of the Act of June 5, 1920, as amended (46 U.S.C. 961(a)), an invalid certificate of documentation shall be surrendered in accordance with regulations prescribed by the Secretary.

46 USC 65p.

SEC. 118. VESSELS PROCURED OUTSIDE THE UNITED STATES.

(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of an appropriate document for any vessel procured outside the United States that meets the ownership requirements of section 104 of this title.

(b) Subject to any limitations the Secretary may prescribe, a vessel for which an appropriate document is issued under this section may proceed to the United States and engage en route in the foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. Upon the vessel's arrival in the United States the document shall be surrendered in accordance with regulations prescribed by the Secretary.

Suspension.

(c) A vessel for which a document is issued under this section is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend for a period not to exceed six months the application of any vessel inspection law administered by him, or any regulation issued thereunder, if he considers the suspension to be in the public interest.

46 USC 65q.

SEC. 119. RECORDING OF UNITED STATES BUILT VESSELS.

The Secretary may provide for the recording and certifying of any information pertaining to vessels built in the United States that he considers to be in the public interest.

46 USC 65r.

SEC. 120. REGISTRATION OF FUNNEL MARKS AND HOUSE FLAGS.

The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

46 USC 65s.

SEC. 121. LIST OF DOCUMENTED VESSELS.

The Secretary shall publish periodically a list of all documented vessels together with any information pertaining to them that he considers pertinent or useful.

46 USC 65t.

SEC. 122. REPORTS.

To insure compliance with this title and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in any reasonable form and manner he may prescribe.

46 USC 65u.

SEC. 123. VIOLATIONS; PENALTY.

(a) Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated this title or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed $500 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under this section.

(c) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in any appropriate district court of the United States.

46 USC 65v.

SEC. 124. DELEGATIONS AND REGULATIONS.

The Secretary may—

(1) delegate, and authorize successive redelegations of, any of the duties or powers conferred on him by this title; and

(2) prescribe regulations to carry out this title.

SEC. 125. RELATED TERMS IN OTHER LAWS.

Definitions.
46 USC 65w.

With respect to the documentation of a vessel whenever used in any law, regulation, document ruling, or other official act—

(1) "certificate of registry", "registry", and "register" mean a registry as provided for in section 110 of this title;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise license as provided for in section 111 of this title;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" means a Great Lakes license as provided for in section 112 of this title;

(4) "license for the fisheries" and "enrollment and license for the fisheries" mean a fishery license as provided for in section 113 of this title; and

(5) "yacht" means a pleasure vessel whether or not documented.

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SEC. 126. AMENDMENTS TO OTHER LAWS.

Officers.

(a) Section 4131 of the Revised Statutes of the United States, as amended (46 U.S.C. 221), is further amended to read as follows: "Only a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage and a vacancy is thereby created, until the vessel's first return to a United States port where a United States citizen replacement can be obtained, a person who is not a citizen of the United States may serve in—

"(1) the vacancy; or

"(2) any vacancy resulting from the promotion of another to fill the original vacancy.".

(b) Section 4311 of the Revised Statutes of the United States, as amended (46 U.S.C. 251), is further amended by striking the first and third sentences of subsection (a).

(c) Section 4320 of the Revised Statutes of the United States, as amended (46 U.S.C. 262), is further amended by—

(1) striking the word "licensed" in the first sentence and inserting in lieu thereof the word "documented"; and

(2) striking the last sentence.

(d) Section 4377 of the Revised Statutes of the United States, as amended (46 U.S.C. 325), is further amended by striking the second sentence.

(e) Section 7 of the Act of June 19, 1886, as amended (46 U.S.C. 319), is further amended by—

(1) striking the first sentence and inserting in lieu thereof the following:

Trading without license, penalty.

"Whenever a vessel, entitled to be documented and not so documented, is employed in a trade for which certificates of documentation are issued under the vessel documentation laws, other than a trade covered by a registry, the vessel is liable to a civil penalty of $500 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture."; and

(2) striking the last sentence.

SEC. 127. REPEALS.

46 USC 65 note.

The following laws are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this title:

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Revised statutes section	Revised statutes section	Revised statutes section
4132	4168	4318
4137	4169	4319
4138	4170	4321
4139	4171	4322
4141	4174	4323
4142	4176	4324
4143	4177	4325
4144	4178	4326
4146	4179	4327
4147	4180	4328
4150	4182	4329
4155	4183	4330
4156	4187	4333
4157	4189	4335
4158	4190	4337
4159	4191	4338
4160	4214	4339
4161	4215	4372
4162	4217	4384
4163	4312	4385
4164	4313	4495
4166	4314	4498
4167	4315	

Date	Chapter	Section	Statutes at large	
			Volume	Page
1874				
Apr. 17	106		18	30
1877				
Feb. 27	69	1 (only the part amending R.S. 4315, 4318, and 4319).	19	251
1879				
June 30	54		21	44
1884				
June 26	121	21	23	58
July 5	221	4	23	119
1886				
June 19	421	6	24	81
1891				
Feb. 21	250	1	26	765
1895				
Jan. 16	24	2, 4, 5	28	624, 625
1897				
Jan. 20	67	1, 2	29	491, 492
1902				
June 24	1155	1, 2	32	398, 399
1905				
Mar. 3	1457	9	33	1032
1906				
Apr. 24	1865	1, 2	34	136
1908				
May 28	212	7	35	426
1912				
Feb. 29	47		37	70
July 9	220		37	189
Aug. 24	390	5 (only the part amending R.S. 4132).	37	562
1915				
Mar. 4	172	1	38	1193
Do	184	5	38	1218
1920				
Feb. 19	83	1, 2, 3	41	436, 437
1925				
Feb. 16	235	1	43	947
1935				
Aug. 5	438	310	49	528
1936				
May 20	434		49	1367
1938				
May 24	265		52	437

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Date	Chapter	Section	Statutes at large	
			Volume	Page
1939				
May 31	159		53	794
Do	160		53	795
June 2	168		53	798
1957				
Aug. 30	Public Law 85-237	1	71	517
1961				
Aug. 17	Public Law 85-157		75	392
1965				
Sept. 29	Public Law 85-219	10	79	892

SEC. 128. EFFECTIVE DATE.

46 USC 65 note.

This title shall be effective on the first day of the eighteenth month following the month in which enacted.

TITLE II

Tonnage Measurement Simplification Act.
46 USC 71 note.

SEC. 201. SHORT TITLE.—This Act may be cited as the "Tonnage Measurement Simplification Act".

SEC. 202. MEASUREMENT.—Section 4148 of the Revised Statutes of the United States, as amended (46 U.S.C. 71) is further amended to read as follows:

"SEC. 4148. (a) Before a vessel is documented or recorded under the laws of the United States, or where the application of a law of the United States to a vessel is determined by its tonnage, the vessel shall be measured by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.

"(b) A vessel required to be measured under subsection (a) of this section, other than a vessel used exclusively for pleasure, shall be measured as prescribed in sections 4151 and 4153 of the Revised Statutes of the United States, as amended, and to the extent applicable, as prescribed in Public Law 89-219, September 29, 1965 (79 Stat. 891; 46 U.S.C. 83-83k) if—

46 USC 75, 77.

"(1) it engages or intends to engage in an international voyage by sea; or

"(2) it is at least twenty-four meters in length and is self-propelled.

Vessels, nonmeasurement.

"(c) A vessel not required to be measured under subsection (b) of this section may be so measured if requested by its owner. A vessel not measured under subsection (b) shall be assigned gross and net tonnages by the Secretary which are functions of its length, breadth, depth, and other dimensions, including appropriate coefficients. The Secretary shall prescribe the manner in which dimensions are measured and which coefficients are appropriate. The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessels measured, and the resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subsection (b) of this section. In accordance with regulations issued under this subsection, the Secretary may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

94 STAT. 3462

"(d) A vessel shall be remeasured if—

"(1) the vessel is altered or the use of its space is changed so that its gross or net tonnage is affected;

"(2) having been measured under subsection (c) of this section, the vessel becomes, by use or alteration, subject to subsection (b) of this section; or

"(3) having been measured under subsection (b) of this section and not required to be so measured, the owner requests that the vessel be measured under subsection (c) of this section.

Except as provided in this subsection, a vessel that has been measured is not required to be remeasured to obtain another document.

Regulations.

"(e) The Secretary shall make such regulations as may be necessary to carry out the provisions of sections 4148, 4149, 4150, 4151, and 4153 of the Revised Statutes, as amended (46 U.S.C. 71, 72, 74, 75, 77).".

46 USC 71 note.
46 USC 75, 77.
46 USC 71.

SEC. 203. APPLICATION.—A vessel measured prior to the effective date of this title under sections 4151 and 4153 of the Revised Statutes of the United States, as amended, is considered as having been measured under section 4148(b) of the Revised Statutes of the United States, as amended by this Act.

46 USC 71 note.

SEC. 204. EFFECTIVE DATE.—The provisions of this title shall take effect on the first day of the twelfth month following the month in which enacted.

TITLE III

46 USC 369.

SEC. 301. The penultimate sentence of section 5(b) of the Act of May 27, 1936 (49 U.S.C. 369(b)), as amended, is amended by striking "November 1, 1983," and substituting "November 1, 1988,".

Appropriation authorization.

SEC. 302. There is authorized to be appropriated to the Secretary of Transportation $500,000 for fiscal year 1981 to conduct a study of the feasibility of constructing a new two track railroad drawbridge across Coos Bay, Oregon, which would replace the existing Southern Pacific Railroad drawbridge located at mile 9.0 and would have a clear navigational opening of 400 feet or such lesser clearance as the Secretary may determine to be reasonable. Such study shall include an analysis of any modifications to the Coos Bay City Airport that would be required to permit construction of a new railroad drawbridge.

Transfer of vessel to museum.
46 USC 1151, 50 USC app. 1744.

SEC. 303. Notwithstanding the provisions of title V, Merchant Marine Act of 1936 and section 11, Merchant Ship Sales Act of 1946, the Secretary of Commerce is hereby authorized to transfer, without reimbursement, the title and ownership of V4-M-A1 ocean tug Scotch Cap to the Superior-Douglas County Museum in Superior, Wisconsin, for use as a maritime museum. The vessel shall be delivered to the museum at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Superior-Douglas County Museum it shall be used solely as a maritime museum, and such vessel shall not be used for operation or transportation purposes of any nature whatsoever. In the event that the United States should have need for the vessel, the Superior-Douglas County Museum, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event the Superior-Douglas County Museum no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be delivered by the Superior-Douglas County Museum to the point of original delivery without any cost to the United States.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-428 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 17, considered and passed House.
Vol. 126 (1980): Dec. 9, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendment.

Public Law 96-330
96th Congress

94 STAT. 1030

An Act

To amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes.

Aug. 26, 1980
[H.R. 7102]

Veterans' Administration Health-Care Amendments of 1980
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Health-Care Amendments of 1980".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH-CARE PERSONNEL AMENDMENTS

PART A—PHYSICIANS AND DENTISTS SPECIAL PAY

PERMANENT AUTHORITY FOR PHYSICIANS' AND DENTISTS' COMPARABILITY PAY

38 USC 4104 note.

SEC. 101. Section 6 of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94-123; 38 U.S.C. 4118 note) is amended by striking out "(1)" the first and third places it appears and by striking out paragraph (2) of subsection (a).

REVISION OF SPECIAL PAY FOR PHYSICIANS AND DENTISTS

38 USC 4118

SEC. 102. (a)(1) Paragraph (1) of subsection (a) of section 4118 is amended—

(A) by striking out "hereunder" and inserting in lieu thereof "to carry out this section";

(B) by inserting "that (except as provided under subsection (d) of this section) is" after "in an amount";

(C) by striking out "$13,500 per annum" and "$6,750 per annum" and inserting in lieu thereof "$22,500 per annum" and "$10,000 per annum", respectively;

(D) by inserting after "Department of Medicine and Surgery" the second place it appears the following: "on a full-time basis (or in the case of a physician employed on a part-time basis, a proportional amount of the maximum amount that would be paid under this section to such physician if such physician were employed on a full-time basis, calculated on the basis of the proportion which the part-time employment of such physician in the Department of Medicine and Surgery bears to full-time employment)"; and

(E) by inserting after "so employed" the following: "on a full-time basis (or in the case of a dentist employed on a part-time basis, a proportional amount of the maximum amount that would be paid under this section to such dentist if such dentist were employed on a full-time basis, calculated on the basis of the proportion which the part-time employment of such dentist in

94 STAT. 1031

the Department of Medicine and Surgery bears to full-time employment)".

38 USC 4118 note.

(2) Notwithstanding subsection (a)(2)(C) of section 4118 of title 38, United States Code, special pay may be paid under such section to a physician or dentist employed by the Department of Medicine and Surgery of the Veterans' Administration who is a reemployed annuitant if such physician or dentist was automatically separated before September 30, 1978, under section 8335(a) of title 5, United States Code, as in effect before such date, for having become 70 years of age.

38 USC 4118.

(b) Subsection (b) of such section is amended by striking out "$5,000" both places it appears and inserting in lieu thereof "$7,000".

(c) Subsections (c) and (d) of such section are amended to read as follows:

Incentive special pay for full-time physicians.

"(c)(1) In the case of eligible full-time physicians appointed under this chapter, the Administrator shall provide, in addition to the primary special pay provided for in subsection (b)(2) of this section and in accordance with regulations prescribed to carry out this section, incentive special pay of not more than $15,500 to any eligible physician. In prescribing such regulations to carry out this paragraph, the Administrator shall take into account only the following factors and may pay no more than the following per annum amounts of incentive special pay to any full-time physician eligible therefor:

"(A)(i) For full-time status, $6,000.

"(ii) For tenure of service within the Department of Medicine and Surgery—

"(I) of two years but less than five years, $1,000;

"(II) of five years but less than eight years, $2,000; and

"(III) of eight years or more, $3,000.

"(iii) For service in a medical specialty with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $4,000 nor more than $15,500.

"(B) For service—

"(i) as a Service Chief (or in a comparable position as determined by the Chief Medical Director), $9,900;

"(ii) as a Chief of Staff or in an Executive Grade, $12,600;

"(iii) as a Deputy Service Director or in a Director Grade, $13,000;

"(iv) as a Service Director, $13,500;

"(v) as a Deputy Assistant Chief Medical Director, $14,440; or

"(vi) as an Associate Deputy Chief Medical Director or Assistant Chief Medical Director, $15,300.

"(C) For—

"(i) specialty or first board certification, $2,000; or

"(ii) subspecialty or secondary board certification, $2,500.

"(D) For service (i) in a specific geographic location with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians in the specific category of physicians, or (ii) in the Central Office of the Department of Medicine and Surgery, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $2,000 nor more than $5,000.

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Incentive special pay for dentists.

"(2) In the case of eligible full-time dentists appointed under this chapter, the Administrator shall provide, in addition to the primary special pay provided for in subsection (b)(2) of this section and in accordance with regulations prescribed to carry out this section, incentive special pay of not more than $7,500 to any eligible dentist. In prescribing such regulations to carry out this paragraph, the Administrator shall take into account only the following factors and may pay no more than the following per annum amounts of incentive special pay to any full-time dentist eligible therefor:

"(A)(i) For full-time status, $1,000.

"(ii) For tenure of service within the Department of Medicine and Surgery—

"(I) of two years but less than seven years, $500; and

"(II) of seven years or more, $1,000.

"(iii) For service in a dental specialty with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $2,000 nor more than $7,500.

"(B) For service—

"(i) as a Service Chief (or in a comparable position as determined by the Chief Medical Director), $2,750;

"(ii) as a Chief of Staff or in an Executive Grade, $3,500;

"(iii) as a Deputy Service Director or in a Director Grade, $3,625;

"(iv) as a Service Director, $3,750;

"(v) as a Deputy Assistant Chief Medical Director, $4,000, or

"(vi) as an Assistant Chief Medical Director, $4,250.

"(C) For service in a specific geographic location with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists in the specific category of dentists, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $1,750 nor more than $2,500.

Incentive special pay for part-time physicians.

"(3) In the case of eligible part-time physicians appointed under this chapter, the Administrator shall provide, in addition to the primary special pay provided for in subsection (b)(3) of this section and in accordance with regulations prescribed to carry out this section, incentive special pay of not more than $15,500 to any eligible physician. In prescribing such regulations to carry out this paragraph, the Administrator shall take into account only the following factors and may pay no more than a proportional amount of the following per annum amounts of incentive special pay to any part-time physician eligible therefor, which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such physician bears to full-time employment:

"(A)(i) For tenure of service within the Department of Medicine and Surgery—

"(I) of more than two years but less than five years, $750;

"(II) of five years but less than eight years, $1,500; and

"(III) of eight years or more, $2,250.

"(ii) For service in a medical specialty with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $3,000 nor more than $12,375.

"(B) For service—

"(i) as a Service Chief (or in a comparable position as determined by the Chief Medical Director), $7,220; or

"(ii) as a Chief of Staff or in an Executive Grade, $9,190.

"(C) For—

"(i) specialty or first board certification, $1,500; or

"(ii) subspecialty or secondary board certification, $1,875.

"(D) For service (i) in a specific geographic location with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians in the specific category of physicians, or (ii) in the Central Office of the Department of Medicine and Surgery, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $1,500 nor more than $4,000.

Incentive special pay for part-time dentists.

"(4) In the case of eligible part-time dentists appointed under this chapter, the Administrator shall provide, in addition to the primary special pay provided for in subsection (b)(3) of this section and in accordance with regulations prescribed to carry out this section, incentive special pay of not more than $7,500 to any eligible dentist. In prescribing such regulations to carry out this paragraph, the Administrator shall take into account only the following factors and may pay no more than a proportional amount of the following per annum amounts of incentive special pay to any dentist eligible therefor, which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such dentist bears to full-time employment:

"(A)(i) For tenure of service within the Department of Medicine and Surgery—

"(I) of more than two years but less than seven years, $500; and

"(II) of seven years or more, $1,000.

"(ii) For service in a dental specialty with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $1,500 nor more than $5,625.

"(B) For service—

"(i) as a Service Chief (or in a comparable position as determined by the Chief Medical Director), $2,750; or

"(ii) as a Chief of Staff or in an Executive Grade, $3,500.

"(C) For service in a specific geographic location with respect to which the Chief Medical Director has determined, pursuant to such regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an amount (to be determined by the Chief Medical Director pursuant to such regulations) of not less than $1,310 nor more than $1,875.

Exceptions.

"(5)(A) Except as provided in subparagraph (B) of this paragraph, a physician or dentist may not be provided incentive special pay under

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both clauses (A) and (B) of paragraph (1), (2), (3), or (4) (whichever is applicable) of this subsection.

"(B)(i) A physician or dentist serving as a Service Chief (or in a comparable position as determined by the Chief Medical Director) on a full-time basis may be provided incentive special pay under subclauses (i) and (iii) of clause (A) as well as under clause (B) of paragraph (1) or (2) (whichever is applicable) of this subsection.

"(ii) A physician or dentist serving as a Chief of Staff on a full-time basis may be provided incentive special pay under clause (A)(i) as well as under clause (B) of paragraph (1) or (2) (whichever is applicable) of this subsection.

"(d) In determining—

"(1) the total amount of special pay provided under this section to any physician or dentist for the purpose of determining the applicability to the special pay of such physician or dentist of the limitation specified in subsection (a) of this section on the total amount of such special pay; and

"(2) the total amount of incentive special pay provided under subsection (c) of this section to any physician or dentist for the purpose of determining the applicability to the incentive special pay of such physician or dentist of the limitation specified in such subsection on the total amount of such incentive special pay,

there shall be excluded any special pay provided to such physician or dentist under subsection (c)(1)(D), (c)(2)(C), (c)(3)(D), or (c)(4)(C) of this section for service in certain geographic locations.".

38 USC 4118.

(d) Subsection (e)(1) of such section is amended by striking out the third sentence thereof.

Effective date.
38 USC 4118 note.

(e) The amendments made by this section shall apply with respect to pay periods beginning after December 31, 1980.

CREDITING OF SPECIAL PAY FOR RETIREMENT AND INSURANCE PURPOSES

38 USC 4118.

SEC. 103. (a) Section 4118(f) is amended—

(1) by striking out "Any" and inserting in lieu thereof "(1) Except as provided in paragraph (2) of this subsection, any";

(2) by striking out "81, 83, or 87" and inserting in lieu thereof "81 or 83"; and

(3) by adding at the end thereof the following new paragraphs:

Annuity computation.
5 USC 8301 *et seq.*
5 USC 8331.

"(2) Additional compensation paid as special pay under this section after September 30, 1980, to any full-time employee shall be included in basic pay for purposes of chapter 83 of title 5. Notwithstanding the preceding sentence, special pay paid to any full-time employee after September 30, 1980, shall be included in average pay, as defined in section 8331(4) of such title, for the purposes of computing an annuity under such chapter only if—

5 USC 8341.

"(A) the annuity is paid under section 8337 of title 5 or under subsection (d) or (e) of section 8341 of such title; or

"(B) the employee has completed not less than 15 years of full-time service in the Department of Medicine and Surgery (except that, regardless of the length of such employee's service, no special pay may be included in average pay in computing an annuity that commences before October 1, 1985, and only one-half of any special pay paid after September 30, 1980, may be included in average pay in computing an annuity that commences on or after October 1, 1985, but before October 1, 1990).

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5 USC 8701 *et seq.*

"(3) Any additional compensation provided as special pay under this section shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.".

Election of additional compensation, notification.
38 USC 4118 note.

(b)(1) Not later than January 1, 1981, the Administrator of Veterans' Affairs shall notify each employee of the Veterans' Administration who on October 1, 1980, was a full-time physician or dentist in the Department of Medicine and Surgery of the provisions of paragraph (2) of section 4118(f) of title 38, United States Code, as added by subsection (a), and include in such notice an explanation of the provisions of such paragraph and of the right of such employee to make an election under paragraph (2).

38 USC 4118.
5 USC 8301 *et seq.*
Transmittal to VA Administration.

(2) Each employee described in paragraph (1) may elect not to have additional compensation provided such employee as special pay under section 4118 of such title included as basic pay (as provided for under paragraph (2) of section 4118(f) of such title, as added by subsection (a)) for purposes of chapter 83 of title 5, United States Code. Any such election shall be in writing and shall be transmitted to the Administrator of Veterans' Affairs not later than April 1, 1981.

REPORTS ON ADEQUACY OF SPECIAL PAY FOR PHYSICIANS AND DENTISTS

38 USC 4118.

SEC. 104. (a) Section 4118 (as amended by sections 102 and 103) is further amended by adding at the end the following new subsection:

"(g)(1) It is the policy of Congress to assure that the levels of total pay for Veterans' Administration physicians and dentists are fixed at levels reasonably comparable (A) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government, and (B) with the income of non-Federal physicians and dentists, so as to make possible the recruitment and retention of a well-qualified employee work force of physicians and dentists capable of providing quality care for eligible veterans.

"(2) To assist the Congress and the President in carrying out the policy stated in paragraph (1) of this subsection, the Administrator shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including between physicians and dentists employed by the Veterans' Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists;

"(B) obtain measures of income from the employment or practice of physicians and dentists in the non-Veterans' Administration sector, including Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for Veterans' Administration physicians and dentists;

Report to President.

"(C) submit a report to the President, on such date as the President may designate but not later than December 31, 1982, and once every two years thereafter, recommending appropriate amounts of special pay to carry out the policy set forth in paragraph (1) of this subsection with respect to the pay of Veterans' Administration physicians and dentists; and

"(D) include in such recommendations, when considered appropriate and necessary by the Administrator, modifications of the special pay levels set forth in this section (i) whenever the Veterans' Administration is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the incomes of non-Veterans' Administration physicians and dentists performing comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) of Veterans' Administration physicians and dentists, or (ii) whenever other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

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Presidential pay recommendations.

"(3) The President shall include in the Budget next transmitted to the Congress under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), after the submission of each report of the Administrator under paragraph (2)(C) of this subsection recommendations with respect to the exact rates of special pay for physicians and dentists under this section.

Report to congressional committees.

"(4) Not later than April 30 of each year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the implementation of this section. Each such report shall include—

"(A) a review of the implementation of this section (including the Administrator's and Chief Medical Director's actions, findings, recommendations, and other activities under this section) to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report; and

"(B) a plan in connection with the implementation of this section for the remainder of the fiscal year during which the report is submitted and for the succeeding fiscal year.".

Repeal.
38 USC 4118 note.

(b) Section 3 of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94-123; 89 Stat. 673) is repealed.

HEALTH-CARE PROFESSIONALS AND DIRECTORS OF MEDICAL FACILITIES EXEMPTED FROM SENIOR EXECUTIVE SERVICE

38 USC 4101.

SEC. 105. (a) Section 4101 is amended by adding at the end thereof the following new subsection:

38 USC 4103, 4104, 4114.
5 USC 3133 note.

"(e) Physicians, dentists, nurses, and other health-care professionals employed by the Department of Medicine and Surgery and appointed under section 4103, 4104(1), or 4114 of this chapter and persons appointed under section 4103(a)(8) of this chapter are not subject to the provisions of section 413 of the Civil Service Reform Act of 1978 or the following provisions of title 5: subchapter II of chapter 31, subchapter VIII of chapter 33, subchapter V of chapter 35, subchapter II of chapter

43, section 4507, subchapter VIII of chapter 53, and subchapter V of chapter 75.". 5 USC 3131, 3391, 3591, 4311, 4507, 5381, 7541.

(b) Section 4103(a) is amended by redesignating clause (8) as clause (9) and by inserting after clause (7) the following new clause (8): 38 USC 4103.

"(8) Such directors of hospitals, domiciliary facilities, medical centers, and outpatient facilities as may be appointed by the Administrator upon the recommendation of the Chief Medical Director.".

(c) Section 4107(c) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraphs: 38 USC 4107.

"(2) Notwithstanding any other provision of this title, the terms and conditions of employment of any person to whom paragraph (1) of this subsection applies shall (except as provided in paragraph (3) of this subsection) be the same as those applicable under this title to a physician serving as a director of a hospital, domiciliary facility, medical center, or outpatient facility.

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"(3) Notwithstanding the provisions of section 4101(e) of this title, any person to whom paragraph (1) of this subsection applies shall be deemed to be a career appointee for the purposes of section 4507 of title 5.". *Ante*, p. 1036.

PART B—MISCELLANEOUS IMPROVEMENTS IN PERSONNEL ADMINISTRATION

RATES OF PAY FOR TRAVEL AND OVERTIME FOR NURSES

SEC. 111. Section 4107(e) is amended— 38 USC 4107.

(1) by adding at the end of paragraph (5) the following new sentence: "For the purposes of this paragraph, the period of a nurse's officially ordered or approved travel away from such nurse's duty station may not be considered to be hours of service unless—

"(A) such travel occurs during such nurse's tour of duty; or

"(B) such travel (i) involves the performance of services while traveling, (ii) is incident to travel that involves the performance of services while traveling, (iii) is carried out under arduous conditions as determined by the Administrator, or (iv) results from an event which could not be scheduled or controlled administratively.";

(2) by inserting "or on a holiday designated by Federal statute or Executive order" in paragraph (8) after "regular hours"; and

(3) by adding at the end the following new paragraph:

"(10) Notwithstanding any other provision of law, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses entitled to additional pay under this subsection, the Administrator may increase the amount of additional pay authorized under this subsection to be paid to nurses at any specific Veterans' Administration health-care facility in order to provide additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Veterans' Administration health-care facility (as determined by a reasonably representative sampling of such non-Federal facilities).".

ADMINISTRATIVE ADJUSTMENTS IN RATES OF BASIC PAY

SEC. 112. Section 4107 is amended by adding at the end the following new subsection:

"(g)(1) Notwithstanding any other provision of law but subject to paragraphs (2), (3), and (4) of this subsection, when the Administrator determines it to be necessary in order to obtain or retain the services—

"(A) of physicians, dentists, podiatrists, optometrists, nurses, physician assistants, or expanded-function dental auxiliaries appointed under this subchapter; or

"(B) of health-care personnel who—

"(i) are employed in the Department of Medicine and Surgery (other than administrative, clerical, and physical plant maintenance and protective services employees);

"(ii) are paid under the General Schedule pursuant to section 5332 of title 5;

"(iii) are determined by the Administrator to be providing either direct patient-care services or services incident to direct patient-care services; and

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"(iv) would not otherwise be available to provide medical care and treatment for veterans,

Basic pay rate increase.

the Administrator may increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations. Any increase in such rates of basic pay may be made on a nationwide, local, or other geographic basis, for one or more of the grades listed in the schedules in subsection (b)(1) of this section, for one or more of the health personnel fields within such grades, or for one or more of the grades of the General Schedule under section 5332 of such title.

5 USC 5332.

"(2) Increases in rates of basic pay may be made under paragraph (1) of this subsection only in order—

"(A) to provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of health-care personnel at non-Federal health-care facilities in the same labor market;

"(B) to achieve adequate staffing at particular facilities; or

"(C) to recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

"(3) The amount of any increase under paragraph (1) of this subsection in the maximum rate for any grade may not (except in the case of nurse anesthetists) exceed the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

Increase denial.

"(4) In the exercise of the authority provided in paragraph (1) of this subsection to increase the rates of basic pay for any category of personnel not appointed under this subchapter, the Administrator shall, not less than ninety days prior to the effective date of a proposed increase, notify the President of the Administrator's intention to provide such an increase. If, prior to such effective date, the President disapproves such increase and provides the appropriate committees of the Congress with a written statement of the President's reasons for such disapproval, such proposed increase shall not take effect.".

CHIEFS OF STAFF REQUIRED TO BE EMPLOYED ON A FULL-TIME BASIS

38 USC 4108.

SEC. 113. (a) Section 4108 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Any person serving as a Chief of Staff of a Veterans' Administration health-care facility shall be appointed on a full-time basis.

"(c) As used in this section:

"Affiliated institution."

Post, p. 1039.

"(1) The term 'affiliated institution' means any medical school or other institution of higher learning with which the Administrator has a contract or agreement as referred to in section 4112(b) of this title for the training or education of health personnel.

"Remuneration."

"(2) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional responsibilities.".

38 USC 4108 note.

(b) Any individual who on the date of the enactment of this Act is serving as a Chief of Staff of a Veterans' Administration health-care facility on less than full-time basis may continue to serve in that capacity on a part-time basis so long as such individual's proportion of full-time service is not less than the proportion of full-time service in which such individual was serving on such date of enactment. 94 STAT. 1039

RETIREMENT CREDIT FOR PART-TIME EMPLOYEES

SEC. 114. The text of section 4109 is amended to read as follows: 38 USC 4109.

"(a) Except as provided in subsection (b) of this section, persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to benefits under chapter 83 of title 5. 5 USC 8301 *et seq.*

"(b) Notwithstanding any other provision of law, an individual retiring on or after October 1, 1981, who served at any time in a position in the Department of Medicine and Surgery to which such individual was appointed under this subchapter shall receive service credit for purposes of section 8339 of title 5 for any period of service in such Department served on less than a full-time basis on a proportionate basis equal to the fraction that such service bears to full-time service. In computing the annuity of any individual whose service is so credited, the full annual rate of basic pay shall be deemed to be the individual's rate of basic pay for the purpose of determining average pay, as defined by section 8331(4) of title 5.".

VETERANS' ADMINISTRATION REPRESENTATIVES ON DEANS' COMMITTEES

SEC. 115. Section 4112(b) is amended by inserting "(including appropriate representation from the full-time staff)" after "Veterans' Administration". 38 USC 4112.

RELATIONSHIP BETWEEN TITLE 38 MEDICAL PERSONNEL SYSTEM PROVISIONS AND OTHER PROVISIONS OF LAW

SEC. 116. (a)(1) Subchapter I of chapter 73, as amended by section 116, is amended by adding at the end thereof the following new section:

"§ 4119. Relationship between this subchapter and other provisions of law 38 USC 4119.

"Notwithstanding any other provision of law, no provision of title 5 or any other law pertaining to the civil service system which is inconsistent with any provision of this subchapter shall be considered to supersede, override, or otherwise modify such provision of this subchapter except to the extent that such provision of title 5 or of such other law specifically provides, by specific reference to a provision of this subchapter, for such provision to be superseded, overridden, or otherwise modified.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4118 the following new item:

"4119. Relationship between this subchapter and other provisions of law.".

(b) Section 4114 is amended by adding at the end thereof the following new subsection: 38 USC 4114.

"(g) In accordance with the provisions of section 4119 of this title, the provisions of chapter 34 of title 5 shall not apply to part-time appointments under this section.". *Supra.* 5 USC 3401 *et seq.*

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STUDY OF PERSONNEL NEEDS OF VETERANS' ADMINISTRATION HEALTH-CARE SYSTEM

SEC. 117. (a) In order to evaluate the need for, and the likely impact on the ability of the Veterans' Administration to meet most effectively the personnel needs of the Veterans' Administration health-care program of, the conversion or non-conversion of employees of the Veterans' Administration's Department of Medicine and Surgery who are providing direct patient-care services or services incident to direct patient-care services (as determined by the Administrator of

38 USC 4101 *et seq.*

Veterans' Affairs for the purposes of paragraph (1) of section 4107(g) of title 38, United States Code, as added by section 112) to the pay schedules and other administrative provisions of chapter 73 of title 38, United States Code, the Administrator of Veterans' Affairs shall conduct a study to determine (1) which, if any, of the categories of such employees should be so converted in order to improve patient care, alleviate recruitment and retention problems regarding such personnel, and improve employee morale, and (2) the desirability of making any such categories of personnel which are not so converted eligible for premium pay under the new paragraph (10) which would have been added to section 4107(e) of such title by the amendment of the Senate to the bill H.R. 7102, Ninety-sixth Congress, agreed to by the Senate on June 5, 1980, and the impact of making such categories of personnel eligible for such pay under such paragraph.

Report to congressional committees.

(b) Not later than the end of the eighteen-month period beginning on the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of such study, together with any recommendations for administrative or legislative action, or both, that the Administrator considers appropriate based on the results of such study and other pertinent information.

STUDY AND PILOT PROGRAM ON NURSE RECRUITMENT AND RETENTION

38 USC 4104 note.

SEC. 118. (a) In order to evaluate the effectiveness of various actions in enabling the Veterans' Administration to recruit and retain sufficient qualified nursing personnel (including licensed practical or vocational nurses and nursing assistants) capable of providing quality care for eligible veterans in Veterans' Administration health-care facilities, the Administrator of Veterans' Affairs, in consultation with the Chief Medical Director of the Veterans' Administration, shall conduct a pilot program and study for a period of not less than twenty-four and not more than thirty-six months, in not less than six geographic areas in which the Veterans' Administration has experienced difficulties in recruiting and retaining such sufficient qualified personnel. In the course of such study, the Administrator shall take various administrative actions to overcome such difficulties.

Report to Congress.

(b) Not later than the end of the forty-two-month period beginning on the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Congress a report on the results of such program and study, including an evaluation of the cost factors associated with each alternative administrative action on an annual basis and the impact on the recruitment and retention of nursing personnel at each facility involved, together with any recommendations for administrative or legislative action, or both, that the Administrator considers appropriate based on the results of such program and study and other pertinent information.

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Report to congressional committees.

(c) The Administrator of Veterans' Affairs shall submit a report on the implementation of such program and the progress of such study to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than six months after the date of the enactment of this Act. Such report shall include a report on the formulation of regulations to carry out such program and on the status of the implementation of such program.

TITLE II—VETERANS' ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

ESTABLISHMENT OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

SEC. 201. (a)(1) Chapter 73 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER IV—VETERANS' ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

"§ 4141. Establishment of program; purpose; duration

38 USC 4141.

"(a) There is hereby established a program to be known as the Veterans' Administration Health Professional Scholarship Program (hereinafter in this subchapter referred to as the 'Scholarship Program'). The purpose of the Scholarship Program is to assist in providing an adequate supply of trained physicians and nurses for the Veterans' Administration and for the Nation and, if needed by the Veterans' Administration, other health-care professionals appointed under subchapter I of this chapter.

38 USC 4101.

"(b) The Administrator may not furnish scholarships to new participants in the Scholarship Program after the last day of the tenth fiscal year beginning after the first such scholarship is approved by the Administrator.

"§ 4142. Eligibility; application; written contract

38 USC 4142.

"(a) To be eligible to participate in the Scholarship Program, an individual must—

"(1) be accepted for enrollment, or be enrolled, as a full-time student (A) in an accredited (as determined by the Administrator) educational institution in a State, and (B) in a course of training offered by such institution and approved by the Administrator, leading to a degree in medicine, osteopathy, dentistry, podiatry, optometry, or nursing or a course of training to become a physician assistant or expanded-function dental auxiliary;

"(2) submit an application to the Administrator for participation in the Scholarship Program;

"(3) sign and submit to the Administrator, at the time of submission of such application, a written contract (described in subsection (e) of this section) to accept payment of a scholarship and to serve a period of obligated service as provided in section 4143 of this title; and

"(4) at the time of submission of such application, not be obligated under any other Federal program to perform service after completion of the course of study or program of such individual referred to in clause (1) of this subsection.

Application and contract forms.

"(b)(1) In distributing application forms and contract forms to individuals desiring to participate in the Scholarship Program, the Administrator shall include with such forms—

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"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Administrator, including in the summary a clear explanation of the damages to which the United States is entitled under section 4144 of this title if the individual breaches the contract; and

"(B) a full description of the terms and conditions that would apply to the individual's participation in the Scholarship Program and service in the Department of Medicine and Surgery.

"(2) The Administrator shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Scholarship Program on a date sufficiently early to allow such individuals adequate time to prepare and submit such forms.

Selections.

"(c)(1) In selecting applicants for acceptance in the Scholarship Program, the Administrator shall give priority to the applications of individuals who have previously received scholarships under the Scholarship Program.

Scholarship award, notification of congressional committees.

"(2) Before awarding the initial scholarship in any course of training other than in medicine or nursing, the Administrator, not less than 60 days before awarding such scholarship, shall notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the Administrator's intent to award a scholarship in such course of training and of the reasons why the award of scholarships in such course of training is necessary to assist in providing for the Veterans' Administration an adequate supply of personnel in the health profession concerned.

"(d)(1) An individual becomes a participant in the Scholarship Program only upon the Administrator's approval of the individual's application submitted under subsection (a)(2) of this section and the Administrator's acceptance of the contract signed by the individual under subsection (a)(3) of this section.

"(2) The Administrator shall provide written notice to an individual promptly upon the Administrator's approval under paragraph (1) of this subsection of the individual's participation in the Scholarship Program.

Written contract, contents.

"(e) The written contract (referred to in this subchapter) between the Administrator and a participant in the Scholarship Program shall contain—

"(1) an agreement that—

"(A) subject to clause (2) of this subsection, the Administrator agrees (i) to provide the participant with a scholarship (described in subsection (f) of this section) for from one to four school years during which period the participant is pursuing a course of training described in subsection (a)(1)(B) of this section, and (ii) to afford the participant the opportunity for employment in the Department of Medicine and Surgery (subject to the availability of appropriated funds for such purpose and other qualifications established in accordance with section 4105 of this title); and

38 USC 4105.

Participant agreement.

"(B) subject to clause (2) of this subsection, the participant agrees—

"(i) to accept such a scholarship;

"(ii) to maintain enrollment and attendance in a course of training described in subsection (a)(1)(B) of this section until the participant completes the course of training;

94 STAT. 1043

"(iii) while enrolled in such course of training, to maintain an acceptable level of academic standing (as determined by the educational institution offering such course of training under regulations prescribed by the Administrator);

"(iv) to serve as a full-time employee in the Department of Medicine and Surgery for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') equal to the greater of—

"(I) one calendar year for each school year for which the participant was provided a scholarship under the Scholarship Program, or

"(II) two calendar years; and

"(v) if the participant's period of obligated service is deferred under section 4143(b)(3)(A) of this title, to serve any additional period of obligated service prescribed by the Administrator under section 4143(b)(4)(B) of this title;

"(2) a provision that any financial obligation of the United States arising out of a contract entered into under this subchapter, and any obligation of the participant which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this subchapter;

"(3) a statement of the damages to which the United States is entitled under section 4144 of this title for the participant's breach of the contract; and

"(4) such other statements of the rights and liabilities of the Administrator and of the participant as may be appropriate and consistent with the provisions of this subchapter.

Scholarships.

"(f)(1) A scholarship provided to a participant in the Scholarship Program for a school year under a written contract under the Scholarship Program shall consist of—

"(A) payment to, or (in accordance with paragraph (2) of this subsection) on behalf of, the participant of the amount of—

"(i) the tuition of the participant in such school year; and

"(ii) other reasonable educational expenses, including fees, books, and laboratory expenses; and

Monthly, stipend.

"(B) payment to the participant of a stipend of not in excess of $485 per month (adjusted in accordance with paragraph (3) of this subsection) for each of the 12 consecutive months beginning with the first month of such school year.

"(2) The Administrator may contract with an educational institution in which a participant in the Scholarship Program is enrolled for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (1)(A) of this subsection. Payment to such an educational institution may be made without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529).

Stipend increases.

"(3) The amount of the monthly stipend, specified in paragraph (1)(B) of this subsection and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Administrator for each school year ending in a fiscal year beginning after September 30, 1980, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

94 STAT. 1044

"(g) Notwithstanding any other provision of law, participants in the Scholarship Program shall not be considered to be employees of the Federal Government and shall not be counted against any employment ceiling affecting the Department of Medicine and Surgery while they are undergoing a course of training prior to engaging in deferred internship, residency, or other advanced clinical training.

Report to Congress.

"(h) The Administrator shall report to Congress not later than March 1 of each year—

"(1) the number of students receiving scholarships under the Scholarship Program and the number of students enrolled in each type of health profession training;

"(2) the educational institutions providing such training;

"(3) the number of applications filed, by health profession category, under this section during the school year beginning in such year and the total number of such applications so filed for all years in which the Scholarship Program has been in existence;

"(4) the number of scholarships accepted, by health profession category, during such school year and the number, by health profession category, which were offered and not accepted, together with a summary of the reasons that such scholarships were not accepted; and

"(5) the amount of tuition and other expenses paid, by health profession category, in the aggregate and at each educational institution for the school year beginning in such year and for prior school years.

Regulations.

"(i) The Administrator shall prescribe regulations to carry out the Scholarship Program.

38 USC 4143.

"§ 4143. Obligated service

"(a) Each participant in the Scholarship Program shall provide service in the full-time clinical practice of such participant's profession or in another health-care position, in an assignment or location as determined by the Administrator, as a full-time employee of the Veterans' Administration for the period of obligated service provided in the contract of such participant entered into under section 4142 of this title.

"(b)(1) Not later than 60 days prior to the date described in paragraph (3) of this subsection with respect to a participant in the Scholarship Program, the Administrator shall notify the participant of the date described in such paragraph for the beginning of such participant's period of obligated service.

"(2) The Administrator shall appoint each participant in the Department of Medicine and Surgery as soon as possible after the date described in paragraph (3) of this subsection.

Deferral.

94 STAT. 1045

"(3)(A)(i) With respect to a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the date for the beginning of the participant's period of obligated service is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State, except that the Administrator may, at the request of such participant, defer such date until the end of the period of time required for the participant to complete an internship or residency or other advanced clinical training. If the participant requests such a deferral, the Administrator shall notify the participant that such deferral could lead to an additional period of obligated service in accordance with paragraph (4) of this subsection.

"(ii) No such period of internship or residency or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subchapter.

"(B) With respect to a participant receiving a degree from a school of nursing, the date for the beginning of the participant's period of obligated service is the date upon which the participant becomes registered as a graduate nurse in a State.

"(C) With respect to a participant receiving a degree from an institution other than a school of medicine, osteopathy, dentistry, optometry, podiatry, or nursing, the date for the beginning of the participant's period of obligated service is the date upon which the participant completes the course of training leading to such degree.

"(4) Any participant whose period of obligated service is deferred under paragraph (3)(A) of this subsection—

Ante, p. 1038.

"(A) shall be required to undertake internship or residency or other advanced clinical training in an accredited program in an educational institution which is an affiliated institution (as defined in section 4108(c)(1) of this title) and with respect to which the affiliation agreement provides that all or part of the internship or residency or other advanced clinical training will be undertaken in a Veterans' Administration health-care facility; and

"(B) may, at the discretion of the Administrator and upon the recommendation of the Chief Medical Director, incur an additional period of obligated service—

"(i) at the rate of one-half of a calendar year for each year of internship or residency or other advanced clinical training (or a proportionate ratio thereof), if the internship, residency, or advanced clinical training is in a medical specialty necessary to meet the health care requirements of the Veterans' Administration (as determined under regulations prescribed by the Administrator); or

"(ii) at the rate of three-quarters of a calendar year for each year of internship or residency or other advanced clinical training (or a proportionate ratio thereof), if the internship, residency, or advanced clinical training is not in a medical specialty necessary to meet the health care requirements of the Veterans' Administration (as determined under regulations prescribed by the Administrator).

"(c) A participant in the Scholarship Program shall be considered to have begun serving a period of obligated service on the date such participant, in accordance with subsection (a) of this section, is appointed under this chapter as a full-time employee in the Department of Medicine and Surgery.

38 USC 4144.

"§ 4144. Breach of contract; liability; waiver

"(a) A participant in the Scholarship Program (other than a participant described in subsection (b) of this section) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the contract entered into under section 4142 of this title, shall, in addition to any period of obligated service or other obligation or liability under the contract, be liable to the United States for the amount of $1,500 as liquidated damages.

94 STAT. 1046

"(b) A participant in the Scholarship Program who—

"(1) fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (such level determined by the educational institution under regulations prescribed by the Administrator);

"(2) is dismissed from such educational institution for disciplinary reasons;

"(3) voluntarily terminates the course of training in such educational institution before the completion of such course of training; or

"(4) fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become registered as a graduate nurse in a State, or fails to meet any applicable licensure requirement in the case of a physician assistant or expanded-function dental auxiliary, during a period of time determined under regulations prescribed by the Administrator;

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the contract.

Payment of damages.

"(c) If a participant in the Scholarship Program breaches the written contract by failing (for any reason) to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A = 3\phi \left(\frac{t - s}{t}\right)$$

in which 'A' is the amount the United States is entitled to recover; 'ϕ' is the sum of the amounts paid under this subchapter or on behalf of the participant and the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States; 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 4143(b)(4)(B) of this subchapter; and 's' is the number of months of such period served by the participant in accordance with section 4143 of this title. Any amount of damages which the United States is entitled to recover under this section will, within the one-year period beginning on the date of the breach of the written contract, be paid to the United States.

Death of participant.

"(d)(1) Any obligation under the Scholarship Program (or a written contract thereunder) of a participant in the Scholarship Program for service or payment of damages shall be canceled upon the death of the participant.

Regulations.

"(2) The Administrator shall prescribe regulations providing for the waiver or suspension of any obligation of a participant for service or payment under such Program (or a contract thereunder) whenever compliance by the participant is impossible due to circumstances beyond the control of the participant or whenever the Administrator determines that the waiver or suspension of compliance would be in the best interest of the Veterans' Administration.

Contract release.

"(3) Any obligation of a participant under such Program (or a contract thereunder) for payment of damages may not be released by

11 USC 101.

a discharge in bankruptcy under title 11 before the expiration of the five-year period beginning on the first date that payment of such damages is due.

94 STAT. 1047

"(e) The Administrator, in cooperation with and with the consent of the heads of other relevant departments and agencies and with the consent of the participant or individual involved, may permit—

"(1) any period of obligated service required to be performed under this subchapter to be performed in another Federal department or agency or in the Armed Forces; and

"(2) any period of obligated service required to be performed in another Federal department or agency or in the Armed Forces under another Federal health personnel scholarship program to be performed in the Department of Medicine and Surgery.

38 USC 4145.

"§ 4145. Exemption of scholarship payments from taxation

"Notwithstanding any other law, any payment to, or on behalf of, a participant in the Scholarship Program for tuition, education expenses, or a stipend under this subchapter shall be exempt from taxation.

38 USC 4146.

"§ 4146. Program subject to availability of appropriations

"The authority of the Administrator to make payments under this subchapter is effective for any fiscal year only to the extent that appropriated funds are available for such purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER IV—VETERANS' ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

"Sec.
"4141. Establishment of program; purpose; duration.
"4142. Eligibility; application; written contract.
"4143. Obligated service.
"4144. Breach of contract; liability; waiver.
"4145. Exemption of scholarship payments from taxation.
"4146. Program subject to availability of appropriations.".

Effective date.
38 USC 4146 note.

(b) Effective October 1, 1980, there are authorized to be appropriated such sums as may be necessary to carry out the program established by the amendments made by subsection (a).

LIMITATION ON SPECIAL PAY TO PERSONS SERVING OBLIGATED SERVICE UNDER THE SCHOLARSHIP PROGRAM

Ante, p. 1035.

SEC. 202. Section 4118 (as amended by sections 102, 103, and 104) is further amended by adding at the end thereof the following new subsection:

Ante, p. 1041.

"(h) A physician or dentist serving a period of obligated service pursuant to subchapter IV of this chapter is not eligible for incentive special pay under this section during the first three years of such obligated service and may only be paid primary special pay under this section at the discretion of the Administrator upon the recommendation of the Chief Medical Director.".

REPORT ON IMPLEMENTATION OF SCHOLARSHIP PROGRAM

Report to congressional committees.

SEC. 203. The Administrator of Veterans' Affairs shall submit a report on the implementation of the Veterans' Administration Health Professional Scholarship Program to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

94 STAT. 1048

Such report shall include a report on the formulation of regulations to carry out such program and on the status of the implementation of such program.

TITLE III—GERIATIC RESEARCH AND CARE

PURPOSE

SEC. 301. The purposes of this title are (1) to improve and expand the capability of Veterans' Administration health-care facilities to respond with the most effective and appropriate services possible to the medical, psychological and social needs of the increasing number of older veterans, and (2) to advance scientific knowledge regarding such needs and the methods of meeting them by facilitating higher quality geriatric care for eligible older veterans through geriatric and gerontological research, the training of health personnel in the provision of health care to older individuals, and the development of improved models of clinical services for eligible older veterans. 38 USC 4101 note.

CENTERS OF GERIATRIC RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES

SEC. 302. Section 4101, as amended by section 105(a), is amended by adding at the end the following new subsection: *Ante*, p. 1036.

"(f)(1)(A) The Administrator, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this subsection, shall designate not more than fifteen Veterans' Administration health-care facilities as the locations for centers of geriatric research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this subsection.

"(B) In designating locations for centers under subparagraph (A) of this paragraph, the Administrator, upon the recommendation of the Chief Medical Director, shall—

"(i) designate each Veterans' Administration health-care facility that on the date of the enactment of the Veterans' Administration Health-Care Amendments of 1980 is operating a geriatric research, education, and clinical center unless, on the recommendation of the Chief Medical Director, the Administrator determines that such facility does not meet the requirements of subparagraph (C) of this paragraph or has not demonstrated effectiveness in carrying out the established purposes of such center or the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 or the potential to carry out such purposes effectively in the reasonably foreseeable future; and *Supra.*

"(ii) assure appropriate geographic distribution of such facilities.

"(C) The Administrator may not designate any health-care facility as a location for a center under subparagraph (A) of this paragraph unless the Administrator, upon the recommendation of the Chief Medical Director, determines that the facility has (or may reasonably be anticipated to develop)—

"(i) an arrangement with an accredited medical school which provides education and training in geriatrics and with which such facility is affiliated under which residents receive education and training in geriatrics through regular rotation through such center and through nursing home, extended care, or domiciliary units of such facility so as to provide such residents with training in the diagnosis and treatment of chronic diseases of older individuals, including cardiopulmonary conditions, senile dementia, and neurological disorders;

"(ii) an arrangement under which nursing or allied health personnel receive training and education in geriatrics through regular rotation through nursing home, extended care, or domiciliary units of such facility;

"(iii) the ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts;

"(iv) a policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center; and

"(v) the capability to conduct effectively evaluations of the activities of such center.

"(D) Prior to providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subparagraph (B)(i) of this paragraph, the Administrator shall assure that the center at each facility designated under such subparagraph is receiving adequate funding to enable such center to function effectively in the areas of geriatric research, education, and clinical activities.

Geriatrics and Gerontology Advisory Committee. Membership.

"(2)(A) The Administrator shall establish in the Department of Medicine and Surgery a Geriatrics and Gerontology Advisory Committee (hereinafter in this subsection referred to as the 'Committee'). The membership of the Committee shall be appointed by the Administrator, upon the recommendation of the Chief Medical Director, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to aging and at least one representative of a national veterans' service organization. The Administrator, upon the recommendation of the Chief Medical Director, shall invite representatives of other appropriate departments and agencies of the United States to participate in the activities of the Committee and shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this paragraph.

Functions.

"(B) The Committee shall—

"(i) advise the Chief Medical Director on all matters pertaining to geriatrics and gerontology;

"(ii) assess, through an evaluation process (including a site visit conducted not later than three years after the date of the establishment of each new center and not later than two years after the date of the last evaluation of those centers in operation on the date of the enactment of this subsection), the ability of each center established under paragraph (1) of this subsection to achieve its established purposes and the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980;

Ante, p. 1048.

"(iii) assess the capability of the Veterans' Administration to provide high quality geriatric, extended, and other health-care services to eligible older veterans, taking into consideration the likely demand for such services from such veterans;

"(iv) assess the current and projected needs of eligible older veterans for geriatric, extended-care, and other health-care services from the Veterans' Administration and its activities and plans designed to meet such needs; and

94 STAT. 1050

"(v) perform such additional functions as the Administrator or Chief Medical Director may direct.

Report.

"(C)(i) Not later than April 1, 1983, the Committee shall submit to the Administrator, through the Chief Medical Director, a report with respect to its findings and conclusions under subparagraph (B) of this paragraph. Such report shall include—

"(I) descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to paragraph (1) of this subsection;

"(II) assessments of the quality of the operations of such centers;

"(III) an assessment of the extent to which the Veterans' Administration, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric and extended-care and other health-care services;

"(IV) assessments of and recommendations for correcting any deficiencies in the operations of such centers; and

"(V) recommendations for such other geriatric, extended-care, and other health-care services as may be needed to meet the needs of older veterans.

Following the submission of such report, the Committee shall also submit to the Administrator, through the Chief Medical Director, such further reports as the Committee considers appropriate with respect to the matters described in clauses (I) through (V) of the preceding sentence. Reports.

"(ii) Not later than ninety days after receipt of a report submitted under division (i) of this subparagraph, the Administrator shall transmit such report, together with the Administrator's comments and recommendations thereon, to the appropriate committees of the Congress. Report to congressional committees.

"(3) There are hereby authorized to be appropriated for the basic support of the research and education activities of the centers of geriatric research, education, and clinical activities established pursuant to paragraph (1) of this subsection $10,000,000 for fiscal year 1981 and $25,000,000 for each of the next three fiscal years. The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Veterans' Administration medical care account and medical and prosthetics research account, as appropriate, such amounts as the Chief Medical Director determines appropriate, and, with respect to fiscal year 1984, as the Chief Medical Director determines appropriate after taking into account the report submitted by the Committee under paragraph (2) of this subsection. Appropriation authorization.

"(4) Activities of clinical and scientific investigation at each center established under paragraph (1) of this subsection shall be eligible to compete for the award of funding from funds appropriated for the Veterans' Administration medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in geriatrics and gerontology.". Funding.

ASSISTANT CHIEF MEDICAL DIRECTOR

SEC. 303. Section 4103(a)(4) is amended by adding at the end the following new sentence: "One Assistant Chief Medical Director shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Chief Medical Director for evaluating all research, educational, and clinical health-care programs carried out in the Department in the field of geriatrics and who shall serve as the principal advisor to the Chief Medical Director with respect to such programs.". 38 USC 4103.

EFFECTIVE DATE

SEC. 304. (a) The amendments made by sections 302 and 303 shall take effect on October 1, 1980. 38 USC 4101 note.

(b) The Geriatrics and Gerontology Advisory Committee required to be established by the Administrator in the Department of Medicine and Surgery of the Veterans' Administration pursuant to subsection (f)(2)(A) of section 4101 of title 38, United States Code, as added by section 302, shall be established not later than January 1, 1981. 38 USC 4101 note.

TITLE IV—MISCELLANEOUS AMENDMENTS

STANDARDS FOR PRESUMPTION OF INABILITY TO DEFRAY MEDICAL EXPENSES

SEC. 401. (a) Section 622 is amended to read as follows:

"§ 622. Evidence of inability to defray necessary expenses 38 USC 622.

"For the purposes of sections 610(a)(1)(B), 610(b)(2), 624(c), and 632(a)(2) of this title, the fact that an individual is— 38 USC 610, 624, 632.

"(1) eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(2) a veteran with a service-connected disability; or

"(3) in receipt of pension under any law administered by the Veterans' Administration;

shall be accepted as sufficient evidence of such individual's inability to defray necessary expenses.".

(b) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"622. Evidence of inability to defray necessary expenses.".

REVOLVING SUPPLY FUND

93 Stat. 61.
38 USC 5021.

SEC. 402. (a) Section 5021(a) is amended—

(1) by inserting after "direct" in clause (2) "cost (which may be based on the cost of recent significant purchases of the equipment or supply item involved)"; and

(2) by striking out the second sentence in such section and inserting in lieu thereof the following:

"At the end of each fiscal year, there shall be covered into the Treasury of the United States as miscellaneous receipts such amounts as the Administrator determines to be in excess of the requirements necessary for the maintenance of adequate inventory levels and for the effective financial management of the revolving supply fund.".

Effective date.
38 USC 5021 note.

(b) The amendments made by subsection (a) shall take effect as of October 1, 1979.

94 STAT. 1052

MANAGEMENT OF REAL PROPERTY

93 Stat. 61.
38 USC 5022.
Report to congressional committees.

SEC. 403. (a) Section 5022(a) is amended by inserting "(1)" after "(a)" and by adding at the end thereof the following new paragraph:

"(2)(A) Before entering into a transaction described in subparagraph (B) of this paragraph with respect to any real property owned by the United States and administered by the Veterans' Administration which has an estimated value in excess of $50,000, the Administrator shall submit a report of the facts concerning the proposed transaction to the Committees on Veterans' Affairs of the Senate and House of Representatives, and such transaction may not then be entered into until after the expiration of 30 days from the date upon which the report is submitted.

Transfer of interest.

"(B) Subparagraph (A) of this paragraph applies to (i) any transfer of an interest in real property to another Federal agency or to a State (or any political subdivision of a State), and (ii) any report to a Federal disposal agency of excess real property.

"(C) A statement in an instrument of conveyance, including a lease, that the requirements of this paragraph have been met, or that the conveyance is not subject to this paragraph, is conclusive for the purposes of all matters pertaining to the ownership of any right or interest in the property conveyed by such instrument.".

38 USC 5070.

(b) Section 5070(e) is amended by inserting a comma and "but no such lease may be for a period of more than 50 years" before the period at the end of the second sentence of such section.

NUMBER OF BEDS REQUIRED TO PROVIDE ADEQUATE NURSING HOME CARE IN STATE HOME FACILITIES

38 USC 5034.

SEC. 404. Section 5034(1) is amended by striking out the comma and "which number" and all that follows in such section and inserting in lieu thereof a period.

REPEAL OF REQUIREMENT THAT RECIPIENTS OF HEALTH-CARE PERSONNEL TRAINING GRANTS MUST INCREASE NUMBER OF INDIVIDUALS RECEIVING TRAINING

SEC. 405. Section 5093(b)(1) is amended by striking out "and will result" and all that follows through "training at such institution".

38 USC 5093.

AVAILABILITY OF FUNDS FOR BENEFICIARY TRAVEL

SEC. 406. No provision of law enacted after the date of the enactment of this Act which imposes any restriction or limitation on the availability of funds for the travel and transportation of officers and employees of the executive branch of the Government and their dependents, or on the transportation of things of such officers and employees and their dependents, shall be applicable to the travel of eligible veterans, dependents, or survivors, for which reimbursement is authorized under title 38, United States Code, pursuant to the terms and conditions of section 111 of such title, unless such provision is expressly made applicable to the travel of such veterans, dependents, or survivors.

38 USC 111 note.
38 USC 101.
38 USC 111.

EXTENSION OF TIME FOR SUBMISSION OF REPORT ON HOSPITAL CARE AND MEDICAL SERVICES FURNISHED IN THE COMMONWEALTH OF PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 407. Section 8(a) of the Veterans' Administration Programs Extension Act of 1978 (Public Law 95-520; 92 Stat. 1822) is amended by striking out "February 1, 1980" and inserting in lieu thereof "February 1, 1981".

38 USC 601 note.

TECHNICAL AMENDMENTS

SEC. 408. Section 4101(b) is amended by striking out "manpower" both places it appears and inserting in lieu thereof "personnel".

38 USC 4101.

THOMAS P. O'NEILL, JR.
Speaker of the House of Representatives.

WALTER F. MONDALE
Vice President of the United States and
President of the Senate.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
August 26, 1980.

The House of Representatives having proceeded to reconsider the bill (H.R. 7102) entitled "An Act to amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

EDMUND L. HENSHAW, JR.
Clerk.

By Thomas E. Ladd
Assistant to the Clerk.

I certify that this Act originated in the House of Representatives.

EDMUND L. HENSHAW, JR.
Clerk.

By W. Raymond Colley
Deputy Clerk.

94 STAT. 1054

IN THE SENATE OF THE UNITED STATES,

August 26 (legislative day, June 12), 1980.

The Senate having proceeded to reconsider the bill (H.R. 7102) entitled "An Act to amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

J. S. KIMMITT
Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-958 (Comm. on Veterans' Affairs).
SENATE REPORT No. 96-747 accompanying S. 2534 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 19, 20, considered and passed House.
  June 5, considered and passed Senate, amended, in lieu of S. 2534.
  July 31, House concurred in Senate amendment with an amendment.
  Aug. 1, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 35:
  Aug. 22, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 26, House and Senate overrode veto.

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94 STAT. 1528

Public Law 96-385
96th Congress

An Act

Oct. 7, 1980
[H.R. 7511]

To amend title 38, United States Code, to provide cost-of-living increases in the rates of compensation for veterans with service-connected disabilities and in the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to provide for limited grants for special home adaptations for certain severely disabled veterans, to provide for Veterans' Administration guaranties for loans to refinance certain existing veterans' home loans and to increase the maximum loan guaranties for home loans made to veterans, and to provide for the confidentiality of certain Veterans' Administration medical quality assurance records; and for other purposes.

Veterans' Disability Compensation and Housing Benefits Amendments of 1980.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Disability Compensation and Housing Benefits Amendments of 1980".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' DISABILITY COMPENSATION BENEFITS

RATES OF DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended— 38 USC 314.

(1) by striking out "$48" in subsection (a) and inserting in lieu thereof "$54";

(2) by striking out "$88" in subsection (b) and inserting in lieu thereof "$99";

(3) by striking out "$133" in subsection (c) and inserting in lieu thereof "$150";

(4) by striking out "$182" in subsection (d) and inserting in lieu thereof "$206";

(5) by striking out "$255" in subsection (e) and inserting in lieu thereof "$291";

(6) by striking out "$321" in subsection (f) and inserting in lieu thereof "$367";

(7) by striking out "$380" in subsection (g) and inserting in lieu thereof "$434";

(8) by striking out "$440" in subsection (h) and inserting in lieu thereof "$503";

(9) by striking out "$495" in subsection (i) and inserting in lieu thereof "$566";

(10) by striking out "$889" in subsection (j) and inserting in lieu thereof "$1,016";

(11) by striking out "$1,104" and "$1,547" in subsection (k) and inserting in lieu thereof "$1,262" and "$1,768", respectively;

(12) by striking out "$1,104" in subsection (l) and inserting in lieu thereof "$1,262";

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(13) by striking out "$1,217" in subsection (m) and inserting in lieu thereof "$1,391";

(14) by striking out "$1,383" in subsection (n) and inserting in lieu thereof "$1,581";

(15) by striking out "$1,547" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$1,768";

(16) by striking out "$664" and "$989" in subsection (r) and inserting in lieu thereof "$759" and "$1,130", respectively;

(17) by striking out "$995" in subsection (s) and inserting in lieu thereof "$1,137"; and

(18) by striking out "$192" in subsection (t) and inserting in lieu thereof "$219".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC 314 note.
38 USC note prec. 101.
38 USC 301 *et seq.*

RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended— 38 USC 315.

(1) by striking out "$54" in clause (A) and inserting in lieu thereof "$62";

(2) by striking out "$91" in clause (B) and inserting in lieu thereof "$104";

(3) by striking out "$121" in clause (C) and inserting in lieu thereof "$138";

(4) by striking out "$151" and "$30" in clause (D) and inserting in lieu thereof "$173" and "$34", respectively;

(5) by striking out "$37" in clause (E) and inserting in lieu thereof "$42";

(6) by striking out "$67" in clause (F) and inserting in lieu thereof "$77";

(7) by striking out "$97" and "$30" in clause (G) and inserting in lieu thereof "$111" and "$34", respectively;

(8) by striking out "$44" in clause (H) and inserting in lieu thereof "$50";

(9) by striking out "$98" in clause (I) and inserting in lieu thereof "$112"; and

(10) by striking out "$82" in clause (J) and inserting in lieu thereof "$94".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

38 USC 362.

SEC. 103. Section 362 is amended by striking out "$240" and inserting in lieu thereof "$274".

TITLE II—SURVIVORS' DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

38 USC 411.

SEC. 201. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose

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death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E-1	$373	W-4	$535
E-2	385	O-1	472
E-3	394	O-2	487
E-4	419	O-3	522
E-5	431	O-4	551
E-6	441	O-5	608
E-7	462	O-6	684
E-8	487	O-7	741
E-9	[1]510	O-8	812
W-1	472	O-9	872
W-2	491	O-10	[2]954
W-3	505		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $549.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,023.".

(b) Subsection (b) of such section is amended by striking out "$38" and inserting in lieu thereof "$43".

(c) Subsection (c) of such section is amended by striking out "$98" and inserting in lieu thereof "$112".

(d) Subsection (d) of such section is amended by striking out "$49" and inserting in lieu thereof "$56".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

38 USC 413.

SEC. 202. Section 413 is amended—

(1) by striking out "$165" in clause (1) and inserting in lieu thereof "$189";

(2) by striking out "$237" in clause (2) and inserting in lieu thereof "$271";

(3) by striking out "$306" in clause (3) and inserting in lieu thereof "$350"; and

(4) by striking out "$306" and "$62" in clause (4) and inserting in lieu thereof "$350" and "$71", respectively.

RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

38 USC 414.

SEC. 203. Section 414 is amended—

(1) by striking out "$98" in subsection (a) and inserting in lieu thereof "$112";

(2) by striking out "$165" in subsection (b) and inserting in lieu thereof "$189"; and

(3) by striking out "$84" in subsection (c) and inserting in lieu thereof "$96".

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TITLE III—SPECIAL HOME ADAPTATION GRANTS FOR CERTAIN SEVERELY DISABLED VETERANS

EXTENSION OF SPECIALLY-ADAPTED HOUSING GRANT PROGRAM

38 USC 801.

SEC. 301. (a) Section 801 is amended by inserting "(a)" before "The Administrator" and by adding at the end the following new subsection:

Regulations.

38 USC 301 *et seq.*

"(b)(1) Subject to paragraph (2) of this subsection, the Administrator, under regulations which the Administrator shall prescribe, shall assist any veteran (other than a veteran who is eligible for assistance under subsection (a) of this section) who is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability which—

"(A) is due to blindness in both eyes with 5/200 visual acuity or less, or

"(B) includes the anatomical loss or loss of use of both hands,

in acquiring such adaptations to such veteran's residence as are determined by the Administrator to be reasonably necessary because of such disability.

"(2) Assistance under paragraph (1) of this subsection may be provided only to a veteran who the Administrator determines is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family or, if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.".

38 USC 802.

(b) Section 802 is amended—

(1) by inserting "(a)" before "The assistance";

(2) by striking out "section 801" and inserting in lieu thereof "section 801(a)"; and

(3) by adding at the end the following new subsection:

Supra.

"(b) Except as provided in section 804(b)(2) of this title, the assistance authorized by section 801(b) of this title shall be limited to the lesser of—

"(1) the actual cost of the adaptations determined by the Administrator under such section 801(b) to be reasonably necessary, or

"(2) $5,000.".

38 USC 804.

(c) Section 804 is amended—

(1) by inserting "(a)" before "Any veteran";

(2) by striking out "the assistance authorized by this chapter" and inserting in lieu thereof "except as provided in subsection (b) of this section, the assistance authorized by section 801 of this title"; and

(3) by adding at the end the following new subsection:

Home health services.
Supra.

38 USC 612.

"(b) A veteran eligible for assistance under section 801(b) of this title shall not by reason of such eligibility be denied benefits for which such veteran becomes eligible under section 801(a) of this title or benefits relating to home health services under section 612(a) of this title. However, no particular type of adaptation, improvement, or structural alteration provided to a veteran under section 612(a) of this title may be provided to such veteran under section 801(b) of this title.".

38 USC 805.

(d) Section 805 is amended by striking out "unit, or necessary land therefor," and inserting in lieu thereof "unit, or necessary land therefor, or adaptation".

94 STAT. 1532

TITLE IV—VETERANS' ADMINISTRATION HOME-LOAN PROGRAM AMENDMENTS

REFINANCING OF VETERANS' ADMINISTRATION HOME LOANS

38 USC 1810.

SEC. 401. (a) Section 1810 is amended—

(1) by inserting after clause (7) of subsection (a) the following new clause:

"(8) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter."; and

(2) by adding at the end the following new subsection:

"(e)(1) For a loan to be guaranteed for the purpose specified in subsection (a)(8) of this section—

"(A) the interest rate of the loan must be less than the interest rate of the loan being refinanced;

"(B) the loan must be secured by the same dwelling or farm residence as was the loan being refinanced and such dwelling or residence must be owned and occupied by the veteran as such veteran's home;

38 USC 1803.

"(C) the amount of the loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 1803(c)(3)(A) of this title) as may be authorized by the Administrator, under regulations which the Administrator shall prescribe, to be included in such loan;

"(D) the amount of the guaranty of the loan may not exceed the original guaranty amount of the loan being refinanced; and

"(E) the term of the loan may not exceed the original term of the loan being refinanced.

Loan guarantee.

38 USC 1802.

"(2) A loan to a veteran may be guaranteed by the Veterans' Administration under this chapter for the purpose specified in clause (8) of subsection (a) of this section without regard to the amount of outstanding guaranty entitlement available for use by such veteran, and the amount of such veteran's guaranty entitlement shall not be charged as a result of any guaranty provided for such purpose. For purposes of section 1802(b) of this title, such loan shall be deemed to have been obtained with the guaranty entitlement used to obtain the loan being refinanced.

Surviving spouse.

"(3) If a veteran is deceased and if such veteran's surviving spouse was a co-obligor under an existing loan guaranteed, insured, or made under this chapter, such surviving spouse shall, only for the purpose specified in subsection (a)(8) of this section, be deemed to be a veteran eligible for benefits under this chapter.".

38 USC 1819.

(b) Section 1819(a) is amended—

(1) by adding at the end of paragraph (1) the following new clause:

"(F) To refinance in accordance with paragraph (4) of this subsection an existing loan guaranteed, insured, or made under this section."; and

(2) by adding at the end the following new paragraph:

"(4)(A) For a loan to be guaranteed for the purpose specified in clause (F) of paragraph (1) of this subsection—

"(i) the interest rate of the loan must be less than the interest rate of the loan being refinanced;

"(ii) the loan must be secured by the same mobile home or mobile-home lot, or mobile home and mobile-home lot, as was the loan being refinanced and such mobile home (or a mobile home on such lot) must be owned and occupied by the veteran as such veteran's home;

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"(iii) the amount of the loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 1803(c)(3)(A) of this title) as may be authorized by the Administrator, under regulations which the Administrator shall prescribe, to be included in such loan; 38 USC 1803.

"(iv) the amount of the guaranty of the loan may not exceed the original guaranty amount of the loan being refinanced; and

"(v) the term of the loan may not exceed the original term of the loan being refinanced.

Loan guarantee.

"(B) A loan to a veteran may be guaranteed by the Veterans' Administration under this chapter for the purpose specified in clause (F) of paragraph (1) of this subsection without regard to the amount of outstanding guaranty entitlement available for use by such veteran, and the amount of such veteran's guaranty entitlement shall not be charged as a result of any guaranty provided for such purpose. For purposes of section 1802(b) of this title, such loan shall be deemed to have been obtained with the guaranty entitlement used to obtain the loan being refinanced. 38 USC 1802.

Surviving spouse.

"(C) If a veteran is deceased and if such veteran's surviving spouse was a co-obligor under an existing loan previously guaranteed, insured, or made under this section, such surviving spouse shall, only for the purpose specified in clause (F) of paragraph (1) of this subsection, be deemed to be a veteran eligible for benefits under this chapter.".

(c)(1) Section 1803(c)(3)(A) is amended by striking out "section 1810(a)(5)" and inserting in lieu thereof "clause (5) or (8) of section 1810(a) of this title or section 1819(a)(1)(F) of this title". 38 USC 1803. *Ante*, p. 1532.

(2) The second sentence of section 1811(b) is amended by inserting "(other than the refinancing of a loan under section 1810(a)(8) or 1819(a)(1)(F))" after "section 1810(a) or 1819 of this title". 38 USC 1811.

INCREASES IN MAXIMUM AMOUNTS OF VETERANS' HOME-LOAN GUARANTIES

SEC. 402. (a) Section 1810(c) is amended by striking out "$25,000" and inserting in lieu thereof "$27,500". 38 USC 1810.

(b) Section 1811(d)(2) is amended— 38 USC 1811.

(1) by striking out "$25,000" both places it appears in subparagraph (A) and inserting in lieu thereof "$27,500"; and

(2) by striking out "$17,500" both places it appears in subparagraph (B) and inserting in lieu thereof "$20,000".

(c) Section 1819(c) is amended by striking out "$17,500" each place it appears and inserting in lieu thereof "$20,000". 38 USC 1819.

TITLE V—MISCELLANEOUS PROVISIONS

EXTENSION OF AUTHORITY FOR VETERANS' ADMINISTRATION OFFICE IN THE REPUBLIC OF THE PHILIPPINES

SEC. 501. Section 230(b) is amended by striking out "1981" and inserting in lieu thereof "1985". 38 USC 230.

94 STAT. 1534

HEADSTONES AND MARKERS IN CERTAIN CASES

SEC. 502. Section 906(a) is amended by adding at the end of such section the following new paragraph: 38 USC 906.

"(4) Any individual described in section 1002(5) of this title who is buried in a veterans' cemetery owned by a State.". 38 USC 1002.

PAYMENT OF PENSION IN CERTAIN CASES

SEC. 503. (a) Section 3104(a) is amended— 38 USC 3104.

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end of such subsection the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection and of section 3105 of this title, pension under section 521 or 541 of this title may be paid to a person entitled to receive retired or retirement pay described in section 3105 of this title concurrently with such person's receipt of such retired or retirement pay if the annual amount of such retired or retirement pay is counted as annual income for the purposes of chapter 15 of this title.". 38 USC 3105. 38 USC 521, 541. 38 USC 501 *et seq.*

(b) Section 3203(a)(1)(C) is amended by striking out "of not less than two full calendar months" and inserting in lieu thereof "in connection with which pension was reduced pursuant to subparagraph (A) or (B) of this paragraph". 38 USC 3203.

LIMITATION ON PAYMENT OF COMPENSATION FOR SERVICE-CONNECTED DISABILITIES OR DEATH AND OF DEPENDENCY AND INDEMNITY COMPENSATION FOR INCARCERATION FOR FELONY CONVICTION

SEC. 504. (a) Chapter 53 is amended by adding at the end the following new section:

38 USC 3113.

"§ 3113. Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony

"(a)(1) To the extent provided in subsection (d) of this section, any person who is entitled to compensation or to dependency and indemnity compensation and who is incarcerated in a Federal, State, or local penal institution for a period in excess of sixty days for conviction of a felony shall not be paid such compensation or dependency and indemnity compensation, for the period beginning on the sixty-first day of such incarceration and ending on the day such incarceration ends, in an amount that exceeds—

"(A) in the case of a veteran with a service-connected disability rated at 20 percent or more, the rate of compensation payable under section 314(a) of this title; or 38 USC 314.

"(B) in the case of a veteran with a service-connected disability not rated at 20 percent or more or in the case of a surviving spouse, parent, or child, one-half of the rate of compensation payable under section 314(a) of this title.

"(2) The provisions of paragraph (1) of this section shall not apply with respect to any period during which a person is participating in a work-release program or is residing in a halfway house.

"(b)(1) All or any part of the compensation not paid to a veteran by reason of subsection (a) of this section may, as appropriate in an individual case, be apportioned under the same terms and conditions as are provided under section 3107 of this title. 38 USC 3107.

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"(2) All or any part of the dependency and indemnity compensation not paid to a surviving spouse or child by reason of subsection (a) of this section may, as appropriate in an individual case, be apportioned as follows:

"(A) In the case of dependency and indemnity compensation not paid to a surviving spouse, any apportionment shall be to the surviving child or children.

"(B) In the case of dependency and indemnity compensation not paid to a surviving child, any apportionment shall be to the surviving spouse or other surviving children, as applicable.

"(3) No apportionment may be made under this subsection to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

"(c) The Administrator shall not assign to any veteran a rating of total disability based on the individual unemployability of the veteran resulting from a service-connected disability during any period during which the veteran is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

"(d) The provisions of subsection (a) of this section shall apply (1) with respect to any period of incarceration of a person for conviction of a felony committed after the date of the enactment of this section, and (2) with respect to any period of incarceration on or after October 1, 1980, for conviction of a felony of a person who on October 1, 1980, is incarcerated for conviction of such felony and with respect to whom the action granting an award of compensation or dependency and indemnity compensation is taken on or after such date.

"(e) For purposes of this section—

"(1) The term 'compensation' includes disability compensation payable under section 351 of this title.

"Compensation."
38 USC 351.

"(2) The term 'dependency and indemnity compensation' means death compensation payable under section 321 or 341 of this title, death compensation and dependency and indemnity compensation payable under section 351 of this title, and any benefit payable under chapter 13 of this title.".

"Dependency and indemnity compensation."
38 USC 321, 341.
38 USC 351.
38 USC 401 *et seq.*

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3113. Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony.".

CONFIDENTIALITY OF MEDICAL QUALITY-ASSURANCE RECORDS

SEC. 505. (a) Subchapter I of chapter 57 is amended by adding at the end the following new section:

"§ 3305. Confidentiality of medical quality-assurance records

38 USC 3305.

"(a) Records and documents created by the Veterans' Administration as part of a medical quality-assurance program are confidential and privileged and may not be disclosed to any person or entity except as provided in subsection (b) of this section.

"(b)(1) Subject to paragraph (2) of this subsection, a record or document described in subsection (a) of this section shall, upon request, be disclosed as follows:

"(A) To a Federal agency or private organization, if such record or document is needed by such agency or organization to perform licensing or accreditation functions related to Veterans' Administration health-care facilities or to perform monitoring, required by statute, of Veterans' Administration health-care facilities. 94 STAT. 1535

"(2) All or any part of the dependency and indemnity compensation not paid to a surviving spouse or child by reason of subsection (a) of this section may, as appropriate in an individual case, be apportioned as follows:

"(A) In the case of dependency and indemnity compensation not paid to a surviving spouse, any apportionment shall be to the surviving child or children.

"(B) In the case of dependency and indemnity compensation not paid to a surviving child, any apportionment shall be to the surviving spouse or other surviving children, as applicable.

"(3) No apportionment may be made under this subsection to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

"(c) The Administrator shall not assign to any veteran a rating of total disability based on the individual unemployability of the veteran resulting from a service-connected disability during any period during which the veteran is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

"(d) The provisions of subsection (a) of this section shall apply (1) with respect to any period of incarceration of a person for conviction of a felony committed after the date of the enactment of this section, and (2) with respect to any period of incarceration on or after October 1, 1980, for conviction of a felony of a person who on October 1, 1980, is incarcerated for conviction of such felony and with respect to whom the action granting an award of compensation or dependency and indemnity compensation is taken on or after such date.

"(e) For purposes of this section—

"Compensation."
38 USC 351.

"(1) The term 'compensation' includes disability compensation payable under section 351 of this title.

"Dependency and indemnity compensation."
38 USC 321, 341.
38 USC 351.
38 USC 401 *et seq.*

"(2) The term 'dependency and indemnity compensation' means death compensation payable under section 321 or 341 of this title, death compensation and dependency and indemnity compensation payable under section 351 of this title, and any benefit payable under chapter 13 of this title.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3113. Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony.".

CONFIDENTIALITY OF MEDICAL QUALITY-ASSURANCE RECORDS

SEC. 505. (a) Subchapter I of chapter 57 is amended by adding at the end the following new section:

38 USC 3305.

"§ 3305. Confidentiality of medical quality-assurance records

"(a) Records and documents created by the Veterans' Administration as part of a medical quality-assurance program are confidential and privileged and may not be disclosed to any person or entity except as provided in subsection (b) of this section.

"(b)(1) Subject to paragraph (2) of this subsection, a record or document described in subsection (a) of this section shall, upon request, be disclosed as follows:

"(A) To a Federal agency or private organization, if such record or document is needed by such agency or organization to perform licensing or accreditation functions related to Veterans' Administration health-care facilities or to perform monitoring, required by statute, of Veterans' Administration health-care facilities.

existing administrative guidelines and procedures governing such programs.

"(2) After the date on which such regulations are first prescribed, no activity shall be considered as having been designated as a medical quality-assurance program for the purposes of subsection (c)(2) of this section unless the designation has been specified in such regulations.

Penalty.

"(e) Any person who, knowing that a document or record is a document or record described in subsection (a) of this section, willfully discloses such record or document except as provided for in subsection (b) of this section shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3304 the following new item:

"3305. Confidentiality of medical quality-assurance records.".

MINIMUM NUMBER OF EMPLOYEES OF AMERICAN BATTLE MONUMENTS COMMISSION

SEC. 506. The third paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 121), is amended by inserting after the second sentence thereof the following new sentence: "To ensure adequate care and maintenance of the cemeteries, monuments, and memorials under the jurisdiction of the Commission, the Commission, subject to the availability of appropriations, shall employ (1) not less than 50 personnel in the competitive service (as defined in section 2102 of title 5, United States Code), of whom not less than 43 shall be assigned to duty in foreign countries in which such cemeteries, monuments, and memorials are located, and (2) not less than 348 individuals who are citizens of the countries in which such cemeteries, monuments, and memorials are located, who shall be hired for local employment relating to the care and maintenance of such cemeteries, monuments, and memorials.".

LAND TRANSFER, CHEYENNE, WYOMING

SEC. 507. (a) Subject to subsection (b), the Administrator of Veterans' Affairs is authorized to execute such instruments as may be necessary to permit the city of Cheyenne, Wyoming, to use for public roadway purposes a tract of land consisting of four acres, more or less, which is a portion of a larger tract of land previously conveyed by the United States to such city under the authority of the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Cheyenne, Wyoming", approved November 8, 1965 (Public Law 89-345; 79 Stat. 1304), for use by such city for park and recreational purposes only.

(b) Any instrument executed by the Administrator of Veterans' Affairs under this section shall—

(1) provide that the four-acre tract of land referred to in subsection (a) may be used only for park and recreational purposes or for public roadway purposes, or both, and only in a manner that will not, in the judgment of the Administrator of Veterans' Affairs, interfere in any manner with the care and treatment of patients in the Veterans' Administration Center, Cheyenne, Wyoming;

(2) contain such additional terms, conditions, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interest of the United States; and

(3) provide that, if the Administrator of Veterans' Affairs determines that the city of Cheyenne has violated any provision of any such instrument, title to the tract of land conveyed under the authority of such Act shall revert to the United States as provided in the deed of conveyance executed pursuant to such Act.

(c) The legal description of the four-acre tract of land referred to in subsection (a) shall be determined by the Administrator of Veterans' Affairs. If a survey is required in order to make such determination, the city of Cheyenne shall bear the expenses of the survey.

Survey.

TECHNICAL AMENDMENTS TO PUBLIC LAW 96-330

SEC. 508. (a) Section 4107(c)(3) is amended by striking out "section 4507" and inserting in lieu thereof "sections 4507 and 5384".

Ante, p. 1036.

(b) Section 4109(b) is amended—

Ante, p. 1039.

(1) by inserting "after August 25, 1980," after "any period of service"; and

(2) by inserting "after such date" after "such service".

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. (a) The amendments made by titles I and II shall apply only to payments for months beginning after September 30, 1980.

38 USC 314 note.
Ante, pp. 1528, 1529.

(b) The amendments made by title III and by sections 402, 501, 503, and 506 shall take effect on October 1, 1980.

Ante, p. 1531.

(c) The amendments made by section 502 shall apply only with respect to individuals who die after September 30, 1980.

(d) The amendments made by sections 401, 504, 505, and 507 shall take effect on the date of the enactment of this Act.

(e) The amendments made by section 508 shall take effect as of August 26, 1980.

Approved October 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1155 (Comm. on Veterans' Affairs).
SENATE REPORT No. 96-876 accompanying S. 2649 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  July 21, considered and passed House.
  Aug. 6, considered and passed Senate, amended, in lieu of S. 2649.
  Sept. 18, House concurred in Senate amendments with amendments.
  Sept. 24, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 41:
  Oct. 7, Presidential statement.

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94 STAT. 2171

Public Law 96-466
96th Congress

An Act

Oct. 17, 1980
[H.R. 5288]

To amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings; and for other purposes.

Veterans' Rehabilitation and Education Amendments of 1980.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Rehabilitation and Education Amendments of 1980".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—REHABILITATION AMENDMENTS

REVISION OF VETERANS' ADMINISTRATION REHABILITATION PROGRAMS

Sec. 101. (a) Chapter 31 is amended to read as follows:

"CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

"Sec.
"1500. Purposes.
"1501. Definitions.
"1502. Basic entitlement.
"1503. Periods of eligibility.
"1504. Scope of services and assistance.
"1505. Duration of rehabilitation programs.
"1506. Initial and extended evaluations; determinations regarding serious employment handicap.
"1507. Individualized vocational rehabilitation plan.
"1508. Allowances.
"1509. Entitlement to independent living services and assistance.
"1510. Leaves of absence.
"1511. Regulations to promote satisfactory conduct and cooperation.
"1512. Revolving fund loans.
"1513. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans.
"1514. Vocational rehabilitation outside the United States.
"1515. Rehabilitation resources.
"1516. Promotion of employment and training opportunities.
"1517. Employment assistance.
"1518. Personnel training, development, and qualifications.
"1519. Rehabilitation research and special projects.
"1520. Pilot program of independent living services and assistance.
"1521. Veterans' Advisory Committee on Rehabilitation.

"§ 1500. Purposes

38 USC 1500.

"The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

"§ 1501. Definitions

38 USC 1501.

"For the purposes of this chapter—

"(1) The term 'employment handicap' means an impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

"(2) The term 'independence in daily living' means the ability of a veteran, without the services of others or with a reduced level of the services of others, to live and function within such veteran's family and community.

"(3) The term 'program of education' has the meaning provided in section 1652(b) of this title.

38 USC 1652.

"(4) The term 'program of independent living services and assistance' includes (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in daily living, including such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Administrator to be needed for such veteran to achieve maximum independence in daily living, and (B) the assistance authorized by this chapter for such veteran.

"(5) The term 'rehabilitated to the point of employability' means rendered employable in an occupation for which a vocational rehabilitation program has been provided under this chapter.

"(6) The term 'rehabilitation program' means (A) a vocational rehabilitation program, or (B) a program of independent living services and assistance for a veteran for whom a vocational goal has been determined not to be reasonably feasible.

"(7) The term 'serious employment handicap' means a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

"(8) The term 'vocational goal' means a gainful employment status consistent with a veteran's abilities, aptitudes, and interests.

"(9) The term 'vocational rehabilitation program' includes—

"(A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Administrator to be needed—

"(i) in the case of a veteran for whom the achievement of a vocational goal has not been determined not to be reasonably feasible, (I) to determine whether a vocational goal is reasonably feasible, (II) to improve such veteran's potential to participate in a program of services designed to achieve a vocational goal, and (III) to enable such veteran to achieve maximum independence in daily living, and

"(ii) in the case of a veteran for whom the achievement of a vocational goal is determined to be reasonably feasible, to enable such veteran to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and

"(B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.

"§ 1502. Basic entitlement

38 USC 1502.

"A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if such person—

"(1)(A) is a veteran who has a service-connected disability which is, or but for the receipt of retired pay would be, compensable under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940, or (B) is hospitalized for a service-connected disability in a hospital over which the Secretary concerned has jurisdiction pending discharge or release from active military, naval, or air service and is suffering from a disability which the Administrator determines will likely be compensable under chapter 11 of this title; and

38 USC 301 *et seq.*

"(2) is determined by the Administrator to be in need of rehabilitation because of an employment handicap.

38 USC 1503.

"§ 1503. Periods of eligibility

"(a) Except as provided in subsection (b), (c), or (d) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.

"(b)(1) In any case in which the Administrator determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Administrator shall prescribe, for such veteran to participate in such a program.

"(2) In any case in which the Administrator determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

"(A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Administrator determined, under regulations prescribed by the Administrator, that such discharge or release was under conditions other than dishonorable, or

"(B) such veteran's discharge or dismissal was, under section 3103 of this title, a bar to benefits under this title before the Administrator made a determination that such discharge or dismissal is not a bar to such benefits,

38 USC 3103.

the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

"(3) In any case in which the Administrator determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability described in section 1502(1)(A) of this title, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

"(c) In any case in which the Administrator determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator also determines, on the basis of such veteran's particular employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and—

"(1) that such veteran had not previously been rehabilitated to the point of employability;

"(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's employment handicap and capabilities; or

"(3) under regulations which the Administrator shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

"(d) In any case in which the Administrator has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance under this chapter after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

"§ 1504. Scope of services and assistance 38 USC 1504.

"(a) Services and assistance which the Administrator may provide under this chapter, pursuant to regulations which the Administrator shall prescribe, include the following:

"(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether such veteran's disability or disabilities cause a serious employment handicap and whether a vocational goal is feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

"(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

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"(3) An allowance and other appropriate assistance, as authorized by section 1508 of this title.

"(4) A work-study allowance as authorized by section 1685 of this title. 38 USC 1685.

"(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

"(6) Personal adjustment and work adjustment training.

"(7) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, and licensing fees, and equipment and other training materials determined by the Administrator to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

"(8) Loans as authorized by section 1512 of this title.

"(9) Treatment, care, and services described in chapter 17 of this title. 38 USC 501 *et seq.*

"(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

"(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

"(12) For the most severely disabled veterans requiring homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of materials as the Administrator determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Administrator shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

38 USC 111.

"(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

Special services.

"(14) Special services (including services related to blindness and deafness) including—

"(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

"(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

"(C) telecommunications, sensory, and other technical aids and devices.

"(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

"(16) Other incidental goods and services determined by the Administrator to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

"(b) A program of independent living services and assistance may include the types of services and assistance described in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796).

29 USC 796a.

"(c) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Administrator.

38 USC 1505.

"§ 1505. Duration of rehabilitation programs

"(a) In any case in which the Administrator is unable to determine whether it is reasonably feasible for a veteran to achieve a vocational goal, the period of extended evaluation under section 1506(c) of this title may not exceed twelve months, except that such period may be extended for additional periods of up to six months each if the Administrator determines before granting any such extension that it is reasonably likely that, during the period of any such extension, a determination can be made whether the achievement of a vocational goal is reasonably feasible in the case of such veteran.

"(b) Except as provided in subsection (c) of this section, the period of a vocational rehabilitation program for a veteran under this chapter following a determination of the reasonable feasibility of achieving a vocational goal may not exceed forty-eight months, except that the counseling and placement and postplacement services described in section 1504(a) (2) and (5) of this title may be provided for an additional period not to exceed eighteen months in any case in which the Administrator determines the provision of such counseling and services to be necessary to accomplish the purposes of a rehabilitation program in the individual case.

Extensions.

"(c) The Administrator may extend the period of a vocational rehabilitation program for a veteran to the extent that the Administrator determines that an extension of such period is necessary to enable such veteran to achieve a vocational goal if the Administrator also determines—

"(1) that such veteran had previously been rehabilitated to the point of employability but (A) such veteran's need for further vocational rehabilitation has arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran had been so rehabilitated, or (B) the occupation for which such veteran had been so rehabilitated is not suitable in view of such veteran's employment handicap and capabilities; or

"(2) under regulations which the Administrator shall prescribe, that such veteran has a serious employment handicap and that an extension of such period is necessary to accomplish the purposes of a rehabilitation program for such veteran.

"(d) Unless the Administrator determines that a longer period is necessary and likely to result in a substantial increase in a veteran's level of independence in daily living, the period of a program of independent living services and assistance for a veteran under this chapter (following a determination by the Administrator that such veteran's disability or disabilities are so severe that the achievement of a vocational goal is not reasonably feasible) may not exceed twenty-four months.

"§1506. Initial and extended evaluations; determinations regarding serious employment handicap

38 USC 1506.

"(a) The Administrator shall provide any veteran who has a service-connected disability described in section 1502(1) (A) or (B) of this title and who applies for benefits under this chapter with an intitial evaluation consisting of such services described in section 1504(a)(1) of this title as are necessary (1) to determine whether such veteran is entitled to and eligible for benefits under this chapter, and (2) in the case of a veteran who is determined to be entitled to and eligible for such benefits, to determine—

"(A) whether such veteran has a serious employment handicap, and

"(B) whether the achievement of a vocational goal is reasonably feasible for such veteran if it is reasonably feasible to make such determination without extended evaluation.

"(b) In any case in which the Administrator has determined that a veteran has a serious employment handicap and that the achievement of a vocational goal is reasonably feasible for such veteran, such veteran shall be provided counseling in accordance with an individualized written plan of vocational rehabilitation developed under section 1507(a) of this title.

"(c) In any case in which the Administrator has determined that a veteran has a serious employment handicap but the Administrator is unable to determine, in an initial evaluation pursuant to subsection (a) of this section, whether or not the achievement of a vocational goal is reasonably feasible, such veteran shall be provided with extended evaluation consisting of the services described in section 1504(a)(1) of this title, such services under this chapter as the Administrator determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal and enable such veteran to achieve maximum independence in daily living, and assistance as authorized by section 1508 of this title.

"(d) The Administrator shall in all cases determine as expeditiously as possible whether the achievement of a vocational goal by a veteran is reasonably feasible. In the case of a veteran provided extended evaluation under subsection (c) of this section (including any periods of extensions under section 1505(a) of this title), the Administrator shall make such determination not later than the end of such extended evaluation or period of extension, as the case may be. In determining whether the achievement of a vocational goal is reasonably feasible, the Administrator shall resolve any reasonable doubt in favor of determining that such achievement is reasonably feasible.

"(e) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Administrator shall assign a Veterans' Administration employee to be responsible for the management and followup of the provision of all services (including appropriate coordination of employment assistance under section 1517 of this title) and assistance under this chapter to such veteran.

"§1507. Individualized vocational rehabilitation plan

38 USC 1507.

"(a) The Administrator shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section

1506(b) of this title. Such plan shall be developed with such veteran and shall include, but not be limited to (1) a statement of long-range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services (which shall include counseling in all cases) and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

Review.

"(b) The Administrator shall review at least annually the plan formulated under subsection (a) of this section for a veteran and shall afford such veteran the opportunity to participate in each such review. On the basis of such review, the Administrator shall (1) redevelop such plan with such veteran if the Administrator determines, under regulations which the Administrator shall prescribe, that redevelopment of such plan is appropriate, or (2) disapprove redevelopment of such plan if the Administrator determines, under such regulations, that redevelopment of such plan is not appropriate.

"(c)(1) Each veteran for whom a plan has been developed or redeveloped under subsection (a) or (b)(1), respectively, of this section or in whose case redevelopment of a plan has been disapproved under subsection (b)(2) of this section, shall be informed of such veteran's opportunity for a review as provided in paragraph (2) of this subsection.

Written disagreement statement.

"(2) In any case in which a veteran does not agree to such plan as proposed, to such plan as redeveloped, or to the disapproval of redevelopment of such plan, such veteran may submit to the person described in section 1506(e) of this title a written statement containing such veteran's objections and request a review of such plan as proposed or redeveloped, or a review of the disapproval of redevelopment of such plan, as the case may be.

Statement review.

"(3) The Administrator shall review the statement submitted under paragraph (2) of this subsection and the plan as proposed or as redeveloped, and, if applicable, the disapproval of redevelopment of the plan, and render a decision on such review not later than ninety days after the date on which such veteran submits such statement, unless the case is one for which a longer period for review, not to exceed 150 days after such veteran submits such statement, is allowed under regulations prescribed by the Administrator, in which case the Administrator shall render a decision no later than the last day of the period prescribed in such regulations.

38 USC 1508.

"§ 1508. Allowances

"(a)(1) Except in the case of a veteran who makes an election under subsection (f) of this section and subject to the provisions of paragraph (3) of this subsection, each veteran shall be paid a subsistence allowance in accordance with this section during a period determined by the Administrator to be a period of such veteran's participation under this chapter in a rehabilitation program.

"(2) In any case in which the Administrator determines, at the conclusion of such veteran's pursuit of a vocational rehabilitation program under this chapter, that such veteran has been rehabilitated to the point of employability, such veteran shall be paid a subsistence allowance, as prescribed in this section for full-time training for the type of program that the veteran was pursuing, for two months following the conclusion of such pursuit.

"(3) A subsistence allowance may not be paid under this chapter to a veteran for any period during which such veteran is being provided with an initial evaluation under section 1506(a) of this title or during which such veteran is being provided only with counseling or with placement or postplacement services under section 1505(b) of this title.

"(b) Except as otherwise provided in this section, the Administrator shall determine the subsistence allowance to be paid to a veteran under this chapter in accordance with the following table, which shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of program being pursued as specified in column I:

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"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$282	$349	$411	$30
Three-quarter-time	212	262	308	23
Half-time	141	175	206	15
Farm cooperative, apprentice, or other on-job training:				
Full-time	246	297	343	22
Extended evaluation:				
Full-time	282	349	411	30
Independent living training:				
Full-time	282	349	411	30
Three-quarter-time	212	262	308	23
Half-time	141	175	206	15".

On-job training, required employer statement.

"(c)(1) In any case in which the vocational rehabilitation program for a veteran includes training on the job by an employer in any month, such employer shall be required to submit to the Administrator a statement in writing showing any wage, compensation, or other income paid (directly or indirectly) by the employer to such veteran for such month. Based upon such written statement, the Administrator is authorized to reduce the subsistence allowance of such veteran to an amount considered equitable and just in accordance with criteria which the Administrator shall establish in regulations which the Administrator shall prescribe.

"(2) A veteran pursuing on-job training or work experience as part of a vocational rehabilitation program in a Federal agency under the provisions of section 1515(a)(1) of this title without pay or for nominal pay shall be paid the appropriate subsistence allowance rate provided in subsection (b) of this section for an institutional program.

"(d)(1) The Administrator shall, in accordance with regulations which the Administrator shall prescribe, define full-time and each part-time status for veterans participating in rehabilitation programs under this chapter.

"(2) A veteran participating in extended evaluation on less than a full-time basis may be paid a proportional subsistence allowance in accordance with regulations which the Administrator shall prescribe.

"(e) In any case in which a veteran is pursuing a rehabilitation program on a residential basis in a specialized rehabilitation facility, the Administrator may (1) pay to such facility the cost of such veteran's room and board in lieu of payment to such veteran of the subsistence allowance (not including any portion payable for any dependents) payable under subsection (b) of this section, and (2) pay to such veteran that portion of the allowance for dependents payable, as determined by such veteran's dependency status, under subsection (b) of this section for a full-time institutional program.

94 STAT. 2180

Educational assistance program.
38 USC 1651 *et seq.*

"(f)(1)(A) In any case in which the Administrator determines that a veteran is entitled to rehabilitation under this chapter, to the extent that such veteran has remaining eligibility for and entitlement to educational assistance benefits under chapter 34 of this title, such veteran may elect, as part of a vocational rehabilitation program under this chapter, to pursue an approved program of education and receive allowances and other forms of assistance equivalent to those authorized for veterans enrolled under chapter 34 of this title, if the Administrator approves the educational, professional, or vocational objective chosen by such veteran for such program.

"(B) In the event that such veteran makes such an election, the terms and conditions applicable to the pursuit of a comparable program of education and the payment of allowances and provision of assistance under chapter 34 of this title for such a comparable program shall be applied to the pursuit of the approved program of education under this chapter.

"(2) A veteran who is receiving an allowance pursuant to paragraph (1) of this subsection may not receive any of the services or assistance described in section 1504(a) (3), (7), and (8) of this title (other than an allowance and other assistance under this subsection).

Convicted felons, subsistence nonpayment.

"(g)(1) Notwithstanding any other provision of this title and subject to the provisions of paragraph (2) of this subsection, no subsistence allowance may be paid under this section in the case of any veteran who is pursuing a rehabilitation program under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony.

"(2) Paragraph (1) of this subsection shall apply in the case of any veteran who is pursuing a rehabilitation program under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony if the Administrator determines that all the veteran's living expenses are being defrayed by a Federal, State, or local government.

38 USC 314.

"(h) Notwithstanding any other provision of this title, the amount of subsistence allowance, or other allowance under subsection (f) of this section, that may be paid to a veteran pursuing a rehabilitation program for any month for which such veteran receives compensation at the rate prescribed in section 314(j) of this title as the result of hospital treatment (not including post-hospital convalescence) or observation at the expense of the Veterans' Administration may not exceed, when added to any compensation to which such veteran is entitled for such month, an amount equal to the greater of—

"(1) the sum of—

"(A) the amount of monthly subsistence or other allowance that would otherwise be paid to such veteran under this section, and

"(B) the amount of monthly compensation that would be paid to such veteran if such veteran were not receiving compensation at such rate as the result of such hospital treatment or observation; or

"(2) the amount of monthly compensation payable under section 314(j) of this title.

94 STAT. 2181
38 USC 1780.

"(i) Payment of a subsistence allowance may be made in advance in accordance with the provisions of section 1780(d) of this title.

38 USC 1509.

"§ 1509. Entitlement to independent living services and assistance

"In any case in which the Administrator has determined under section 1506(d) of this title that the achievement of a vocational goal by a veteran is not reasonably feasible, such veteran shall be entitled, in accordance with the provisions of section 1520 of this title, to a program of independent living services and assistance designed to enable such veteran to achieve maximum independence in daily living.

"§1510. Leaves of absence

Regulations.
38 USC 1510.

"The Administrator shall prescribe such regulations as the Administrator determines necessary for granting leaves of absence to veterans pursuing rehabilitation programs under this chapter. During authorized leaves of absence, a veteran shall be considered to be pursuing such program.

"§1511. Regulations to promote satisfactory conduct and cooperation

38 USC 1511.

"The Administrator shall prescribe such rules and regulations as the Administrator determines necessary to promote satisfactory conduct and cooperation on the part of veterans who are pursuing rehabilitation programs under this chapter. In any case in which the Administrator determines that a veteran has failed to maintain satisfactory conduct or cooperation, the Administrator may, after determining that all reasonable counseling efforts have been made and are not reasonably likely to be effective, discontinue services and assistance unless the Administrator determines that mitigating circumstances exist. In any case in which such services and assistance have been discontinued, the Administrator may reinstitute such services and assistance only if the Administrator determines that—

"(1) the cause of the unsatisfactory conduct or cooperation of such veteran has been removed; and

"(2) the rehabilitation program which such veteran proposes to pursue (whether the same or revised) is suitable to such veteran's abilities, aptitudes, and interests.

"§1512. Revolving fund loans

38 USC 1512.

"The revolving fund established pursuant to part VII of Veterans Regulation Numbered 1(a) is continued in effect, and may be used by the Administrator, under regulations prescribed by the Administrator, for making advances, not in excess of twice the amount of the full-time institutional monthly subsistence allowance for a veteran with no dependents (as provided in section 1508(b) of this title) to veterans pursuing rehabilitation programs under this chapter. Such advances, and advances from such fund made before the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, shall bear no interest and shall be repaid in such installments, as may be determined by the Administrator, by proper deductions from future payments of compensation, pension, subsistence allowance, educational assistance allowance, or retirement pay.

Ante, p. 2171.

"§1513. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans

38 USC 1513.

"(a) Services and assistance may be provided under this chapter to a person described in section 1502 (1)(B) and (2) of this title who is hospitalized pending discharge from active military, naval, or air service. In such cases, no subsistence allowance shall be paid.

94 STAT. 2182

"(b) Services and assistance may be provided under this chapter to a veteran who is receiving care in a Veterans' Administration hospital, nursing home, or domiciliary facility or in any other hospital or medical facility.

"§1514. Vocational rehabilitation outside the United States

38 USC 1514.

"Under regulations which the Administrator shall prescribe, a vocational rehabilitation program under this chapter may be provided outside the United States if the Administrator determines that such training is (1) necessary in the particular case to provide the preparation needed to render a veteran employable and enable such veteran to obtain and retain suitable employment, and (2) in the best interest of such veteran and the Federal Government.

"§1515. Rehabilitation resources

38 USC 1515.

"(a) Notwithstanding any other provision of law, for the purpose of providing services under this chapter, the Administrator may—

"(1) use the facilities of any Federal agency (including the

Veterans' Administration) to provide training or work experience as part or all of a veteran's vocational rehabilitation program without pay or for nominal pay in any case in which the Administrator determines that such training or work experience is necessary to accomplish such veteran's rehabilitation;

"(2) use the facilities, staff, and other resources of the Veterans' Administration;

"(3) employ such additional personnel and experts as the Administrator considers necessary; and

"(4) use the facilities and services of any Federal, State, or other public agency, any agency maintained by joint Federal and State contributions, any public or private institution or establishment, and any private individual.

5 USC 8101 *et seq.*

"(b)(1) While pursuing on-job training or work experience under subsection (a)(1) of this section, a veteran shall be considered to be an employee of the United States for the purposes of the benefits of chapter 81 of title 5, but not for the purposes of laws administered by the Office of Personnel Management.

38 USC 601 *et seq.*

"(2) Except as provided in chapter 17 of this title, hospital care and medical services provided under this chapter shall be furnished in facilities over which the Administrator has direct jurisdiction.

"(3) Use of facilities and services under clause (4) of subsection (a) of this section, shall be procured through contract, agreement, or other cooperative arrangement.

38 USC 1516.

"§ 1516. Promotion of employment and training opportunities

38 USC 2011 *et seq.*

"(a) The Administrator shall actively promote the development and establishment of employment, training, and other related opportunities for (1) veterans who are participating or who have participated in a rehabilitation program under this chapter, (2) veterans with service-connected disabilities, and (3) other veterans to whom the employment emphases set forth in chapter 42 of this title apply. The Administrator shall promote the development and establishment of such opportunities through Veterans' Administration staff outreach efforts to employers and through Veterans' Administration coordination with Federal, State, and local governmental agencies and appropriate nongovernmental organizations. In carrying out the provisions of this subsection with respect to veterans referred to in clause (3) of the first sentence of this subsection, the

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Administrator shall place particular emphasis on the needs of categories of such veterans on the basis of applicable rates of unemployment.

On-job training payments.

"(b)(1) The Administrator, pursuant to regulations prescribed in accordance with paragraph (3) of this subsection, may make payments to employers for providing on-job training to veterans who have been rehabilitated to the point of employability in individual cases in which the Administrator determines that such payment is necessary to obtain needed on-job training or to begin employment. Such payments may not exceed the direct expenses incurred by such employers in providing such on-job training or employment opportunity.

38 USC 1787.

"(2) In any case in which a veteran described in paragraph (1) of this subsection participates in on-job training described in such paragraph that satisfies the criteria for payment of a training assistance allowance under section 1787 of this title, such veteran shall, to the extent that such veteran has remaining eligibility for and entitlement to such allowance, be paid such allowance.

Regulations.

29 USC 790.
38 USC 2012.

"(3) The Administrator shall prescribe regulations under this subsection in consultation with the Secretary of Labor and, in prescribing such regulations, shall take into consideration the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. ch. 16, subch. V) and section 2012 of this title, and regulations prescribed under such provisions.

38 USC 1517.

"§ 1517. Employment assistance

"(a)(1) A veteran with a service-connected disability who has participated in a vocational rehabilitation program under this chapter or a similar program under the Rehabilitation Act of 1973 and who the Administrator has determined to be employable shall be furnished assistance in obtaining employment consistent with such veteran's abilities, aptitudes, interests, and employment handicap, including assistance necessary to insure that such veteran receives the benefit of any applicable provisions of law or regulation providing for special consideration or emphasis or preference for such veteran in employment or training. 29 USC 701 note.

"(2) Assistance provided under this subsection may include—

"(A) direct placement of such veteran in employment;

"(B) utilization of the services of disabled veterans outreach program specialists under section 2003A of this title; and *Post*, p. 2204.

"(C) utilization of the job development and placement services of (i) programs under the Rehabilitation Act of 1973, (ii) the State employment service and the Veterans' Employment Service of the Department of Labor, (iii) the Office of Personnel Management, and (iv) any other public or nonprofit organization having placement services available.

"(b)(1) In any case in which a veteran has completed a vocational rehabilitation program for self-employment in a small business enterprise under this chapter, the Administrator shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to establish such veteran's own business and to insure that such veteran receives the special consideration provided for in section 8 of the Small Business Act (15 U.S.C. 633(b)).

"(2) In the case of a veteran described in clause (12) of section 1504(a) of this title who has trained under a State rehabilitation program with the objective of self-employment in a small business enterprise, the Administrator may, subject to the limitations and criteria provided for in such clause, provide such veteran with such 94 STAT. 2184 supplementary equipment and initial stocks and supplies as are determined to be needed by such veteran if such supplementary equipment and initial stocks and supplies, or assistance in acquiring them, are not available through the State program or other sources.

"§ 1518. Personnel training, development, and qualifications

38 USC 1518.

"(a) The Administrator shall provide a program of ongoing professional training and development for Veterans' Administration counseling and rehabilitation personnel engaged in providing rehabilitation services under this chapter. The objective of such training shall be to insure that rehabilitation services for disabled veterans are provided in accordance with the most advanced knowledge, methods, and techniques available for the rehabilitation of handicapped persons. For this purpose, the Administrator may employ the services of consultants and may make grants to and contract with public or private agencies (including institutions of higher learning) to conduct such training and development.

"(b) The Administrator shall coordinate with the Commissioner of the Rehabilitation Services Administration in the Department of Education and the Assistant Secretary for Veterans' Employment in the Department of Labor in planning and carrying out personnel training in areas of mutual programmatic concern.

"(c) Notwithstanding any other provision of law, the Administrator shall establish such qualifications for personnel providing evaluation and rehabilitation services to veterans under this chapter and for employees performing the functions described in section 1506(e) of this title as the Administrator determines are necessary and appropriate to insure the quality of rehabilitation programs under this chapter. In establishing such qualifications, the Administrator shall take into account the qualifications established for comparable personnel under the Rehabilitation Act of 1973 (29 U.S.C. ch. 16). 29 USC 701 *et seq.*

"§ 1519. Rehabilitation research and special projects

38 USC 1519.

"(a) The Administrator shall carry out an ongoing program of activities for the purpose of advancing the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans. For this purpose, the Administrator shall conduct and provide support for the development or conduct, or both the development and conduct, of—

"(1) studies and research concerning the psychological, educational, employment, social, vocational, industrial, and economic aspects of the rehabilitation of disabled veterans, including new methods of rehabilitation; and

"(2) projects which are designed to increase the resources and potential for accomplishing the rehabilitation of disabled veterans.

Grants or contracts.

"(b) For the purpose specified in subsection (a) of this section, the Administrator is authorized to make grants to or contract with public or nonprofit agencies, including institutions of higher learning.

"(c) The Administrator shall cooperate with the Commissioner of the Rehabilitation Services Administration and the Director of the Institute of Handicapped Research in the Department of Education, the Assistant Secretary for Veterans' Employment in the Department of Labor, and the Secretary of Health and Human Services regarding rehabilitation studies, research, and special projects of mutual programmatic concern.

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38 USC 1520.

"§ 1520. Pilot program of independent living services and assistance

"(a)(1) During fiscal years 1982 through 1985, the Administrator may, under contracts with public or nonprofit private agencies or organizations, or through facilities of the Department of Medicine and Surgery, which possess a demonstrated capability to conduct programs of independent living services for severely handicapped persons, provide, under regulations which the Administrator shall prescribe, programs of independent living services and assistance under this chapter, in various geographic regions of the United States, to veterans described in paragraph (2) of this subsection.

"(2) A program of independent living services and assistance may be made available under this section only to a veteran who has a service-connected disability described in section 1502(1)(A) of this title and with respect to whom it is determined under section 1506(d) of this title that the achievement of a vocational goal is not reasonably feasible and who is selected pursuant to criteria provided for in regulations prescribed under paragraph (1) of this subsection.

"(3) The Administrator shall, to the maximum extent feasible, include among those veterans who are provided with programs of independent living services and assistance under this section substantial numbers of veterans described in paragraph (2) of this subsection who are receiving long-term care in Veterans' Administration hospitals and nursing homes and in nursing homes with which the Administrator contracts for the provision of care to veterans.

"(4) A program of independent living services and assistance for a veteran shall consist of such services described in section 1504 (a) and (b) of this title as the Administrator determines necessary to enable such veteran to achieve maximum independence in daily living. Such veteran shall have the same rights with respect to an individualized written plan of services and assistance as are afforded veterans under section 1507 of this title.

"(5) Any contract for services initiated with respect to any veteran under this section before the end of fiscal year 1985 may be continued in effect after the end of such year for the purposes of providing services and assistance to such veteran in accordance with the provisions of this chapter.

"(6) Programs of independent living services and assistance shall be initiated for no more than five hundred veterans in each of the fiscal years 1982 through 1985, and the first priority in the provision of such programs shall be afforded to veterans for whom the reasonable feasibility of achieving a vocational goal is precluded solely as a result of a service-connected disability.

Report to Congress.

"(b) Not later than September 30, 1984, the Administrator shall submit to the Congress a report on the programs of independent living services and assistance provided for in subsection (a) of this section. Such report shall include—

"(1) the results of a study which the Administrator shall conduct of the accomplishments and cost-effectiveness of such programs, including the extent to which (A) such programs have met needs for comprehensive independent living services that would not otherwise have been met, (B) severely disabled veterans have achieved and maintained greater independence in daily living as a result of participation in the programs, and (C) costs of care in hospital, nursing home, and domiciliary facilities have been and may be avoided as the result of such programs; and

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"(2) the Administrator's recommendations for any legislative changes with respect to the provision of independent living services and assistance to veterans for whom the achievement of a vocational goal is not feasible.

"§ 1521. Veterans' Advisory Committee on Rehabilitation

Establishment.
38 USC 1521.

"(a)(1) The Administrator shall appoint an advisory committee to be known as the Veterans' Advisory Committee on Rehabilitation (hereinafter in this section referred to as the 'Committee').

Membership.

"(2) The members of the Committee shall be appointed by the Administrator from the general public and shall serve for terms to be determined by the Administrator not to exceed three years. Veterans with service-connected disabilities shall be appropriately represented in the membership of the Committee, and the Committee shall also include persons who have distinguished themselves in the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs. The Administrator may designate one of the members of the Committee appointed under this paragraph to chair the Committee.

"(3) The Committee shall also include as ex officio members the following: (A) one representative from the Department of Medicine and Surgery and one from the Department of Veterans' Benefits, (B) one representative from the Rehabilitation Services Administration of the Department of Education and one from the National Institute for Handicapped Research of the Department of Education, and (C) one representative of the Assistant Secretary of Labor for Veterans' Employment of the Department of Labor.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of veterans' rehabilitation programs under this title.

Report to Administrator.

"(c) The Committee shall submit to the Administrator an annual report on the rehabilitation programs and activities of the Veterans' Administration and shall submit such other reports and recommendations to the Administrator as the Committee determines appropriate. The annual report shall include an assessment of the rehabilitation needs of veterans and a review of the programs and activities of the Veterans' Administration designed to meet such needs. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a copy of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator was submitted to the Congress pursuant to such section.".

Report to Congress.
38 USC 214.

(b) The items relating to chapter 31 in the table of chapters at the beginning of title 38, United States Code, and in the table of chapters at the beginning of part III of such title, are amended to read as follows:

"31. Training and Rehabilitation for Veterans with Service-Connected Disabilities .... 1,500".

38 USC 1508 note. *Ante*, p. 2178. 38 USC 3107.

(c) The provisions of section 1508(g)(1) of title 38, United States Code, as added by subsection (a), shall not apply to an apportionment made under section 3107(c) of such title before the date of the enactment of this Act.

38 USC 1507 note. *Ante*, p. 2171.

(d) With respect to veterans who are participating in a program of vocational rehabilitation under chapter 31 of title 38, United States Code, on March 31, 1981—

Ante, p. 2177.

(1) individualized written plans of vocational rehabilitation shall be formulated under section 1507 of such title (as amended by subsection (a)) for such veterans to the extent that and at such times as the Administrator determines that the formulation of such plans is feasible and on the basis of such priorities for the formulation of such plans as the Administrator shall prescribe; and

Ante, pp. 2173, 2176.

(2) extensions may be granted a veteran under sections 1503(c) and 1505(c)(2) of such title (as amended by subsection (a)) without regard to the requirement for a determination of a serious employment handicap.

LIMITATION ON PAYMENT OF SUBSISTENCE ALLOWANCE

38 USC 1781.

SEC. 102. Section 1781 is amended by inserting a comma and "or subsistence allowance granted under chapter 31," after "36".

LIMITATION ON PERIOD OF ASSISTANCE UNDER TWO OR MORE PROGRAMS

38 USC 1795.

SEC. 103. Section 1795 is amended by—

(1) inserting "(a)" before "The aggregate";

(2) striking out clause (4) and inserting in lieu thereof the following:

38 USC 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

"(4) chapters 32, 34, 35, and 36 of this title and the former chapter 33;";

Ante, p. 2171.

(3) striking out after "thereof)" the comma and "but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone" and inserting in lieu thereof a period; and

(4) adding at the end the following new subsection:

"(b) No person may receive assistance under chapter 31 of this title in combination with assistance under any of the provisions of law cited in clauses (1), (2), (3), and (4) of this section in excess of forty-eight months (or the part-time equivalent thereof) unless the Administrator determines that additional months of benefits under chapter 31 of this title are necessary to accomplish the purposes of a rehabilitation program (as defined in section 1501(5) of this title) in the individual case.".

Ante, p. 2172.

TITLE II—GI BILL RATE INCREASES

PART A—INCREASES EFFECTIVE OCTOBER 1, 1980

RATES OF EDUCATIONAL ASSISTANCE FOR VETERANS

SEC. 201. Chapter 34 is amended by—

38 USC 1677.

(1) striking out "$288" in the last sentence of section 1677(b) and inserting in lieu thereof "$302";

38 USC 1682.

(2) amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$327	$389	$443	$27
Three-quarter-time.	245	292	332	20
Half-time	164	195	222	14
Cooperative	264	309	351	21";

(3) striking out "$311" in section 1682(b) and inserting in lieu thereof "$327"; 38 USC 1682.

(4) amending the table contained in paragraph (2) of section 1682(c) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$264	$309	$351	$20
Three-quarter-time.	198	232	263	15
Half-time	132	155	176	10";

and

(5) striking out "$69" and "$828" in section 1692(b) and inserting in lieu thereof "$72" and "$869", respectively. 38 USC 1692.

RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

SEC. 202. Chapter 35 is amended by—

(1) striking out "$251" in section 1732(b) and inserting in lieu thereof "$264"; and 38 USC 1732.

(2) striking out "$311", "$98", "$98", and "$10.40" in section 1742(a) and inserting in lieu thereof "$327", "$103", "$103", and "$10.92", respectively. 38 USC 1742.

RATES FOR STATE APPROVING AGENCIES' ADMINISTRATIVE EXPENSES, TRAINING ALLOWANCES FOR TRAINING ON THE JOB, AND FOR EDUCATION LOANS

SEC. 203. Chapter 36 is amended by—

(1) amending subsection (b) of section 1774 to read as follows: 38 USC 1774.

94 STAT. 2189 "(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

"Total salary cost reimbursable under this section	Allowable for administrative expense
$5,000 or less	$662.
Over $5,000 but not exceeding $10,000	$1,191.
Over $10,000 but not exceeding $35,000	$1,191 for the first $10,000, plus $1,103 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$7,205.
Over $40,000 but not exceeding $75,000	$7,205 for the first $40,000, plus $953 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$14,288.
Over $80,000	$14,288 for the first $80,000, plus $833 for each additional $5,000 or fraction thereof."

38 USC 1786. (2) striking out "$311" in section 1786(a)(2) and inserting in lieu thereof "$327";

38 USC 1787. (3) amending the table contained in paragraph (1) of section 1787(b) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$237	$267	$291	$13
Second 6 months	177	207	232	13
Third 6 months	119	148	172	13
Fourth and any succeeding 6-month periods.	59	88	113	13";

and

38 USC 1798. (4) striking out "$311" in paragraph (3) of section 1798(b) and inserting in lieu thereof "$327".

PART B—INCREASES EFFECTIVE JANUARY 1, 1981

RATES OF EDUCATIONAL ASSISTANCE FOR VETERANS

SEC. 211. Chapter 34 is amended by—

38 USC 1677. (1) striking out "$302" in the last sentence of section 1677(b) and inserting in lieu thereof "$317";

38 USC 1682. (2) amending the table contained in paragraph (1) of section 1682(a) to read as follows:

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"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$342	$407	$464	$29
Three-quarter-time.	257	305	348	22
Half-time	171	204	232	15
Cooperative	276	323	367	21".

(3) striking out "$327" in section 1682(b) and inserting in lieu thereof "$342"; 38 USC 1682.

(4) amending the table contained in paragraph (2) of section 1682(c) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$276	$323	$367	$21
Three-quarter-time.	207	242	275	16
Half-time	138	162	184	11".

and

(5) striking out "$72" and "$869" in section 1692(b) and inserting in lieu thereof "$76" and "$911", respectively. 38 USC 1692.

RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

SEC. 212. Chapter 35 is amended by—

(1) striking out "$264" in section 1732(b) and inserting in lieu thereof "$276"; and 38 USC 1732.

(2) striking out "$327", "$103", "$103", and "$10.92" in section 1742(a) and inserting in lieu thereof "$342", "$108", "$108", and "$11.44", respectively. 38 USC 1742.

RATES FOR STATE APPROVING AGENCIES' ADMINISTRATIVE EXPENSES, FOR TRAINING ALLOWANCE FOR TRAINING ON THE JOB, AND FOR EDUCATION LOANS

SEC. 213. Chapter 36 is amended by—

(1) amending subsection (b) of section 1774 to read as follows: 38 USC 1774.

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

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"Total salary cost reimbursable under this section	Allowable for administrative expense
$5,000 or less	$693.
Over $5,000 but not exceeding $10,000	$1,247.
Over $10,000 but not exceeding $35,000	$1,247 for the first $10,000, plus $1,155 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$7,548.
Over $40,000 but not exceeding $75,000	$7,548 for the first $40,000, plus $999 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$14,969.
Over $80,000	$14,969 for the first $80,000, plus $872 for each additional $5,000 or fraction thereof.".

(2) striking out "$327" in section 1786(a)(2) and inserting in lieu thereof "$342"; 38 USC 1786.

(3) amending the table contained in paragraph (1) of section 1787(b) to read as follows: 38 USC 1787.

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$249	$279	$305	$13
Second 6 months	186	217	243	13
Third 6 months	124	155	180	13
Fourth and any succeeding 6-month periods.	62	92	119	13".

and

38 USC 1798.

(4) striking out "$327" in paragraph (3) of section 1798(b) and inserting in lieu thereof "$342".

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

PART A—EDUCATIONAL ASSISTANCE FOR VETERANS

PERIOD WITHIN WHICH APPLICATION FOR EXTENSION OF DELIMITING PERIOD MUST BE FILED AND MEASUREMENT OF EXTENSION

38 USC 1662.

SEC. 301. Section 1662(a)(1) is amended by—

(1) inserting "made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, whichever is the latest" after "application";

Ante, p. 2171.

94 STAT. 2192

(2) inserting "so" after "that such veteran was" in such paragraph; and

(3) adding at the end the following new sentence: "When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Administrator shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.".

CLARIFICATION OF AUTHORITY OF ADMINISTRATOR TO DISAPPROVE AN APPLICATION FOR BENEFITS

38 USC 1671.

38 USC 1770 *et seq.*

SEC. 302. The second sentence of section 1671 is amended to read as follows: "The Administrator shall approve such application unless the Administrator finds that (1) such veteran or person is not eligible for or entitled to the educational assistance for which application is made, (2) the veteran's or person's selected educational institution or training establishment fails to meet any requirement of this chapter or chapter 36 of this title, (3) the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate any provision of this chapter or chapter 36 of this title, or (4) the veteran or person is already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered.".

MODIFICATION OF 50-PERCENT EMPLOYMENT RULE FOR VOCATIONAL COURSES

SEC. 303. Section 1673(a) is amended by— 38 USC 1673.

(1) inserting "(1)" before "The";

(2) redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(3) amending clause (B) of paragraph (1), as redesignated by clause (2) of this section, to read as follows:

"(B) any course with a vocational objective, unless the eligible veteran or the institution offering such course presents evidence satisfactory to the Administrator showing that at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment for an average of ten hours a week in an occupational category for which the course was designed to provide training;"; and

(4) adding at the end the following new paragraph:

"(2)(A) For the purposes of clause (B) of paragraph (1) of this subsection, in computing the number of persons who discontinued or completed a course over any two-year period, there shall not be included in such number those persons who received assistance under this title for pursuing such course while serving on active duty.

"(B) The provisions of clause (B) of paragraph (1) of this subsection shall not apply in the case of a particular course offered by an educational institution in a particular year if the total number of eligible veterans and eligible persons (as defined in section 1701(a)(1) of this title) enrolled in the institution during the two-year period preceding such year did not exceed 35 percent of the total enrollment in such institution during such period and the course has met the requirements of such clause for any two-year period ending on or after the date of the enactment of this paragraph.

38 USC 1701.

"(C) The Administrator may waive the requirements under clause (B) of paragraph (1) of this subsection if the Administrator determines, under regulations which the Administrator shall prescribe, that such requirements would work an undue administrative hardship on an educational institution because of the small proportion of eligible veterans and eligible persons (as defined in section 1701(a)(1) of this title) enrolled in such institution.".

Requirements, waiver.

38 USC 1701.

APPROVAL OF COURSES OFFERED THROUGH OPEN CIRCUIT TELEVISION

SEC. 304. Subsection (c) of section 1673 is amended to read as follows: 38 USC 1673.

"(c) The Administrator shall not approve the enrollment of an eligible veteran in any course to be pursued by radio or by open circuit television, except that the Administrator may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.".

ELIMINATION FROM COMPUTATION OF 85-15 RULE OF THE NUMBER OF PERSONS RECEIVING BASIC ECONOMIC OPPORTUNITY GRANTS AND SUPPLEMENTAL ECONOMIC OPPORTUNITY GRANTS

SEC. 305. The first sentence of section 1673(d) is amended by— 38 USC 1673.

(1) striking out the comma after "institution" and inserting in lieu thereof "or"; and

(2) striking out "and/or by grants from any Federal agency".

STANDARDS FOR DETERMINING SATISFACTORY PROGRESS

SEC. 306. Section 1674 is amended by striking out the second sentence. 38 USC 1674.

EDUCATION OUTSIDE THE UNITED STATES

38 USC 1652.

SEC. 307. (a) Section 1652(f) is amended by adding at the end the following new sentence: "Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.".

38 USC 1676.

(b) The text of section 1676 is amended to read as follows:

"An eligible veteran may not enroll in any course at an educational institution not located in a State unless such course is pursued at an approved institution of higher learning and the course is approved by the Administrator. The Administrator may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning not located in a State if the Administrator determines that such enrollment is not in the best interest of the veteran or the Federal Government.".

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CHARGE AGAINST ENTITLEMENT FOR PURSUIT OF A PROGRAM OF EDUCATION WHILE ON ACTIVE DUTY OR ON A LESS THAN HALF-TIME BASIS

USC 1682.

SEC. 308. Section 1682(b) is amended by adding at the end the following new sentence: "An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.".

USC 1788.

COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCES AND CHARGES AGAINST ENTITLEMENT FOR PURSUIT OF INDEPENDENT STUDY

USC 1682.

SEC. 309. Subsection (e) of section 1682 is amended to read as follows:

"(e) The educational assistance allowance of an eligible veteran pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (b) of this section. If the entire training is to be pursued by independent study, entitlement shall be charged at one-half of the full-time institutional rate. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Administrator, for resident training. A veteran's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.".

USC 1788.

COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR PURSUIT OF COURSES BY OPEN CIRCUIT TELEVISION

USC 1682.

SEC. 310. Section 1682 is amended by adding at the end thereof the following new subsection:

"(f) The educational assistance allowance of an eligible veteran pursuing a course in part by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.".

ENTITLEMENT-FREE PURSUIT OF PROGRAMS OF SECONDARY EDUCATION

Sec. 311. Section 1691 is amended— USC 1691.

(1) in subsection (a) by—

(A) striking out "not on active duty";

(B) striking out "at the time of the veteran's discharge or release from active duty"; and

(C) inserting "is not on active duty and who," after "(2)";

(2) in subsection (b) by—

(A) inserting "(1)" before "The";

(B) inserting "(2)" after "subsection (a)"; and

(C) adding at the end the following new paragraph:

"(2) The Administrator shall pay to an eligible veteran described in subsection (a)(1) of this section who is pursuing a course or courses or program under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate) an educational assistance allowance (A) at the rate of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same course, courses, or program, or (B) at the institutional full-time rate provided in section 1682(a), whichever is the lesser."; and

94 STAT. 2195

Ante, pp. 2187, 2189.

(3) by adding at the end the following new subsection:

"(c) The provisions of section 1673(d) of this title, relating to the disapproval of enrollment in certain courses, shall be applicable to the enrollment of an eligible veteran who, while serving on active duty, enrolls in one or more courses under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate).". 38 USC 1673.

DISQUALIFICATION OF CERTAIN FAMILY MEMBERS FROM ELIGIBILITY AS QUALIFIED TUTORS

Sec. 312. Section 1692(b)(2) is amended by inserting "and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister" after "is qualified". 38 USC 1692.

PART B—EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

EXTENSION OF DEPENDENTS' PERIOD OF ELIGIBILITY IN CERTAIN CASES

Sec. 321. Section 1712(a) is amended by— 38 USC 1712.

(1) striking out "and" at the end of clause (4);

(2) redesignating clause (5) as clause (6); and

(3) inserting after clause (4) the following new clause (5):

"(5) if the person becomes eligible by reason of the provisions of section 1701(a)(1)(A)(iii) of this title after the person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless clause (4) of this subsection applies) such period shall end eight years after the date on which the person becomes eligible by reason of such provisions, but in no event shall such period be extended beyond the person's thirty-first birthday by reason of this clause; and". 38 USC 1701.

PERIOD WITHIN WHICH APPLICATION FOR EXTENSION OF DELIMITING PERIOD MUST BE FILED AND MEASUREMENT OF EXTENSION

Sec. 322. Section 1712(b)(2) is amended by— 38 USC 1712.

(1) inserting "made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of mental or physical disability, or (C) the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, whichever is the latest" after "application"; *Ante*, p. 2171.

(2) inserting "so" after "that such person was" in such paragraph; and

(3) adding at the end the following new sentence: "When an

extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first day following such eligible person's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Administrator shall prescribe, for such eligible person to initiate or resume pursuit of a program of education with educational assistance under this chapter.".

REPEAL OF MANDATORY COUNSELING FOR DEPENDENTS

38 USC 1720.

SEC. 323. (a) Section 1720(a) is amended by—

(1) striking out "shall arrange for, and the eligible person shall take advantage of," and inserting in lieu thereof "may, upon request, arrange for"; and

(2) striking out the second sentence.

38 USC 1761.

(b) Section 1761(a) is amended by—

(1) striking out "required" and inserting in lieu thereof "authorized"; and

(2) striking out "or require".

CLARIFICATION OF AUTHORITY OF ADMINISTRATOR TO DISAPPROVE AN APPLICATION FOR BENEFITS

38 USC 1721.

SEC. 324. The text of section 1721 is amended to read as follows:

"The Administrator shall finally approve an application if the Administrator finds that—

38 USC 1720.

"(1) section 1720 of this title has been complied with;

"(2) the proposed program of education constitutes a 'program of education' as that term is defined in this chapter;

"(3) the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered;

38 USC 1770 *et seq.*

"(4) the eligible person's proposed educational institution or training establishment is in compliance with all the requirements of this chapter and chapter 36 of this title; and

"(5) it does not appear that the enrollment in or pursuit of such person's program of education would violate any provisions of this chapter or chapter 36 of this title.".

MODIFICATION OF 50-PERCENT EMPLOYMENT RULE FOR VOCATIONAL COURSES

38 USC 1723.

SEC. 325. Section 1723(a) is amended by—

(1) inserting "(1)" before "The";

(2) redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(3) amending clause (B) of paragraph (1), as redesignated by clause (2) of this section, to read as follows:

"(B) any course with a vocational objective, unless the eligible person or the institution offering such course presents evidence satisfactory to the Administrator showing that at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment for an average of ten hours a week in an occupational category for which the course was designed to provide training"; and

(4) adding at the end the following new paragraph:

"(2)(A) For the purposes of clause (B) of paragraph (1) of this subsection, in computing the number of persons who discontinued or completed a course over any two-year period, there shall not be included in such number those persons who received assistance under this title for pursuing such course while serving on active duty.

"(B) The provisions of clause (B) of paragraph (1) of this subsection shall not apply in the case of a particular course offered by an educational institution in a particular year if the total number of

38 USC 1652.

eligible veterans (as defined in section 1652(a)(1) of this title) and eligible persons enrolled in the institution during the two-year period preceding such year did not exceed 35 percent of the total enrollment in such institution during such period and the course has met the requirements of such clause for any two-year period ending on or after the date of the enactment of this paragraph.

Requirements, waiver.

"(C) The Administrator may waive the requirements under clause (B) of paragraph (1) of this subsection if the Administrator determines, under regulations which the Administrator shall prescribe, that such requirements would work an undue administrative hardship on an educational institution because of the small proportion of eligible veterans (as defined in section 1652(a)(1) of this title) and eligible persons enrolled in such institution.".

38 USC 1652.

APPROVAL OF COURSES OFFERED THROUGH OPEN CIRCUIT TELEVISION

38 USC 1723.

SEC. 326. Subsection (c) of section 1723 is amended to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course to be pursued by radio or by open circuit television, except that the Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.".

EDUCATION OUTSIDE THE UNITED STATES

38 USC 1701.

SEC. 327. (a) Paragraph (10) of section 1701(a) is amended by adding at the end the following new sentence: "Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.".

38 USC 1723.

(b) Section 1723 is amended by adding at the end the following new subsection:

"(e) An eligible person may not enroll in any course at an educational institution which is not located in a State or in the Republic of the Philippines, unless such course is pursued at an approved institution of higher learning and the course is approved by the Administrator. The Administrator, in the Administrator's discretion, may deny or discontinue educational assistance under this chapter in the case of any eligible person in such an institution if the Administrator determines that such enrollment is not in the best interest of the eligible person or the Federal Government.".

STANDARDS FOR DETERMINING SATISFACTORY PROGRESS

38 USC 1724.

SEC. 328. Section 1724 is amended by striking out the second sentence.

PAYMENT OF EDUCATIONAL ASSISTANCE ALLOWANCE ON BEHALF OF ELIGIBLE PERSONS

38 USC 1731.

SEC. 329. Subsection (b) of section 1731 is amended to read as follows:

"(b) The educational assistance allowance of an eligible person pursuing a program of education at an educational institution shall be paid as provided in chapter 36 of this title.".

38 USC 1770 *et seq.*

94 STAT. 2198

COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR PURSUIT OF COURSES BY OPEN CIRCUIT TELEVISION

38 USC 1732.

SEC. 330. Section 1732(c) is amended by adding at the end the following new paragraph:

"(4) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a course in part by open circuit television shall be computed in the same manner that such allowance

Ante, p. 2194.

is computed under section 1682(e) of this title for an independent study program.".

ELIGIBILITY FOR SPECIAL RESTORATIVE TRAINING

38 USC 1740.
38 USC 1701.

SEC. 331. Section 1740 is amended by inserting "(as defined in section 1701(a)(1)(A) of this title)" after "person".

PART C—AMENDMENTS RELATING TO THE ADMINISTRATION OF EDUCATIONAL BENEFITS

PERIODS FOR WHICH PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES MAY BE PAID

38 USC 1780.

SEC. 341. (a) Subsection (a) of section 1780 is amended by—

(1) inserting "in, and pursuit of, such program" after "enrollment" in the second sentence; and

38 USC 1651 *et seq.*, 1700 *et seq.*

(2) striking out "institution and the requirements of this chapter or of chapter 34 or 35 of this title" in clause (1) and inserting in lieu thereof "institution, with the provisions of such regulations as may be prescribed by the Administrator pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution".

(b) Subsection (g) of such section is amended by inserting "and define" after "determine" in the first sentence.

BREAKS IN EDUCATION WHICH ARE NOT COUNTED AS ABSENCES

38 USC 1780.

SEC. 342. Section 1780(a)(2) is amended by inserting after "session" the following: "and periods (not to exceed five days in any twelve-month period) when the institution is not in session because of teacher conferences or teacher training sessions".

REPORTS BY VETERANS, ELIGIBLE PERSONS, AND EDUCATIONAL INSTITUTIONS TO THE VETERANS' ADMINISTRATION

38 USC 1784.

SEC. 343. (a) Section 1784 is amended by—

(1) amending subsection (a) to read as follows:

38 USC 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

"(a) The veteran or eligible person and the educational institution offering a course in which such veteran or eligible person is enrolled under chapter 34, 35, or 36 of this title shall, without delay, report to the Administrator, in the form prescribed by the Administrator, such enrollment and any interruption or termination of the education of each such veteran or eligible person. The date of such interruption or termination will be the last date of pursuit, or, in the case of correspondence training, the last date a lesson was serviced by a school."; and

94 STAT. 2199

(2) redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection (b):

38 USC 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

"(b) The Administrator, prior to making payment of a reporting fee to an educational institution, as provided for in subsection (c) of this section, shall require such institution to certify that it has exercised reasonable diligence in determining whether such institution or any course offered by such institution approved for the enrollment of veterans or eligible persons meets all of the applicable requirements of chapters 34, 35, and 36 of this title and that it will, without delay, report any failure to meet any such requirement to the Administrator.".

(b)(1) The catchline of such section is amended to read as follows:

"§ 1784. Reports by veterans, eligible persons, and institutions; reporting fee".

(2) The item relating to such section in the table of sections at the beginning of chapter 36 is amended to read as follows:

"1784. Reports by veterans, eligible persons, and institutions; reporting fee.".

LIABILITY FOR OVERPAYMENT OF BENEFITS

38 USC 1785.

SEC. 344. The text of section 1785 is amended to read as follows:

"(a) Whenever the Administrator finds that an overpayment has been made to a veteran or eligible person, the amount of such overpayment shall constitute a liability of such veteran or eligible person to the United States.

38 USC 1651 *et seq.*, 1700 *et seq.*

"(b) Whenever the Administrator finds that an overpayment has been made to a veteran or eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) the willful or negligent false certification by an educational institution, the amount of such overpayment shall constitute a liability of the educational institution to the United States.

38 USC 1784.

"(c) Any overpayment referred to in subsection (a) or (b) of this section may be recovered, except as otherwise provided in the last sentence of section 1784(c) of this title, in the same manner as any other debt due the United States.

Waiver.

38 USC 3102.

"(d) Any overpayment referred to in subsection (a) or (b) of this section may be waived as to a veteran or eligible person as provided in section 3102 of this title. Waiver of any such overpayment as to a veteran or eligible person shall in no way release any educational institution from liability under subsection (b) of this section.

"(e)(1) Any amount collected from a veteran or eligible person pursuant to this section shall be reimbursed to the educational institution which is liable pursuant to subsection (b) of this section to the extent that collection was made from the educational institution.

"(2) Nothing in this section or any other provision of this title shall be construed as (A) precluding the imposition of any civil or criminal liability under this title or any other law, or (B) requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.".

MEASUREMENT OF COURSES

38 USC 1788.

SEC. 345. (a) Subsection (a) of section 1788 is amended by—

(1) inserting "(a)(1)" after "1775" in clauses (1) and (2);

94 STAT. 2200

(2) striking out "on a" in clause (4) and inserting in lieu thereof "in residence on a standard"; and

(3) inserting "per semester" in clause (4) after "fourteen semester hours" the first place it appears.

(b) Such section is further amended by adding at the end the following new subsections:

Definitions.

"(c) For the purposes of subsection (a)(4) of this section, the term 'in residence on a standard quarter- or semester-hour basis' means a study at a site or campus of a college or university, or off-campus at an official resident center, requiring pursuit of regularly scheduled weekly class instruction at the rate of one standard class session per week throughout the quarter or semester for one quarter or one semester hour of credit. For the purposes of the preceding sentence, the term 'standard class session' means one hour (or fifty-minute period) of academic instruction, two hours of laboratory instruction, or three hours of workshop training.

Institutional undergraduate course.

"(d) Notwithstanding any other provision of this title, an institutional undergraduate course leading to a standard college degree offered by a college or university in residence shall be considered to be a full-time course if—

"(1) the educational institution offering such course considers such course to be a full-time course and treats such course as a full-time course for all purposes, including (A) payment of tuition and fees, (B) the awarding of academic credit for the purpose of meeting graduation requirements, and (C) the transfer of such credits to an undergraduate course meeting the criteria set forth in subsection (a)(4) of this section;

"(2) less than 50 percent of the persons enrolled in such course are receiving educational assistance under this title;

"(3) such course would qualify as a full-time course under subsection (a)(4) of this section, except that it does not meet the requirements of such subsection with respect to weekly class instruction; and

"(4) the course requires—

"(A) pursuit of standard class sessions for each credit at a rate not less frequent than every two weeks; and

"(B) monthly pursuit of a total number of standard class sessions equal to that number of standard class sessions which, during the same period of time, is required for a course qualifying as a full-time course under subsection (a)(4) of this section.".

ADVISORY COMMITTEE ON VETERANS' EDUCATIONAL ASSISTANCE PROGRAMS

38 USC 1792.

SEC. 346. The text of section 1792 is amended to read as follows:

"(a) There shall be an advisory committee formed by the Administrator which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 32, 34, or 35 of this title. The committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, and the post-Vietnam era. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment shall be ex officio members of the advisory committee.

38 USC 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.*

"(b) The Administrator shall consult with and seek the advice of the committee from time to time with respect to the administration of this chapter and chapters 32, 34, and 35 of this title. The committee may make such reports and recommendations as it considers desirable to the Administrator and the Congress.

38 USC 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.* Report to Congress.

"(c) The committee shall remain in existence until December 31, 1989.".

TITLE IV—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

ELIGIBILITY OF CERTAIN VETERANS FOR THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

38 USC 1602.

SEC. 401. Section 1602(1)(A) is amended by—

(1) inserting "who is not eligible for educational assistance under chapter 34 of this title and" after "any veteran"; and

38 USC 1651 *et seq.*

(2) striking out "initially" in clauses (i) and (ii).

DISTRIBUTION OF UNUSED CONTRIBUTIONS UPON DEATH OF PARTICIPANT

SEC. 402. Section 1624 is amended to read as follows:

38 USC 1624.

"§ 1624. Death of participant

"In the event of a participant's death, the amount of such participant's unused contributions to the fund shall be paid to the living person or persons first listed below:

"(1) The beneficiary or beneficiaries designated by such participant under such participant's Servicemen's Group Life Insurance policy.

"(2) The surviving spouse of the participant.

"(3) The surviving child or children of the participant, in equal shares.

"(4) The surviving parent or parents of the participant, in equal shares.

If there is no such person living, such amount shall be paid to such participant's estate.".

ENTITLEMENT-FREE PURSUIT OF PROGRAMS OF SECONDARY EDUCATION

SEC. 403. Subsection (b) of section 1631 is amended to read as follows: 38 USC 1631.

"(b) Any enlisted member of the Armed Forces participating in the program shall be eligible to enroll in a course, courses, or program of education for the purpose of attaining a secondary school diploma (or an equivalency certificate), as authorized by section 1691(a) of this title, during the last six months of such member's first enlistment and at any time thereafter.". 38 USC 1691.

LIMITATION ON PERIOD OF ASSISTANCE UNDER TWO OR MORE PROGRAMS

SEC. 404. Paragraph (1) of section 1631(a) is amended to read as follows: 38 USC 1631.

"(1) Subject to the provisions of section 1795 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of educational or vocational assistance administered by the Veterans' Administration, a participant shall be entitled to a maximum of 36 monthly benefit payments (or their equivalent in the event of part-time benefits).". 38 USC 1795.

APPLICABILITY OF CERTAIN PROVISIONS OF CHAPTER 34

SEC. 405. Section 1641 is amended by— 38 USC 1641.

(1) inserting "1663," after "sections" the first place it appears; and

(2) striking out "1696, and 1698" and inserting in lieu thereof "and 1691(a)(1)".

AMENDMENTS RELATING TO MONTHLY CONTRIBUTIONS

SEC. 406. (a) Subsection (a) of section 1622 is amended by— 38 USC 1622.

(1) striking out "Each" in the first sentence and inserting in lieu thereof "Except as provided in subsections (c) and (d) of this section, each"; and

(2) striking out "$50" and "$75" in the second sentence and inserting in lieu thereof "$25" and "$100", respectively.

(b) Subsection (c) of such section is amended by inserting after "Forces" a comma and "including contributions in lieu of, or to reduce the amount of, monthly deductions under subsection (a) of this section".

(c) Such section is further amended by adding at the end the following new subsection:

"(d) Subject to the maximum contribution prescribed by subsection (a) of this section, a participant shall be permitted, while serving on active duty, to make a lump-sum contribution to the fund. A lump-sum contribution to the fund by a participant shall be in addition to or in lieu of monthly deductions made from such participant's military pay and shall be considered, for the purposes of paragraph (2) of section 1631(a), to have been made by monthly deductions from such participant's military pay in the amount of $75 per month or in such lesser amount as may be specified by such participant pursuant to regulations issued jointly by the Secretary and the Administrator.". 38 USC 1631.

TITLE V—VETERANS' EMPLOYMENT ASSISTANCE AMENDMENTS

PROMOTION OF THE DEVELOPMENT AND ESTABLISHMENT OF EMPLOYMENT, TRAINING, AND OTHER OPPORTUNITIES

38 USC 244.

Sec. 501. Section 244 is amended by—

(1) redesignating clauses (2) through (5) as clauses (3) through (6), respectively; and

(2) inserting after clause (1) the following new clause (2):

"(2) in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment, training, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title;".

38 USC 2011 *et seq.*

94 STAT. 2203

PROMOTION OF THE DEVELOPMENT OF PROGRAMS OF TRAINING ON THE JOB

38 USC 1772.

Sec. 502. Section 1772 is amended by adding at the end the following new subsection:

"(d) Pursuant to regulations prescribed by the Administrator in consultation with the Secretary of Labor, the Administrator shall actively promote the development of programs of training on the job (including programs of apprenticeship) for the purposes of sections 1777 and 1787 of this title and shall utilize the services of disabled veterans' outreach program specialists under section 2003A of this title to promote the development of such programs.".

38 USC 1777, 1787.

Post, p. 2204.

ELIGIBILITY FOR JOB COUNSELING, TRAINING, AND PLACEMENT SERVICES

38 USC 2001.

Sec. 503. Section 2001 is amended by—

(1) amending paragraph (1) to read as follows:

"(1) The term 'special disabled veteran' has the same meaning provided in section 2011(1) of this title."; and

Post, p. 2206.

(2) redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively, and inserting after paragraph (1) the following new paragraphs:

"(2) The term 'veteran of the Vietnam era' has the same meaning provided in section 2011(2) of this title.

"(3) The term 'disabled veteran' has the same meaning provided in section 2011(3) of this title.

"(4) The term 'eligible veteran' has the same meaning provided in section 2011(4) of this title.".

ELEVATION OF DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT TO ASSISTANT SECRETARY

Sec. 504. (a) Chapter 41 is amended by—

38 USC 2002A.

(1) striking out "Deputy" in the item relating to section 2002A in the table of sections at the beginning of such chapter;

(2) striking out "Deputy" before "Assistant Secretary" in section 2002;

38 USC 2002.

38 USC 2002A.

(3) striking out "Deputy" in the catchline of section 2002A; and

(4) striking out "Deputy" before "Assistant Secretary" in section 2002A.

38 USC 2002A note.

(b) Any reference in any law, regulation, directive, or other document to the Deputy Assistant Secretary of Labor for Veterans' Employment shall be deemed to be a reference to the Assistant Secretary of Labor for Veterans' Employment.

(c) Notwithstanding any other provision of law, the position of Deputy Assistant Secretary of Labor for Veterans' Employment, as constituted on the day before the date of the enactment of this section, shall remain in existence until a person has been appointed to and has qualified for the position of Assistant Secretary of Labor for Veterans' Employment (established by the amendments made by subsection (a)).

38 USC 2002A note.

(d) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"Assistant Secretary of Labor for Veterans' Employment.".

94 STAT. 2204

CLERICAL SUPPORT FOR VETERANS' EMPLOYMENT REPRESENTATIVES

SEC. 505. Section 2003 is amended by inserting "(and shall assign full-time clerical support to each such representative)" after employment representative" the first time such term appears in the first sentence.

38 USC 2003.

DISABLED VETERANS' OUTREACH PROGRAM

SEC. 506. (a) Chapter 41 is amended by inserting after section 2003 the following new section:

"§ 2003A. Disabled veterans' outreach program

38 USC 2003A.

"(a)(1) The Secretary of Labor shall make available to each State, directly or by grant or contract, such funds as may be necessary to support a disabled veterans' outreach program designed to meet the employment needs of veterans, especially disabled veterans of the Vietnam era.

"(2) Funds provided to a State under this subsection shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State. Each such specialist shall be a veteran. Preference shall be given in the appointment of such specialists to disabled veterans of the Vietnam era. If the Secretary finds that a disabled veteran of the Vietnam era is not available for any such appointment, preference for such appointment shall be given to other disabled veterans. If the Secretary finds that no disabled veteran is available for such appointment, such appointment may be given to any veteran. Each such specialist shall be compensated at a rate not less than the rate prescribed for an entry level professional in the State government of the State concerned.

"(3) The Secretary shall also make available to the States such funds, in addition to those made available to carry out paragraphs (1) and (2) of this subsection, as may be necessary to support the reasonable expenses of such specialists for training, travel, supplies, and fringe benefits.

"(4) Specialists appointed pursuant to paragraph (2) of this subsection shall be in addition to and shall not supplant employees assigned to local employment service offices pursuant to section 2004 of this title.

38 USC 2004.

"(b)(1) Pursuant to regulations prescribed by the Secretary of Labor, disabled veterans' outreach program specialists shall be assigned only those duties directly related to meeting the employment needs of eligible veterans, with priority for the provision of services in the following order:

"(A) Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under chapter 31 of this title.

Ante, p. 2171.

"(B) Services to other disabled veterans.

"(C) Services to other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

38 USC 2011 *et seq*.

In the provision of services in accordance with this paragraph, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

"(2) Not more than three-fourths of the disabled veterans' outreach program specialists in each State shall be stationed at local employment service offices in such State. Specialists not so stationed shall be stationed at centers established by the Veterans' Administration to provide a program of readjustment counseling pursuant to section 621A of this title, veterans assistance offices established by the Veterans' Administration pursuant to section 242 of this title, and such other sites as may be determined to be appropriate in accordance with regulations prescribed by the Secretary after consultation with the Administrator.

94 STAT. 2205

38 USC 621A.
38 USC 242.

"(c) Each disabled veterans' outreach program specialist shall carry out the following functions for the purpose of providing services to eligible veterans in accordance with the priorities set forth in subsection (b) of this section:

"(1) Development of job and job training opportunities for such veterans through contacts with employers, especially small- and medium-size private sector employers.

"(2) Pursuant to regulations prescribed by the Secretary after consultation with the Administrator, promotion and development of apprenticeship and other on-job training positions pursuant to section 1787 of this title.

38 USC 1787.

"(3) The carrying out of outreach activities to locate such veterans through contacts with local veterans organizations, the Veterans' Administration, the State employment service agency and local employment service offices, and community-based organizations.

"(4) Provision of appropriate assistance to community-based groups and organizations and prime sponsors under the Comprehensive Employment and Training Act in providing services to such veterans.

29 USC 801 note.

"(5) Provision of appropriate assistance to local employment service office employees with responsibility for veterans in carrying out their responsibilities pursuant to this chapter.

"(6) Consultation and coordination with other appropriate representatives of Federal, State, and local programs for the purpose of developing maximum linkages to promote employment opportunities for and provide maximum employment assistance to such veterans.

"(7) The carrying out of such other duties as will promote the development of entry-level and career job opportunities for such veterans.

"(d) Persons serving as staff in the disabled veterans outreach program conducted under title III of the Comprehensive Employment and Training Act on the date of enactment of this section shall be appointed as disabled veterans' outreach program specialists in the State in which such individual is so serving, unless the Secretary for good cause shown determines that such individual is not qualified for such appointment.

29 USC 871.

"(e) The Secretary of Labor shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment.".

(b) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 2003 the following new item:

"2003A. Disabled veterans' outreach program.".

EMPHASIS ON VETERANS OF THE VIETNAM ERA AND DISABLED VETERANS; REVISION OF ANNUAL REPORT

38 USC 2007.

SEC. 507. Section 2007 is amended by—

94 STAT. 2206

(1) striking out "those veterans who have been recently discharged or released from active duty" in subsection (a)(1) and inserting in lieu thereof "veterans of the Vietnam era and disabled veterans"; and

(2) striking out the second sentence of subsection (c) and

inserting in lieu thereof the following: "The report shall include, by State, specification of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of such categories, the number referred to jobs, the number placed in permanent jobs as defined by the Secretary, the number referred to and the number placed in employment and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service.".

ELIGIBILITY FOR EMPLOYMENT AND TRANSINING PROGRAMS FOR VETERANS OF THE VIETNAM ERA

Definitions. 38 USC 2011.

SEC. 508. The text of section 2011 is amended to read as follows:

"As used in this chapter—

"(1) The term 'special disabled veteran' means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration for a disability rated at 30 percent or more, or (B) a person who was discharged or released from active duty because of a service-connected disability.

"(2)(A) Subject to subparagraph (B) of this paragraph, the term 'veteran of the Vietnam era' means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era.

"(B) No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

"(3) The term 'disabled veteran' means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (B) a person who was discharged or released from active duty because of a service-connected disability.

"(4) The term 'eligible veteran' means a person who (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty because of a service-connected disability.

"(5) The term 'department or agency' means any agency of the Federal Government or the District of Columbia, including any Executive agency as defined in section 105 of title 5.". 5 USC 105.

FILING OF COMPLAINTS REGARDING VIOLATIONS OF EMPLOYMENT EMPHASIS PROVISIONS IN FEDERAL CONTRACTS

SEC. 509. Subsection (b) of section 2012 is amended to read as follows: 38 USC 2012.

"(b) If any special disabled veteran or veteran of the Vietnam era believes any contractor of the United States has failed to comply or refuses to comply with the provisions of the contractor's contract relating to the employment of veterans, the veteran may file a complaint with the Secretary of Labor, who shall promptly investigate such complaint and take appropriate action in accordance with the terms of the contract and applicable laws and regulations.".

94 STAT. 2207

EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT

SEC. 510. Section 2014 is amended by adding at the end the following new subsection: 38 USC 2014.

"(g) To further the policy stated in subsection (a) of this section, the Administrator may give preference to qualified special disabled veterans and qualified veterans of the Vietnam era for employment in the Veterans' Administration as veterans' benefits counselors and veterans' claims examiners and in positions to provide the outreach services required under section 241 of this title, to serve as veterans' representatives at certain educational institutions as provided in section 243 of this title, or to provide readjustment counseling under section 612A of this title to veterans of the Vietnam era.". 38 USC 241. 38 USC 243. 38 USC 612A.

REEMPLOYMENT RIGHTS OF RESERVES CALLED TO ACTIVE DUTY

38 USC 2024.

SEC. 511. (a) Subsections (c) and (g) of section 2024 are amended by striking out "three consecutive months" and inserting in lieu thereof "twelve consecutive weeks".

(b) Subsection (f) of such section is amended to read as follows: "(f) For the purposes of subsections (c) and (d) of this section, full-time training or other full-time duty performed by a member of the National Guard under section 316, 502, 503, 504, or 505 of title 32 is considered active duty for training. For the purposes of subsection (d) of this section, inactive duty training performed by that member under section 502 of title 32 or section 206, 301, 309, 402, or 1002 of title 37 is considered inactive duty training.".

EMPLOYMENT ASSISTANCE AND SERVICES FOR VETERANS INELIGIBLE FOR ASSISTANCE UNDER CHAPTER 41

38 USC 2001 note.

38 USC 503.

29 USC 801 note.

SEC. 512. The Secretary of Labor shall assure that any veteran who is made ineligible for employment assistance under chapter 41 of title 38, United States Code, by virtue of the amendments made by section 503(1) of this Act shall be provided with the employment assistance and services made available under the provisions of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (commonly referred to as the "Wagner-Peyser Act"), (29 U.S.C. 49-49k), the Comprehensive Employment and Training Act (29 U.S.C. et seq.), and other applicable provisions of law.

REQUIREMENT FOR BUREAU OF LABOR STATISTICS TO PUBLISH CERTAIN UNEMPLOYMENT INFORMATION ANNUALLY

38 USC 2007 note.

SEC. 513. (a) When the Commissioner of the Bureau of Labor Statistics publishes annual labor-market statistics relating specifically to veterans who served in the Armed Forces during the Vietnam era, the Commissioner shall also publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations. When the Commissioner of the Bureau of Labor Statistics publishes labor-market statistics which relate specifically to veterans who served in the Armed Forces during the Vietnam era in addition to those statistics published on an annual basis to which the preceding sentence applies, the Commissioner shall also, if feasible, publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations.

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(b) For the purposes of this section, veterans who during the Vietnam era served in Vietnam, in air missions over Vietnam, or in naval missions in the waters adjacent to Vietnam shall be considered to be veterans who served in the Vietnam theatre of operations.

TITLE VI—COST-SAVING PROVISIONS

REPEAL OF AUTHORITY TO PURSUE PREDISCHARGE EDUCATION PROGRAM (PREP) UNDER CHAPTER 32

38 USC 1695–1698.

SEC. 601. (a)(1) Subchapter VI of chapter 34 is repealed.

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to subchapter VI and the items relating to sections 1695, 1696, 1697, and 1698.

38 USC 1661.

(b) Section 1661(c) is amended by striking out "subchapters V and VI" and inserting in lieu thereof "subchapter V".

38 USC 1780.

(c) Section 1780(d) is amended by—

(1) in paragraph (2)—

(A) striking out "(other than under subchapter VI of chapter 34)"; and

(B) striking out "paragraphs 5 (B) and (C) and (6)" and inserting in lieu thereof "paragraphs (4) (B) and (C) and (5)";

(2) striking out paragraph (3);

(3) redesignating paragraph (4) as paragraph (3);

(4) redesignating paragraph (5) as paragraph (4) and striking out "paragraphs (2) and (3)" in such paragraph and inserting in lieu thereof "paragraph (2)"; and

(5) redesignating paragraph (6) as paragraph (5) and striking out "paragraph (5)" in such paragraph and inserting in lieu thereof "paragraph (4)".

(d) Section 1780 is amended by—

(1) striking out "and (3)" in subsection (e); and

(2) striking out "(except as provided by subsection (d)(3) of this section)" in subsection (f).

(e) Section 1784(c), as redesignated by section 342(a)(2) of this Act, is amended by striking out "1780(d)(5)" and inserting in lieu thereof "1780(d)(4)". 38 USC 1784.

(f) Section 1788(a)(6) is amended by striking out "or 1696(a)(2)". 38 USC 1788.

(g) Section 1789(b)(5) is amended by striking out "or VI". 38 USC 1789.

(h) Section 1798(f)(2) is amended by striking out "1780(d)(5)" and inserting in lieu thereof "1780(d)(4)". 38 USC 1798.

LIMITATION OF PAYMENT OF EDUCATIONAL ASSISTANCE ALLOWANCES TO INCARCERATED VETERANS AND INCARCERATED PERSONS ELIGIBLE FOR EDUCATIONAL ASSISTANCE

SEC. 602. (a) Section 1682, as amended by section 310 of this Act, is further amended by adding at the end the following new subsection: 38 USC 1682.

"(g)(1) Subject to the provisions of paragraph (2) of this subsection, the amount of the educational assistance allowance paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony may not exceed such amount as the Administrator determines, in accordance with regulations which the Administrator shall prescribe, is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same program and to cover the cost of necessary supplies, books, and equipment, or the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 1787(b)(1) of this title, whichever is the lesser.

Ante, pp. 2189, 2191.

"(2) Paragraph (1) of this subsection shall apply in the case of any veteran who is pursuing a program of education under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony if the Administrator determines that all the veteran's living expenses are being defrayed by a Federal, State, or local government.".

(b) Section 1732 is amended by adding at the end the following new subsection: 38 USC 1732.

"(e) In the case of an eligible person who is pursuing a program of education under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony, the educational assistance allowance shall be paid in the same manner prescribed in section 1682(g) of this title for incarcerated veterans.". 38 USC 1682.

(c) Section 1780(a) is amended by— 38 USC 1780.

(1) striking out "or" at the end of clause (4);

(2) striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and "or"; and

(3) inserting after clause (5) the following new clause:

"(6) to any eligible veteran or person incarcerated in a Federal, State, or local prison or jail for any course (A) to the extent the tuition and fees of the veteran or person are paid under any Federal program (other than a program administered by the Administrator) or under any State or local program, or (B) for which there are no tuition and fees.".

38 USC 1682 note.
Ante, p. 2208.
38 USC 3107.

(d) The provisions of section 1682(g)(1) of title 38, United States Code, as added by subsection (a), shall not apply to an apportionment made under section 3107(c) of such title before the date of the enactment of this Act.

REDUCTION IN EDUCATIONAL ASSISTANCE ALLOWANCE FOR FLIGHT TRAINING

38 USC 1677.

SEC. 603. (a) Section 1677(b) is amended by striking out "90 per centum" and inserting in lieu thereof "60 percent".

38 USC 1798.

(b) The second sentence of section 1798(c) is amended by striking out "flight, apprentice, or other on-job, or PREP training" and inserting in lieu thereof "or apprenticeship or other on-job training".

REDUCTION IN EDUCATIONAL ASSISTANCE FOR CORRESPONDENCE COURSES

38 USC 1786.

SEC. 604. Section 1786(a)(1) is amended by striking out "90 per centum" and inserting in lieu thereof "70 percent".

DEBT COLLECTION

SEC. 605. (a)(1) Chapter 53 is amended by adding at the end the following new sections:

38 USC 3114.

"§ 3114. Indebtedness offsets

38 USC 3102.

"(a) Subject to subsections (b) and (d) of this section, the Administrator shall (unless the Administrator waives recovery under section 3102 of this title) deduct the amount of the indebtedness of any person who has been determined to be indebted to the United States by

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virtue of such person's participation in a benefits program administered by the Veterans' Administration from future payments made to such person under any law administered by the Veterans' Administration.

Deductions.

"(b) Deductions may not be made under subsection (a) of this section with respect to the indebtedness of a person described in such subsection unless the Administrator—

38 USC 3102.

"(1) has made reasonable efforts to notify such person of such person's right to dispute through prescribed administrative processes the existence or amount of such indebtedness and of such person's right to request a waiver of such indebtedness under section 3102 of this title;

"(2) has made a determination with respect to any such dispute or request or has determined that the time required to make such a determination before making deductions would jeopardize the Administrator's ability to recover the full amount of such indebtedness through deductions from such payments; and

"(3) has made reasonable efforts to notify such person about the proposed deductions from such payments.

"(c) Notwithstanding any other provision of this title or of any other law, the authority of the Administrator to make deductions under this section or to take other administrative action authorized by law for the purpose of collecting an indebtedness described in subsection (a) of this section, or for the purpose of determining the creditworthiness of a person who owes such an indebtedness, shall not be subject to any limitation with respect to the time for bringing civil actions or for commencing administrative proceedings.

Regulations.

"(d) The Administrator shall prescribe regulations for the administration of this section.

38 USC 3115.

"§ 3115. Interest and administrative cost charges on delinquent payments of certain amounts due the United States

38 USC 3102.

"(a) Notwithstanding any other provision of this title or of any other law and subject to section 3102 of this title, interest and administrative costs (as described in subsections (b) and (c) of this section) shall be charged, under regulations which the Administrator shall prescribe, on any amount owed to the United States—

"(1) for an indebtedness resulting from a person's participation in a benefits program administered by the Veterans' Administration other than a loan, loan-guaranty, or loan-insurance program;

"(2) for an indebtedness resulting from the provision of care or services under chapter 17 of this title; or

38 USC 601 *et seq.*

"(3) to the extent not precluded by the terms of the loan instruments concerned, for an indebtedness resulting from a person's participation in a program of loans, loan guaranties, or loan insurance administered by the Veterans' Administration under this title.

"(b)(1) Interest on the amount of any indebtedness described in subsection (a) of this section shall accrue from the day on which the initial notification of the amount due is mailed to the person who owes such amount (using the most current address of such person that is available to the Administrator), but interest under this section shall not be charged (A) for any period before the date of the enactment of this section, or (B) if the amount due is paid within a reasonable period of time. The Administrator shall, in the regulations prescribed pursuant to subsection (a) of this section, prescribe what constitutes a reasonable period of time for payment of an indebtedness after the initial notification of indebtedness has been mailed.

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"(2) The rate of interest to be charged under this section shall be based on the rate of interest paid by the United States for its borrowing and shall be determined by the Administrator under such regulations.

Administrative costs.

"(c) The administrative costs to be charged under this section with respect to an amount owed to the United States shall be so much of the costs incurred by the United States in collecting such amount as the Administrator determines, under such regulations, to be reasonable and appropriate.

"§ 3116. Authority to sue to collect certain debts

38 USC 3116.

"(a)(1) Within ninety days after the date of the enactment of this section, the Administrator shall take appropriate steps to authorize attorneys employed by the Veterans' Administration to exercise, subject to paragraphs (2) and (3) of this subsection, the right of the United States to bring suit in any court of competent jurisdiction to recover any indebtedness owed to the United States by a person by virtue of such person's participation in a benefits program administered by the Veterans' Administration.

"(2) No suit may be filed under this section to recover any indebtedness owed by any person to the United States unless the Administrator has determined, under regulations which the Administrator shall prescribe, that such person has failed to respond appropriately to reasonable administrative efforts to collect such indebtedness.

"(3) The activities of attorneys employed by the Veterans' Administration in bringing suit under this section shall be subject to the direction and supervision of the Attorney General of the United States and to such terms and conditions as the Attorney General may prescribe.

"(b) Not later than ninety days after the date of the enactment of this section, the Administrator and the Attorney General of the United States shall submit to the appropriate committees of the Congress a joint report that describes and explains the actions taken by the Administrator and the Attorney General to implement subsection (a) of this section.

"(c) Nothing in this section shall derogate from the authority of the Attorney General of the United States under sections 516 and 519 of title 28 to direct and supervise all litigation to which the United States or an agency or officer of the United States is a party.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"3114. Indebtedness offsets.
"3115. Interest and administrative cost charges on delinquent payments of certain amounts due the United States.
"3116. Authority to sue to collect certain debts.".

Regulations.
38 USC 3114 note.

(b) The Administrator of Veterans' Affairs shall, not later than January 1, 1981, prescribe the regulations required to be prescribed under sections 3114 and 3115 of title 38, United States Code, as added by subsection (a).

38 USC 415.

(c)(1) Section 415 is amended by striking out subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

38 USC 506.

(2) Section 506 is amended by striking out "(a)" at the beginning of subsection (a) and striking out subsection (b).

38 USC 3102.

(3) Section 3102 is amended by—

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(A) inserting "(or any interest thereon)" after "overpayments" in subsection (a); and

(B) inserting "(or any interest thereon)" after "indebtedness" both places it appears in subsection (c).

DISCLOSURE OF INFORMATION

38 USC 3301.

SEC. 606. (a) Subsection (a) of section 3301 is amended by striking out "personnel of the armed services" and inserting in lieu thereof "members of the Armed Forces".

(b) Subsection (b) of such section is amended by adding at the end the following new clause:

"(6) In connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans' Administration when in the judgment of the Administrator such disclosure is deemed necessary and proper.".

(c) Subsection (c) of such section is amended to read as follows:

"(c)(1) The amount of any payment made by the Veterans' Administration to any person receiving benefits under a program administered by the Veterans' Administration shall be made known to any person who applies for such information.

"(2) Any appraisal report or certificate of reasonable value submitted to or prepared by the Veterans' Administration in connection with any loan guaranteed, insured, or made under chapter 37 of this title shall be made available to any person who applies for such report or certificate.

38 USC 1801 *et seq.*

Claim information, publication.

"(3) Subject to the approval of the President, the Administrator may publish at any time and in any manner any or all information of record pertaining to any claim filed with the Veterans' Administration if the Administrator determines that the public interest warrants or requires such publication.".

(d) The first sentence of subsection (f) of such section is amended by—

(1) striking out "names or addresses, or both, of any present or former members of the Armed Forces, and/or their dependents" and inserting in lieu thereof "name or address, or both, of any present or former member of the Armed Forces, or a dependent of a present or former member of the Armed Forces"; and

(2) striking out "such names or addresses" and inserting in lieu thereof "such name or address".

(e) Such section is further amended by redesignating subsection (g) as subsection (j) and inserting after subsection (f) the following new subsections:

"(g)(1) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, the Administrator may release the name or address, or both, of any person who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a consumer reporting agency if the release of such information is necessary for a purpose described in paragraph (2) of this subsection.

"(2) A release of information under paragraph (1) of this subsection concerning a person described in such paragraph may be made for the purpose of—

"(A) locating such a person—

"(i) who has been administratively determined to be indebted to the United States by virtue of the person's participation in a benefits program administered by the Veterans' Administration; or

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"(ii) if the Administrator has determined under such regulations that (I) it is necessary to locate such person in order to conduct a study pursuant to section 219 of this title or a study required by any other provision of law, and (II) all reasonable steps have been taken to assure that the release of such information to such reporting agency will not have an adverse effect on such person; or

38 USC 219.

"(B) obtaining a consumer report in order to assess the ability of a person described in clause (A)(i) of this paragraph to repay the indebtedness of such person to the United States, but the Administrator may release the name or address of such person for the purpose stated in this clause only if the Administrator determines under such regulations that such person has failed to respond appropriately to administrative efforts to collect such indebtedness.

"(3) The Administrator may also release to a consumer reporting agency, for the purposes specified in clause (A) or (B) of paragraph (2) of this subsection, such other information as the Administrator determines under such regulations is reasonably necessary to identify a person described in such paragraph, except that the Administrator may not release to a consumer reporting agency any information which indicates any indebtedness on the part of such person to the United States or any information which reflects adversely on such person. Before releasing any information under this paragraph, the Administrator shall, under such regulations, take reasonable steps to provide for the protection of the personal privacy of persons about whom information is proposed to be released under this paragraph.

"(4)(A) If the Administrator determines, under regulations which the Administrator shall prescribe, that a person described in paragraph (1) of this subsection has failed to respond appropriately to reasonable administrative efforts to collect an indebtedness of such person described in paragraph (2)(A)(i) of this subsection, the Administrator may release information concerning the indebtedness, including the name and address of such person, to a consumer reporting agency for the purpose of making such information available for inclusion in consumer reports regarding such person and, if necessary, for the purpose of locating such person, if—

"(i) the Administrator has (I) made reasonable efforts to notify such person of such person's right to dispute through prescribed administrative processes the existence or amount of such indebtedness and of such person's right to request a waiver of such indebtedness under section 3102 of this title, (II) afforded such person a reasonable opportunity to exercise such rights, and (III) made a determination with respect to any such dispute or request; and

38 USC 3102.

"(ii) thirty calendar days have elapsed after the day on which the Administrator has made a determination that reasonable efforts have been made to notify such person (I) that the Administrator intends to release such information for such purpose or purposes, and (II) that, upon the request of such person, the Administrator shall inform such person of whether such information has been so released and of the name and address of each consumer reporting agency to which such information was released by the Administrator and of the specific information so released.

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"(B) After release of any information under subparagraph (A) of this paragraph concerning the indebtedness of any person, the Administrator shall promptly notify—

"(i) each consumer reporting agency to which such information has been released by the Administrator; and

"(ii) each consumer reporting agency described in subsection (i)(3)(B)(i) of this section to which such information has been transmitted by the Administrator through a consumer reporting agency described in subsection (i)(3)(B)(ii)(I) of this section,

of any substantial change in the status or amount of such indebtedness and, upon the request of any such consumer reporting agency for verification of any or all information so released, promptly verify or correct, as appropriate, such information. The Administrator shall also, after the release of such information, inform such person, upon the request of such person, of the name and address of each consumer reporting agency described in clause (i) or (ii) of this subparagraph to which such information was released or transmitted by the Administrator and of the specific information so released or transmitted.

"(h)(1) Under regulations which the Administrator shall prescribe, the Administrator may release the name or address, or both, of any person who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces (and other information relating to the identity of such person), to any person in a category of persons described in such regulations and specified in such regulations as a category of persons to whom such information may be released, if the release of such information is necessary for a purpose described in paragraph (2) of this subsection.

"(2) A release of information under paragraph (1) of this subsection may be made for the purpose of—

38 USC 1801 *et seq.*

38 USC 1820.

"(A) determining the creditworthiness, credit capacity, income, or financial resources of a person who has (i) applied for any benefit under chapter 37 of this title, or (ii) submitted an offer to the Administrator for the purchase of property acquired by the Administrator under section 1820(a)(5) of this title;

"(B) verifying, either before or after the Administrator has approved a person's application for assistance in the form of a loan guaranty or loan insurance under chapter 37 of this title, information submitted by a lender to the Administrator regarding the creditworthiness, credit capacity, income, or financial resources of such person;

"(C) offering for sale or other disposition by the Administrator, pursuant to section 1820 of this title, any loan or installment sale contract owned or held by the Administrator; or

"(D) providing assistance to any applicant for benefits under chapter 37 of this title or administering such benefits if the Administrator promptly records the fact of such release in appropriate records pertaining to the person concerning whom such release was made.

"(i)(1) No contract entered into for any of the purposes of subsection (g) or (h) of this section, and no action taken pursuant to any such contract or either such subsection, shall result in the application of section 552a of title 5 to any consumer reporting agency or any employee of a consumer reporting agency.

"(2) The Administrator shall take reasonable steps to provide for the protection of the personal privacy of persons about whom information is disclosed under subsection (g) or (h) of this section.

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"(3) For the purposes of this subsection and of subsection (g) of this section—

"Consumer report."

"(A) The term 'consumer report' has the meaning provided such term in subsection (d) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)).

"Consumer reporting agency."

"(B) The term 'consumer reporting agency' means—

"(i) a consumer reporting agency as such term is defined in subsection (f) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), or

"(ii) any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of (I) obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in clause (i) of this paragraph), or (II) serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies.".

(f) Subsection (j) of such section (as redesignated by subsection (e)) is amended by striking out "Any" and inserting in lieu thereof "Except as provided in subsection (i)(1) of this section, any".

TITLE VII—MISCELLANEOUS PROVISIONS

ADMINISTRATOR'S RESPONSIBILITIES FOR ADVOCACY ON BEHALF OF VETERANS

SEC. 701. (a) Section 220 is amended by striking out the period at the end and inserting in lieu thereof a comma and "and shall actively promote the effective implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.". 38 USC 220.

(b)(1) The catchline of such section is amended to read as follows:

"§ 220. Coordination and promotion of other Federal programs affecting veterans and their dependents".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:

"220. Coordination and promotion of other Federal programs affecting veterans and their dependents.".

NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH EXEMPTION

SEC. 702. Section 502 of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128; 93 Stat. 987) is amended by adding at the end the following new sentence: "Disclosures of information made under this section shall for all purposes be deemed to be disclosures authorized in the Internal Revenue Code of 1954.".

26 USC 6103 note.
26 USC 6103 note.
26 USC 1.

EFFECTIVE DATE FOR CHANGE IN PROBATIONARY PERIOD FOR CERTAIN EMPLOYEES

SEC. 703. The amendment made by section 303 of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1096) shall apply only with respect to appointments described in section 4106(a) of title 38, United States Code, made after December 19, 1979.

38 USC 4106 note.
38 USC 4106.
94 STAT. 2216

AMENDMENT TO TITLE 18, UNITED STATES CODE

SEC. 704. Section 1114 of title 18, United States Code, is amended by inserting "or any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions," after "of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions,".

TITLE VIII—TECHNICAL AMENDMENTS AND EFFECTIVE DATES

TECHNICAL AMENDMENTS

SEC. 801. (a) Section 1652 is amended by— 38 USC 1652.

(1) inserting "and chapter 36 of this title" after "chapter" the first place it appears;

(2) striking out "For the purposes of this chapter and chapter 36 of this title, the" in subsections (e), (f), and (g) and inserting in lieu thereof "The"; and

(3) striking out "Commissioner" in subsection (g) and inserting in lieu thereof "Secretary".

38 USC 1685. (b) Section 1685(d) is amended by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management".

38 USC 1701. (c) Section 1701(a) is amended by—

(1) inserting "and chapter 36 of this title" after "chapter" the first place it appears;

(2) striking out "For the purposes of this chapter and chapter 36 of this title, the" in paragraphs (9), (10), and (11) and inserting in lieu thereof "The"; and

(3) striking out "Commissioner" in paragraph (11) and inserting in lieu thereof "Secretary".

38 USC 1775. (d) Section 1775(a) is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

38 USC 1781. (e) Section 1781 is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

38 USC 1790. (f) Section 1790(b)(2) is amended by striking out "therefor" and inserting in lieu thereof "for".

38 USC 1798. (g) Section 1798(d)(3) is amended by striking out "Commissioner of Education, Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

Ante, p. 2203. (h) Section 2001 is amended by—

(1) striking out "the" the first place it appears in paragraph (5), as redesignated by section 503(2), and inserting in lieu thereof "The"; and

(2) inserting "the Commonwealth of the Northern Marianas Islands," after "the Virgin Islands," in paragraph (6), as redesignated by section 503(2).

38 USC 2003. (i) Section 2003 is amended by—

(1) striking out ", United States Code," in the second sentence;

(2) striking out "manpower" in the fourth sentence and inserting in lieu thereof "employment";

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(3) inserting "system" after "public employment service" each place it appears; and

(4) inserting ", disabled veterans, and veterans of the Vietnam era" in paragraph (6) after "eligible veterans".

38 USC 2012. (j) Section 2012(a) is amended by—

(1) inserting "special" after "qualified"; and

(2) striking out "within 60 days after the date of enactment of this section, which regulations" and inserting in lieu thereof "which".

38 USC 2013. (k)(1) Section 2013 is amended by—

(A) striking out "a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability" and inserting in lieu thereof "an eligible veteran"; and

(B) striking out "any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower" and inserting in lieu thereof "any employment or training program assisted under the Comprehensive Employment and Training Act, or any other employment or".

(2)(A) The catchline of such section is amended to read as follows:

"§ 2013. Eligibility requirements for veterans under Federal employment and training programs".

(B) The item relating to such section in the table of sections at the beginning of chapter 42 is amended to read as follows:

"2013. Eligiblity requirements for veterans under Federal employment and training programs.".

38 USC 2014. (l) Section 2014 is amended by—

(1) striking out "Civil Service Commission" and "Commission" each place such terms appear and inserting in lieu thereof "Office of Personnel Management" and "Office", respectively;

(2) striking out paragraph (2) of subsection (b) and redesignating paragraph (3) of such subsection as paragraph (2);

(3) striking out "Public Law 93-112 (87 Stat. 391)" in subsection (c) and inserting in lieu thereof "the Rehabilitation Act of 1973 (29 U.S.C. 791(b))"; and

(4) striking out "such Public Law 93-112" in subsection (e) and inserting in lieu thereof "the Rehabilitation Act of 1973 (29 U.S.C. 791(d))".

(m) The GI Bill Improvement Act of 1977 (Public Law 95-202) is amended by—

(1) striking out paragraph (3) of section 305(a);

38 USC 1673 note.

(2) striking out "paragraph (1)" in section 305(b)(3) and inserting in lieu thereof "paragraph (2)"; and

38 USC 1674 note.

(3) striking out "honorand" in section 401(a)(1)(B) and inserting in lieu thereof "honorable".

38 USC 106 note.

EFFECTIVE DATES

SEC. 802. (a)(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) of section 101 shall become effective on April 1, 1981.

38 USC 1500 note.
Ante, p. 2171.

(2) The provisions of sections 1508, 1512, 1516, 1518, 1519, 1520, and 1521 of title 38, United States Code, as added by section 101(a), shall become effective on October 1, 1980.

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(3) Notwithstanding paragraph (2), the provisions of chapter 31 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act (other than section 1504, relating to subsistence allowances, and section 1507, relating to loans), shall continue in effect until March 31, 1981.

Ante, p. 2171.
Ante, p. 2174.
Ante, p. 2177.

(4) Effective on October 1, 1980, sections 1504 and 1507 are repealed. During the period beginning on October 1, 1980, and ending on March 31, 1981, the provisions of sections 1508 and 1512 of title 38, United States Code, as added by section 101(a), shall apply to veterans pursuing a program of vocational rehabilitation training under chapter 31 of such title in the same manner as sections 1504 and 1507 of such title, respectively, applied to veterans pursuing a program of vocational rehabilitation training under such chapter on September 30, 1980.

Repeal.
Ante, p. 2171.

(5) Subsection (c) of section 101 shall become effective on October 1, 1980. Subsection (d) of such section shall become effective on the date of the enactment of this Act.

(6) The amendments made by sections 102 and 103 shall become effective on October 1, 1980.

38 USC 1781 note.
Ante, p. 2187.

(b)(1) The amendments made by part A of title II shall become effective on October 1, 1980.

38 USC 1677 note.
Ante, p. 2187.

(2) The amendments made by part B of title II shall become effective on January 1, 1981.

Ante, p. 2189.

(c)(1) Except as provided in paragraph (2), the amendments made by title III shall become effective on October 1, 1980.

38 USC 1652 note.
Ante, p. 2191.

(2) Paragraph (2) of section 1691(a) of title 38, United States Code, as added by section 311(2), shall not apply to any person receiving educational assistance under chapter 34 of title 38, United States Code, on October 1, 1980, for the pursuit of a program of education, as defined in section 1652(b) of such title, in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for pursuit of such program.

38 USC 1651 *et seq.*
38 USC 1652.

(d)(1) The amendments made by section 401 shall take effect as of January 1, 1977.

38 USC 1602 note.
Ante, p. 2201.

(2) The amendments made by sections 402 through 406 shall become effective on October 1, 1980.

38 USC 1624 note.

(e) The amendments made by title V and the provisions of sections 512 and 513 shall become effective on October 1, 1980.

38 USC 2001 note.
Ante, p. 2202.

(f)(1) Except as provided in paragraph (2), the amendments made by title VI shall become effective on October 1, 1980.

38 USC 3114 note.
Ante, p. 2208.

(2) The amendments made by sections 603 and 604 shall not apply to any person receiving educational assistance under chapter 34 or 35

Ante, p. 2209.
38 USC 1651 *et seq.*, 1700 *et seq.*
38 USC 1770 *et seq.*

of title 38, United States Code, on September 1, 1980, for the pursuit of a program of education, as defined in section 1652(b) of such title, in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of such chapter and chapter 36 of such title as in effect on that date.

38 USC 220 note.
Ante, p. 2215.

(g)(1) The amendments made by section 701 shall become effective on October 1, 1980.

26 USC 6103 note.

(2) The amendment made by section 702 shall take effect as of November 28, 1979.

38 USC 4106 note.
Ante, p. 2215.

(3) Section 703 and the amendment made by section 704 shall take effect on the date of the enactment of this Act.

38 USC 1652 note.
Ante, p. 2216.

(h) Section 801 shall become effective on October 1, 1980.

Approved October 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-498 (Comm. on Veterans' Affairs).
SENATE REPORT No. 96-314 accompanying S. 870 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 15, 16, considered and passed House.
Vol. 126 (1980): Jan. 23, S. 870 considered in Senate.
Jan. 24, H.R. 5288 considered and passed Senate, amended, in lieu of S. 870.
Sept. 25, House concurred in Senate amendments with amendments.
Sept. 26, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 43 (1980): Oct. 17, Presidential statement.

RECAPITULATION OF MISCELLANEOUS PRIVATE ACTS, 96TH CONGRESS, 2D SESSION

Number of Private Law	Payee	Amount
	FISCAL YEAR 1980	
96-53	Casimir Jan Kray	$5,566.00
96-54	Isaac David Cosson	Indefinite
96-55	Clarence S. Lyons	36,858.00
96-56	Certain employees of the Naval Ordnance Systems Command	4,289.49
96-57	Sheila M. Jackson	30,000.00
96-58	Black Hills Area Council of the Boy Scouts of America	12,531.00
	Total, fiscal year 1980	89,244.49
	FISCAL YEAR 1981	
96-69	Doctor Halla Brown	Indefinite
96-74	Jewish Employment Vocational Service, Saint Louis, Missouri	67,000.00
96-75	Joe L. Frazier	1,857.70
96-76	Gerald W. Frye	4,212.30
96-77	The Trustee of James R. Thornwell	625,000.00
96-79	Michael G. Macdonald	12,122.21
96-89	Fred W. Sloat	4,728.24
96-106	George David Maxwell	23,500.00
96-109	The Estate of Philip H. Ward	2,082.45
96-111	Campanella Construction Company, Incorporated	10,960.00
96-112	William H. Koss	Indefinite
96-115	James A. Schultz	921.74
96-116	Woodstock Daily Sentinel, Woodstock, Illinois	1,372.08
	Total, fiscal year 1981	753,756.72
	Total, 2d session, 96th Congress	843,001.21

II. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

(For permanent trust funds, see table III)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1981. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for *indefinite* appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data become available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Payments to Copyright Owners:

Receipts from cable television stations and juke-box licenses are disbursed to the copyright owners through this appropriation after deduction of administrative expenses of the Copyright Royalty Tribunal. Disbursements are made in accordance with the schedule established in Public Law 94-553 .... $17,280,000

Oliver Wendell Holmes Devise Fund:

This fund created by the act entitled "An act to establish a Permanent Committee for the Oliver Wendell Holmes Devise," approved August 5, 1955, is to be used for the preparation of a history of the Supreme Court, finance lectures, and prepare a memorial volume containing the writings of Oliver Wendell Holmes *(69 Stat. 533)* 3,000

Total, Legislative *$17,283,000*

EXECUTIVE

DEPARTMENT OF AGRICULTURE

AGRICULTURE MARKETING SERVICE

Perishable Agricultural Commodities Act Fund:

License fees are deposited in this special fund and are used to meet costs of administering the Perishable Agricultural Commodities, and the Produce Agency Acts (7 U.S.C. 491-497, 499a-499s). The law currently provides that annual license fees may be set at a maximum of $150 2,265,000

FOOD AND NUTRITION SERVICE

Child Nutrition Programs:

Authorized by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Primary objective of programs is to make the best possible nutrition available to every child and the elderly, regardless of economics of the child's family or the local district, *(42 U.S.C. 1751-1761, and 1766; 1773-1785, and 1787)* 1,879,653,000

COMMODITY CREDIT CORPORATION

National Wool Act: The National Wool Act of 1954 (title VII of Public Law 690, approved August 28, 1954) as amended by the Agricultural Act of 1970 and the Food and Agriculture Act of 1977 declares wool to be an essential and strategic commodity, and as a measure of national security encourages the annual domestic production of approximately 300 million pounds of shorn wool. In order to encourage the required annual production of wool and mohair, the Secretary is authorized to make sufficient incentive payments which, when added to the national average price received by producers, will give them a national average return for the commodity equal to the support (incentive) price level thereof. Payments may not at any time exceed 70 percent of the accumulated totals of the gross receipts from specific duties collected on and after January 1, 1953, on wool and wool manufacturers under schedule 11 of the Tariff Act of 1930, as amended (Public Law 690 approved August 28, 1954, *as amended*)	$36,886,000

FOOD SAFETY AND QUALITY SERVICE

Funds for Strengthening Markets, Income, and Supply: Under section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c), 30 percent of customs receipts collected during each calendar year are automatically apropriated for expanding outlets for nonbasic commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce to encourage the distribution of such products. Most of the funds are transferred to the Food and Nutrition Service and are dedicated to commodity distribution activities under section 6 of the national school lunch and other authorities specified in the child nutrition appropriations	390,190,000

RURAL ELECTRIFICATION ADMINISTRATION

Rural Communications Development Fund: The Rural Communications Development Fund was established pursuant to Secretary's Memorandum No. 1988 approved May 22, 1979. This memorandum transferred certain financing authorities under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) from the Farmers Home Administration to the Rural Electrification Administration for the purpose of financing and administering community antenna television services or facilities in rural areas. The fund is used to make or guarantee loans for community antenna television services or facilities	34,154,000

FOREST SERVICE

Timber Salvage Sales: Appropriations of funds to begin salvage of insect infested, dead, damaged, or down timber, and to remove associated trees for stand improvement in accordance with Public Law 95-26	11,200,000
Roads and Trails for States, National Forest Fund: An additional 10 percent of all moneys received from the national forest during each fiscal year is available at the end thereof, to be expended by the Secretary for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived *(16 U.S.C. 501)*	128,000,000
Brush Disposal: Amounts received from purchasers of national forest timber to cover the estimated cost to the United States of disposing of the brush and other debris resulting from cutting operations are covered into the Treasury as a special fund, for expenses of this work. Amounts paid in excess of the cost are refunded to the purchaser or transferred to miscellaneous receipts *(16 U.S.C. 490)*	40,600,000
Payments to States From the National Forest Fund: The Act of June 9, 1930, appropriates 25 percent of the net revenue during any fiscal year from each national forest, to be paid at the end of such year, to the State in which the forest is situated, for the benefit of the public schools and public roads of such county or counties *(16 U.S.C. 500)*	317,315,000
Licensee programs: Fees for the use of the character "Smokey Bear" and "Woodsey Owl" by private enterprises are collected under regulations promulgated by the Secretary, and are available for furthering the nationwide forest-fire prevention and environmental quality programs *(18 U.S.C. 711; 31 U.S.C. 488b-3-6)*	300,000
Restoration of Forest Lands and Improvements: Funds received from settlement of claims involving damage to lands or improvements and from forfeiture of deposits and bonds by permittees and timber purchasers are used for the restoration made necessary by the action which led to the settlement or forfeiture *(16 U.S.C. 579c)*	50,000

Timber Purchaser Roads Constructed by Forest Service:

Expenditure of timber receipts for Government constructed permanent roads for purchasers of timber who qualify as small businesses and elect to have the Forest Service construct the roads designated under the timber sale contract where costs exceed $20,000 *(section 14(i)(2), Public Law 94-588)* $20,000,000

Payment to Minnesota (Cook, Lake, and St. Louis Counties) From the National Forest Fund:

Under the Act of June 22, 1948, the Secretary of the Treasury, upon certification of the Secretary of Agriculture, pays to the State of Minnesota at the close of each fiscal year an amount equivalent to three-fourths of 1 percent of the apraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties *(16 U.S.C. 577g)* 675,000

Payments to Counties, National Grasslands:

This account consists of amounts appropriated, from revenues received during each calendar year from the use of submarginal lands held by the Secretary of Agriculture under title III of the Act of July 22, 1937, for such lands are situated, on the condition that they are used for school or road purposes, or both, and for refund of excess amounts received for the use of such lands Moneys so appropriated remain available for these purposes until expended *(7 U.S.C. 1012)* 1,800,000

Payment to School Funds, Arizona and New Mexico, National Forest Fund:

At the close of each fiscal year there is paid by the Secretary of the Treasury, to each of these two States, as income for its common-school fund, an amount equivalent to such proportion of the gross proceeds of all the national forests within the State as the area of lands granted to the State for school purposes within these forest reserves may bear to the total area of all national forests within these States *(36 Stat. 562, 573)* 210,000

Total, Department of Agriculture *$2,863,298,000*

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Promote and Develop Fishery Products and Research Pertaining to American Fisheries:

An amount equal to 30 percent of the gross receipts from customs duties on fishery products is appropriated for marine resources research and assessment and use of fishery resources. These funds supplement moneys appropriated to NOAA for the same purposes under the Operations, research and facilities appropriation *(15 U.S.C. 713c-3)* 35,827,000

OPERATING-DIFFERENTIAL SUBSIDIES

MARITIME ADMINISTRATION

Liquidation of Contract Authority:

The Merchant Marine Act of 1936, as amended, provides that operating subsidies shall be paid to qualified operators of U.S. flag vessels to promote the maintenance of a U.S. merchant marine capability. Subsidies equivalent to the differential between American and foreign operating costs, are paid to operators of U.S. flag vessels performing essential shipping services enabling them to compete on a competitive cost basis with f[illegible]n operators 348,502,000

Total, Department of Commerce *$384,329,000*

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

CORPS OF ENGINEERS—CIVIL

Payments to States:

Seventy-five percent of moneys received on account of leases of lands acquired in connection with flood-control projects is appropriated at the end of each fiscal year for payment to the State in which the property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the property is situated *(33 U.S.C. 701c-3)* 5,102,000

Hydraulic Mining in California, Debris Fund:

Fees paid by mine operators in the Sacramento and San Joaquin Basins for depositing mine debris in restraining works are used for their maintenance *(33 U.S.C. 683)* 48,000

Maintenance and Operation of Dams and Other Improvements of Navigable Waters: Indefinite appropriation of 50 percent of receipts from certain licenses under the Federal Power Act to be received and appropriated as a special fund in the Treasury for expenditure under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or for other improvements of navigable waters *(31 U.S.C. 725c)*		$1,700,000

MISCELLANEOUS ACCOUNTS

Wildlife Conservation, Army: Proceeds from the sale of fish and game permits on Army installations are used to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation on military reservations		768,000
Wildlife Conservation, Navy: Proceeds from the sale of fish and game permits on naval installations are used to carry out a program of fish and wildlife conservation, management, and rehabilitation in cooperation with appropriate State agencies and the Fish and Wildlife Service, Department of the Interior *(74 Stat. 1052)*		121,000
Wildlife Conservation, Air Force: Proceeds from the sale of game permits are used to carry out a program of fish and game conservation and rehabilitation in connection with the Fish and Wildlife Service *(63 Stat. 759)*		140,000
Total, Miscellaneous Accounts	*$1,029,000*	
Total, Corps of Engineers–Civil	*6,850,000*	
Total, Department of Defense–Civil Functions	*7,879,000*	

DEPARTMENT OF ENERGY

Payments to States Under Federal Power Act: This fund represents 37½ percent of a portion of the proceeds of certain licenses issued by the Federal Power Commission for the occupancy and use of national forest and public lands under the Federal Power Act *(16 U.S.C. 810; Act of June 10, 1962, as amended)*		85,000
Total, Department of Energy	*$85,000*	

DEPARTMENT OF EDUCATION

OFFICE OF EDUCATION

Occupational, Vocational, and Adult Education: This appropriation provides payments to states for basic occupational, vocational, and adult education programs		7,161,000
Higher and Continuing Education: Each State and Puerto Rico receive $50,000 for college instruction, including facilities, in agriculture, the mechanic arts, and related fields, and for the training of teachers in these fields *(7 U.S.C. 301–308; 321–328) (definite)*		2,700,000
Higher Education Facilities Loan and Insurance Fund: Appropriations for insufficiencies are used to fund the deficit resulting from the difference between the interest rate required to sell the participations and the interest rate paid by higher education institutions on facility loans *(31 U.S.C. 849)*.		708,000
College Housing Loans: Title IV of the Housing Act of 1950 authorized loans at 3 percent interest to colleges and eligible hospitals for the construction or acquisition of housing and related facilities		179,000
Total, Department of Education	*$10,748,000*	

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Payments to States From Receipts for Child Support: This fund makes payments to States for their share of amounts collected on their behalf by the Internal Revenue Service under the provisions of the child support enforcement program, Title IV–D of the Social Security Act		450,000
Total, Department of Health and Human Services	*$450,000*	

Department of Housing and Urban Development

HOUSING PROGRAMS

Subsidized Housing Programs:

The subsidized housing programs schedule reflects both budget authority to enter into additional contracts for subsidized housing and an appropriation for payment required to liquidate such contracts under seven separate progrmas *(42 U.S.C. 1437c; 1441; 12 U.S.C. 1701, 1715, and 1749; and 88 Stat. 633)*.................. $32,500,000

Federal Housing Administration Fund:

The Federal Housing Administration Fund, created by the National Housing Act of 1934, is a noncorporate business-type agency, which was brought under the Government Corporation Control Act by the Housing Act of 1948. FHA program objectives are achieved through the insurance of loans for financing the production, purchase, repair, and improvement of residential properties and these programs are under four separate insurance funds established by statute. Income from fees, premiums, and investments are credited to the funds and operating expenses including expenses and losses connected with foreclosed property and defaulted notes and mortgages are charged to the funds *(12 U.S.C. 1701)*.................. 54,130,000

Low-Rent Public Housing—Loans and Other Expenses:

The low-rent public housing loan fund provides Federal financing for the construction, acquisition, or modernization of public housing projects until the projects can be financed in the private market.................. 262,121,000

Revolving Fund (Liquidating Programs):

The Revolving Fund (liquidating programs) was established by the Independent Offices Appropriation Act of 1955 for the more efficient liquidation of assets acquired under a number of housing and urban development programs.................. 542,000

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Special Assistance Functions Funds:

The Association is authorized, pursuant to section 305 of the National Housing Act, to make commitments and to purchase FHA-insured and VA-guaranteed mortgages, and support for the production of 50,000 new and substantially rehabilitated housing units for low and moderate income families.................. 665,093,000

NEW COMMUNITIES ADMINISTRATION

New Communities Fund:

The Housing and Urban Development Act of 1968, as amended, and title VII of the Housing and Urban Development Act of 1970, as amended, authorized Federal assistance to private and public new community developers *(42 U.S.C. 4518(b))*.................. 38,921,000

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

Mobile Home Inspection and Monitoring:

Section 620 of the National Mobile Home Construction Act of 1974, as amended by the Housing and Community Development Amendments of 1979, authorizes a program to establish and enforce appropriate construction standards for the construction, design, and performance of mobile homes.................. 5,700,000

CONSUMER AFFAIRS AND REGULATORY FUNCTIONS

Interstate Land Sales:

The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701) authorizes the Secretary of Housing and Urban Development to charge a fee, not exceeding $1,000, to be paid by a developer when filing a statement of record as required by the act. The fees may be used by the Secretary to pay costs of rendering services under the act.................. 350,000

Total, Department of Housing and Urban Development.............. $1,059,357,000

Department of the Interior

BUREAU OF LAND MANAGEMENT

Leasing of Grazing Lands:

State, county, and privately owned grazing lands that are intermingled with public grazing lands are managed on a leased basis within the limits of receipts from such arrangements *(43 U.S.C. 315m)*.................. 2,000

Payments to Coos and Douglas Counties, Oregon, in Lieu of Taxes on Coos Bay Wagon Road Grant Lands:	
Receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special funds in the Treasury created by the Act of February 26, 1919 (40 Stat. 1179), for payment annually, in lieu of taxes, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road Grant lands, belonging to the United States, in each of said counties bear to the total assessed valuation of all said lands in those counties, pursuant to the various provisions of the Act approved May 24, 1939 (53 Stat. 753, 754), said moneys to be used by the treasurer of the county for common schools, roads, highways, bridges, and port district *(40 Stat. 1179; 53 Stat. 753–754)*	$3,200,000
Payments to Certain Counties in Oregon From the Oregon and California Land Grant Fund (in Lieu of Current Taxes):	
Indefinite appropriation of 50 percent of all moneys deposited in the Treasury to the credit of the Oregon and California land-grant fund for payment to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds *(39 Stat. 218; 50 Stat. 876)*	115,000,000
Payments to States From Sales of Lands:	
Payments to the several States of 5 percent of the net proceeds of sales of public lands and materials lying within their limits, for the purpose of education or of making public roads and improvements *(31 U.S.C. 711)*	638,000
Payments to States From Grazing Receipts, etc., Public Lands Outside Grazing Districts:	
Payments are made to the States of 50 percent of the money received as grazing fees from outside grazing district *(43 U.S.C. 315i, 315m)*	1,850,000
Payments to States From Grazing Receipts, etc., Public Lands Within Grazing Districts:	
Payments are made to the States of 12½ percent of moneys received as grazing fees from within grazing districts *(43 U.S.C. 315b; 315i)*	2,660,000
Payments to States From Receipts Under Mineral Leasing Act:	
Alaska is paid 90 percent and other States 50 percent of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act *(30 U.S.C. 191)* and from leases of potash deposits *(30 U.S.C. 285)* on public lands *(30 U.S.C. 191, 285)*	304,345,000
Payments to Counties, National Grasslands:	
Of the revenues received from the use of submarginal lands, 25 percent is paid to the counties in which such land is situated for school and road purposes. These lands were formerly administered by the Department of Agriculture but were transferred to the Bureau of Land Management for administration in connection with the grazing program *(7 U.S.C. 1012)*	500,000
Expenses Road Maintenance:	
Public Law 94–579 approved October 21, 1976, permanently appropriated certain moneys to the Secretary of the Interior. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes, and moneys collected are available for necessary road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only *(43 U.S.C. 1701 et seq.)*	2,400,000
BUREAU OF INDIAN AFFAIRS	
Claims and Treaty Obligations:	
For fulfilling treaties with the Senecas and Six Nations of New York, Pawnees of Oklahoma, and payments to the Indians of the Sioux reservations *(4 Stat. 442; 7 Stat. 46, 98, 210, 234; 11 Stat. 614, 729; 72 Stat. 644)*	200,000
Operation and Maintenance, Indian Irrigation Systems:	
All revenues derived from charges for operation and maintenance of Indian irrigation projects are available for expenditure for operation and maintenance of the projects in accordance with the act of August 7, 1946, Public Law 647 *(60 Stat. 895)*	10,600,000
Power Systems, Indian Irrigation Projects:	
Sums not in excess of the amount of power revenues covered into the Treasury to the credit of each of the power projects shall be available for the purposes authorized by Section 3 of the Act of August 7, 1946 (Public Law 647) as amended *(60 Stat. 895; 65 Stat. 254)*	12,600,000

HERITAGE CONSERVATION AND RECREATION SERVICE

Land and Water Conservation Fund: Contract authorization for acquiring land and water areas and developing areas for public outdoor recreation purposes to States; and to the National Park Service, Forest Service, United States Fish and Wildlife Service, and the Bureau of Land Management to acquire certain areas for recreation use and to preserve nationally important natural and historic areas, including endangered species habitat *(16 U.S.C. 4601-10a)*	$30,000,000

OFFICE OF TERRITORIAL AFFAIRS

Payments to the United States Territories Fiscal Assistance: Excise taxes collected by the Internal Revenue Service are made available to the territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95-348, 92 Stat. 487	41,500,000

U.S. FISH AND WILDLIFE SERVICE

Migratory Bird Conservation Fund: Proceeds from the sale of Federal conservation and hunting stamps are set aside for carrying out the migratory birds conservation account *(16 U.S.C. 715k-3, 5)*	16,500,000
Federal Aid in Fish Restoration and Management: States are reimbursed up to 75 percent of the cost of approved fish restoration and management projects, including research into fish culture, formulation of restocking plans, and acquisition and improvement of fish habitat *(16 U.S.C. 777a-k)*	30,930,000
Federal Aid in Wildlife Restoration: States are reimbursed up to 75 percent of the cost of approved wildlife restoration projects, included acquisition and development of land and water areas, and for wildlife management research *(16 U.S.C. 669-669i)* and approved hunter safety programs *(Public Law 91-503)*	96,870,000
National Wildlife Refuge Fund: The Refuge Revenue Sharing Act authorizes the expenditure of revenues from the sale of products from the National Wildlife Refuge System. Part of the net proceeds from sales of refuge products, either 25 percent or 0.75 percent of the value of lands acquired in fee in each case of each refuge, is paid to counties in which refuges are located for benefit of public schools and roads. The remainder of the revenue is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act *(16 U.S.C. 715s)*	3,700,000
Proceeds From Sales, Water Resources Development Projects: Receipts derived from water resources development projects conducted on national wildlife refuge lands *(16 U.S.C. 460d)*	200,000

NATIONAL PARK SERVICE

Educational Expenses, Children of Employees, Yellowstone National Park: Revenues received from visitors to the Park are used to provide educational facilities to pupils who are dependents of persons engaged in the operation of Yellowstone National Park *(62 Stat. 338)*	375,000
Payment for Tax Losses on Land Acquired for Grand Teton National Park: Park fees are used to compensate the State of Wyoming for tax losses on lands acquired for Grand Teton National Park *(64 Stat. 851)*	25,000

BUREAU OF RECLAMATION

Payment of Interest on Advances From Treasury, Colorado River Dam Fund, Boulder Canyon Project: Indefinite appropriation for payments into miscellaneous receipts of the Treasury of moneys advanced for the construction of the Boulder Canyon project, with interest, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(b))*	1,400,000
Payments to States of Arizona and Nevada, Boulder Canyon Project: Specific appropriation of $300,000 per annum to each of the States of Arizona and Nevada, from revenues from the operations of the Boulder Canyon project, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(c)) (definite)*	600,000

Operation, Maintenance, and Replacement of Project Works, North Platte Project (Gering and Fort Laramie, Goshen, and Pathfinder Irrigation Districts):

This fund is derived from the revenues arising from leasing or project grazing and farm lands, sale or rental of surplus water, and other miscellaneous revenues which otherwise would accrue to the Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts under subsections I to J of Section 4 of the Act of December 5, 1924 *(43 Stat. 703)*, and such revenues may be expended, as set forth in contracts with the above districts, for the replacement of the project works operated and maintained by the United States and to supplement funds advanced by the water users to meet annual costs of operation and maintenance of such works *(66 Stat. 755, sec. 4)* $30,000

Payments to Farmers' Irrigation District (North Platte Project, Nebraska-Wyoming):

Payments are made to the farmer's irrigation district on behalf of the Northport Irrigation District for water carriage *(62 Stat. 273, as amended)* 8,000

Payments to Local Units, Klamath Reclamation Area:

Certain revenues collected from the leasing of Klamath project reserved Federal lands within the boundaries of certain national wildlife refuges will be used for various purposes *(78 Stat. 850)* 160,000

Refunds and Returns:

Overcollections are refunded and amounts of deposits not applied to the purposes for which the deposits were accepted are returned *(64 Stat. 689)* 502,000

Total, Department of the Interior *$676,795,000*

DEPARTMENT OF STATE

Payment to the Foreign Service Retirement and Disability Fund:

The Foreign Service Retirement Amendments of 1976 *(Title V, Public Law 94-350)* authorized additional Federal contributions to the Foreign Service Retirement and Disability Fund 112,100,000

International Center, Washington, D.C.:

Property owned by the United States in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street will be sold or leased to foreign governments for use as embassies. Proceeds will finance the costs of site preparation *(82 Stat. 958)* 1,257,000

Total, Department of State *$113,357,000*

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Oil Pollution Fund:

This fund was established under Section 11(k) of the Federal Water Pollution Con-trol Act, as amended by Public Law 92-500 to insure immediate cleanup of oil or other hazardous polluting substances spilled into the navigable water of the United States, adjoining shorelines or waters of the contiguous zone 7,000,000

Total, Department of Transportation *$7,000,000*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Presidential Election Campaign Fund:

Public Law 93-443 imposes overall limitations on campaign expenditures and contributions and provides for the designation of a principal campaign committee by each candidate for Federal office. The act further provides for public financing of Presidential nominating conventions and Presidential primary elections 43,800,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Claims, Judgments, and Relief Acts:

Appropriations are made to pay claims and interest for damages not chargeable to appropriations of individual agencies and for the payment of public and private relief Acts. Appropriations are made individually for judgments over $100,000, but 31 U.S.C. 724a authorizes a permanent indefinite appropriation to pay judgments under $100,000 from the general funds of the Treasury 152,000,000

Interest on Uninvested Funds:

This fund was established to record interest payable from the general fund of the Treasury pursuant to various permanent appropriations in connection with certain trust funds. Under the terms and conditions provided by law creating the trust in each case, interest accruing and payable from the general fund of the Treasury will be appropriated and recorded in this account for transfer to the proper trust fund receipt account *(31 U.S.C. 725s; 2 U.S.C. 158; 20 U.S.C. 54-55, 74a and 101; 24 U.S.C. 46; various treaties; and 69 Stat. 533)* 9,934,000

The following schedule details the interest obligations under this account:

Bequest of Gertrude M. Hubbard, Library of Congress	$1,000
Library of Congress trust fund	280,000
Expenses of Smithsonian Institution	60,000
National Gallery of Art trust fund	350,000
Education of the blind	10,000
Soldiers' Home permanent fund	8,000,000
Indian tribal funds	500,000
Immigration bonds deposit fund	730,000
Oliver Wendell Holmes devise fund	3,000
Total obligations	9,934,000

U.S. CUSTOMS SERVICE

Miscellaneous Permanent Appropriations:

Customs duties, taxes, and fees collected in Puerto Rico and the Virgin Islands are deposited to this account. After expenses have been provided for, available balances are transferred to the Treasurer of Puerto Rico, and the treasury of the municipalities of the Virgin Islands, respectively *(48 U.S.C. 740, 795, 1396, 1406(h))* $95,200,000

BUREAU OF THE MINT

Coinage Profit Fund:

Receipts of this fund consist of gains resulting from coinage of metals into 1-cent and 5-cent pieces and from the coinage of silver bullion. The fund is charged with the wastage incurred in such coinage, recoinage, losses on minor coins, and the cost of distributing such coins *(31 U.S.C. 317(c) and 340, as amended by 79 Stat. 256)* 3,000,000

INTERNAL REVENUE SERVICE

Payment Where Credit Exceeds Liability for Tax:

Indefinite appropriation for payment to tax filers in instances wherein the earned income credit exceeds the amount of tax liability owed. The Revenue Adjustment Act of 1975 (Public law 94–164) originally authorized this credit which was made permanent by the Revenue Act of 1978 (Public Law 95–600) 1,570,000,000

Refunding Internal Revenue Collections (Interest):

The Act of June 19, 1948, appropriated such sums as may be necessary for payment of interest on internal revenue collections *(26 U.S.C. 6611)* 708,000,000

Internal Revenue Collections for Puerto Rico:

Taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States or consumed on the island shall be covered into the treasury of Puerto Rico *(26 U.S.C. 7652)* 225,000,000

U.S. SECRET SERVICE

Contribution for Annuity Benefits:

Reimbursement to the District of Columbia on a monthly basis for benefit payments made from revenues of the District of Columbia to members of the Executive Protection Service and such members of the U.S. Secret Service as are entitled thereto *(72 Stat. 883)* 8,000,000

INTEREST ON THE PUBLIC DEBT

Payment of Interest on Public Debt:

Indefinite appropriation for payment of interest on public debt *(31 U.S.C. 711(2) and 732)* 79,400,000,000

Total, Department of the Treasury $82,214,934,000

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

Expenses, Disposal of Surplus Real and Related Personal Property:

Fees and costs of advertising and surveying are paid out of the receipts from the disposal of surplus real and related property, subject to a limitation of 12 percent of the proceeds of all dispositions with each fiscal year *(40 U.S.C. 485(b))* ... 1,000,000

OFFICE OF PERSONNEL MANAGEMENT

Payment to Civil Service Retirement and Disability Fund:

Section 103 of the Civil Service Retirement Amendments of 1969, approved October 20, 1969, established the basis for requiring Federal contributions to the Civil Service Retirement and Disability Fund	$8,795,088,000

SMALL BUSINESS ADMINISTRATION

Disaster Loan Fund:

These funds are used to liquidate obligations resulting from participation sales insufficiencies, as authorized by the Participation Sales Act of 1966 *(72 Stat. 384, as amended; 72 Stat. 689, as amended)*	650,000

Total, Independent Agencies	*$8,796,738,000*
Grand total, all accounts	*$96,152,253,000*

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1981 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1980	1981
Legislative:		
Library of Congress	$17,316,000	$17,283,000
Executive:		
Agriculture:		
Commodity Credit Corporation	39,421,000	36,886,000
Agricultural Marketing Service	2,218,000	2,265,000
Agricultural Stabilization and Conservation Service	25,000	34,154,000
Food Safety and Quality Service	311,163,000	390,190,000
Food and Nutrition Service	1,831,086,000	1,879,653,000
Farmers Home Administration	1,964,288,000	
Forest Service	472,887,000	520,150,000
Total	4,621,088,000	2,863,298,000
Commerce:		
National Oceanic and Atmospheric Administration	21,679,000	35,827,000
Maritime Administration	304,755,000	348,502,000
Total	326,434,000	384,329,000
Department of Defense—Civil:		
Corps of Engineers, Civil	6,700,000	6,850,000
Miscellaneous accounts	977,000	1,029,000
Total	7,677,000	7,879,000
Department of Education	10,827,000	10,748,000
Department of Energy	85,000	85,000
Health and Human Services:		
Social Security Administration	350,000	450,000
Housing and Urban Development:		
Housing Programs	208,833,000	349,293,000
Government National Mortgage Association	1,825,259,000	665,093,000
New Communities Development Corporation	37,618,000	38,921,000
Neighborhood, Voluntary Associations, and Consumer Protection	10,185,000	6,050,000
Total	2,081,895,000	1,059,357,000
Interior:		
Bureau of Land Management	364,900,000	430,595,000
Bureau of Indian Affairs	23,400,000	23,400,000
Heritage Conservation and Recreation Service	30,000,000	30,000,000
Office of Territorial Affairs	43,302,000	41,500,000
U.S. Fish and Wildlife Service	143,047,000	148,200,000
National Park Service	435,000	400,000
Bureau of Reclamation	2,700,000	2,700,000
Total	607,784,000	676,795,000

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1981 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1980	1981
Executive—Continued		
State	$108,722,000	$113,357,000
Transportation:		
Coast Guard	7,000,000	7,000,000
Treasury:		
Office of the Secretary	42,700,000	43,800,000
Bureau of Government Financial Operations	306,124,000	161,934,000
U.S. Customs Service	89,005,000	95,200,000
Bureau of the Mint	2,800,000	3,000,000
Internal Revenue Service	2,614,000,000	2,503,000,000
Secret Service	8,000,000	8,000,000
Interest on the public debt	73,300,000,000	79,400,000,000
Total	76,362,629,000	82,214,934,000
Independent agencies:		
General Services Administration	1,000,000	1,000,000
Office of Personnel Management	7,867,984,000	8,795,088,000
Small Business Administration	650,000	650,000
Total	7,869,634,000	8,796,738,000
Total	92,021,441,000	96,152,253,000

III. PERMANENT APPROPRIATIONS—TRUST FUNDS

(For permanent Federal funds, see table II)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1981. These are funds that do not require annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are estimated and are thus subject to revision as better data become available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Gift Fund:

This fund represents gifts or bequests of money made to the Library of Congress for the immediate disbursement by the Librarian. In the interest of the Library, its collections, or its service for the purpose in each case specified *(2 U.S.C. 160; 31 U.S.C. 725s)* $700,000

Income From Investment Account:

This fund represents income from investments held by the Treasury for the benefit of the Library of Congress and is subject to disbursement by the Librarian for the purposes in each case specified *(2 U.S.C. 157; 31 U.S.C. 725s)* 130,000

Payment of Interest on Bequest of Gertrude M. Hubbard:

Trust fund of $20,000, the interest on which, at 4 percent per annum, is to be used for the purchase of engravings and etchings to be added to the "Gardiner Greene Hubbard Collection" *(Act of Aug. 20, 1912, 37 Stat. 319, sec. 21)* 2,000

Payment of Interest on Permanent Loan:

This appropriation represents a sum equivalent to interest at the rate of 4 percent per annum, payable semiannually, on a permanent loan to the United States, not exceeding $5,000,000, in accordance with provisions of gifts or bequests—such interest, as income, being subject to disbursement by the Librarian of Congress for the purpose specified *(2 U.S.C. 156–158; Act of Mar. 3, 1925, 43 Stat. 1107)* 550,000

Service Fees:

Operation of a photoduplication laboratory and a sound recording laboratory are financed from fees received for services rendered to other Government agencies and the public *(2 U.S.C. 160; 31 U.S.C. 725s)* 3,700,000

OFFICE OF TECHNOLOGY ASSESSMENT

Contributions and Donations:

This fund provides for the use of contributions and donations for furtherance of the general purposes of the Technology Assessment Act of 1972, Public Law 92–484 *(2 U.S.C. 475(a)(5))* 5,000

Total, Legislative *$5,087,000*

THE JUDICIARY

Judicial Survivors' Annuity Fund:

This fund is used to pay annuities to eligible widows and dependent children of deceased judges of the United States, to make refunds to former judges who have elected to come under the judicial survivors annuity system but who have left the service, and to pay claims of survivors of member judges for any unpaid amounts credited to the individual accounts of such judges *(28 U.S.C. 376)* 9,400,000

Total, The Judiciary *$9,400,000*

EXECUTIVE

FUNDS APPROPRIATED TO THE PRESIDENT

Advances, Foreign Military Sales:		
The trust fund, which is strictly a cash account, is to enable foreign governments to take advantage of savings which result from procurements through U.S. Government channels. Authorized by sections 21 and 22 of the Arms Export Control Act, the fund is used to facilitate cash sales of defense articles and services *(82 Stat. 1323)*		$9,500,000,000
Technical Assistance, U.S. Dollars Advanced From Foreign Governments:		
Funds advanced by foreign countries are used to pay for procurement in the United States of nonmilitary materials or services for programs in those countries in accordance with bilateral agreements *(22 U.S.C. 2315)*		25,000,000
Miscellaneous Contributed Funds:		
Funds received by gift, devise, bequest, or from foreign governments for furtherance of the Peace Corps program *(22 U.S.C. 2509(a)(3)*		248,000
Total, Funds Appropriated to the President	*$9,525,248,000*	

DEPARTMENT OF AGRICULTURE

SCIENCE AND EDUCATION ADMINISTRATION

Miscellaneous Contributed Funds:	
Funds received from States, local organizations, individuals, and others available for work under cooperative agreements on miscellaneous farm utilization, and marketing research activities plant and animal quarantine inspection, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	1,017,000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Expenses and Refunds, Inspection, Certification, and Quarantine of Animal Products:	
This includes inspection of products for human consumption and products and byproducts not intended for human food. Meat products inspection services not required by Federal regulation are provided on request. Animal products and byproducts moving in interstate and foreign commerce are subject to inspection and quarantine regulations to prevent the introduction and spread of animal diseases. Fees are paid in advance for services to be rendered *(7 U.S.C. 1621–1627; 21 U.S.C. 111)*	1,000
Expenses, Feed, and Attendants for Animals in Quarantine:	
Fees advanced by importers *(21 U.S.C. 102)*	818,000
Miscellaneous Contributed Funds:	
Funds received from States, local organizations, individuals, and others available for plant and animal quarantine inspections, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	1,507,000

AGRICULTURAL MARKETING SERVICE

Expenses and Refunds, Inspection and Grading of Farm products:	
An inspection and grading service of products is provided on request. Thus services are supported primarily by fees paid by users. The schedules reflect expenses paid from fees received *(7 U.S.C. 91–99, 1621–1627)*	178,000

FOOD SAFETY AND QUALITY SERVICE

Expenses and Refunds, Inspection and Grading of Farm Products:	
An inspection and grading service for products is provided on request. These services are supported primarily by fees paid by users. A limited amount of direct appropriation is available which covers a portion of the public benefit service. The schedules reflect expenses paid from fees received *(7 U.S.C. 1621–1627)*	53,832,000

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE

Miscellaneous Contributed Funds:	
Miscellaneous funds received from States, local organizations, and others are available for economic research and analysis under cooperative agreements *(7 U.S.C. 450b and 450h)*	70,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Miscellaneous Contributed Funds:

Miscellaneous funds received from the Government of Saudi Arabia are available for expenses in support of USDA's technical assistance project *(22 U.S.C. 2392)*.. $6,087,000

SOIL CONSERVATION SERVICE

Miscellaneous Contributed Funds:

Miscellaneous funds received from States, local organizations, individuals, and others are available for work under cooperative agreements *(7 U.S.C. 450b)*......... 1,078,000

FOREST SERVICE

Cooperative Work:

Advances, including deposits from purchasers of timber, are received and used for cooperative work in forest investigations, protection, and improvement of the national forests; and protection, reforestation, and administration of private lands adjacent to national forests *(16 U.S.C. 490, 498, 572, 572a, 576b, 581; 31 U.S.C. 725a; 78 Stat. 1089)*........ 96,400,000

Total, Department of Agriculture........ *$160,988,000*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Gifts and Bequests:

This fund established to account for gifts and bequests in furtherance of programs and activities of the Department of Commerce. Property and the proceeds thereof are used as nearly as possible in accordance with the terms of the gift or bequest *(15 U.S.C. 1522)*........ 170,000

Special Studies, Services, and Projects:

Fees collected for filling requests for special information are deposited in this fund, *(15 U.S.C. 1526)*........ 30,000

BUREAU OF THE CENSUS

Special Studies, Services, and Projects:

The Social and Economic Statistics Administration performs, at cost, special statistical work and data analysis for State and local governments, universities, trade associations, and individuals requesting such data. These services are provided only when it has been determined that they are in the public interest; are consistent with the Administration's duties; and that the statistics furnished will not identify individuals or particular organizations. In addition, the Administration furnishes age and citizenship data from past census records on a fee basis. Funds received for these purposes are used to pay expenses in the performance of such work *(13 U.S.C. 8; 15 U.S.C. 1525)*........ 9,283,000

ECONOMIC AND STATISTICAL ANALYSIS

Special Studies, Services, and Projects:

Provides economic and statistical data and analyses to individuals and firms as provided by law *(15 U.S.C. 1526)*........ 250,000

REGIONAL ACTION PLANNING COMMISSIONS

Regional Action Planning Commissions:

The Regional Action Planning Commission trust fund consists of grants to the commissions from the Department of Commerce pursuant to title V of the Public Works and Economic Development Act of 1965, as amended, and contributions from the States for administrative expenses. The Federal grants cover administrative expenses, technical assistance, and State investment planning........ 44,334,000

INDUSTRY AND TRADE ADMINISTRATION

Contributions, Educational and Cultural Exchange:

This fund established to account for contributions from commercial exhibitors participating in commercial trade fairs, trade centers, business information centers, sample display services and other overseas trade promotions *(75 Stat. 531, 78 Stat. 991)*........ 7,250,000

Special Studies, Services, and Projects:

Market studies and analyses, statistical reports and special information services, such as Government-conducted trade seminars, are provided at the expense of the requesting public *(15 U.S.C. 189a and 192)*........ 1,040,000

MARITIME ADMINISTRATION

Special Studies, Services, and Projects:

The trust fund was established pursuant to 15 U.S.C. 1525–1526 joint projects with non-Federal sources on inland waterways communications systems, and the joint development of a bilateral cargo information system $400,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Special Studies, Services, and Projects:

This represents receipts from the sale of charts and publications used to finance production costs, bindery and distribution operations, and related overhead *(Public Law 91–412)* 9,817,000

Inspection and Grading of Fishery Products:

This represents contributions from individuals and firms participating in the National Marine Fisheries Service's program for inspection and grading of fishery products *(7 U.S.C. 1621–1627)* 2,183,000

SCIENCE AND TECHNICAL RESEARCH

Information Products and Service:

This trust fund is maintained to finance the preparation of transcripts from technical and scientific reports, studies, tables, and other research materials. Proceeds from sale of reports and documents are used for subsequent reproduction and dissemination *(15 U.S.C. 1153, 1526)* 22,000,000

Total, Department of Commerce *$96,757,000*

DEPARTMENT OF DEFENSE—MILITARY

DEPARTMENT OF THE ARMY

General Gift Fund:

Included in this fund are gifts and bequests limited to specific purposes by the donor, such as, the Evangeline G. Bovard Award, Cormack Medical Fund, Quartermaster Foundation Inc., and Henry C. McClean Bequest. In addition, it accounts for gifts and bequests not limited to specific use by the donor which may be used for purposes determined by the Secretary of the Army *(10 U.S.C. 2601)* 20,000

DEPARTMENT OF THE NAVY

General Gift Fund:

This fund consists mostly of donations from individuals, subject to conditions specified by the donor, for the benefit of the Naval Academy, the Naval Academy Museum, and other institutions of the Navy *(10 U.S.C. 6973; 10 U.S.C. 6974; 10 U.S.C. 2601)* 175,000

Office of Naval Records and History Fund:

Gifts or bequests of money and royalties received from sale of histories of U.S. naval operations shall be deposited in the Treasury of the United States under the title "Office of Naval Records and History Funds," and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the office of naval records and library subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 7222)* 40,000

Ship's Stores Profits:

Profits on certain sales, to be expended for the recreation and amusement of the enlisted force of the Navy *(31 U.S.C. 725s (68); 10 U.S.C. 7604)* 10,200,000

United States Naval Academy General Gift Fund:

Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy general gift fund" and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 2601, 6973)* 215,000

United States Naval Academy Museum Fund:

Gifts and bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy Museum Fund" and the funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit of the United States Naval Academy Museum, its collection, or its services. Interest on investments accrues to the fund *(10 U.S.C. 6974)* 140,000

DEPARTMENT OF THE AIR FORCE

General Gift Fund:

This fund consists mostly of donations from individuals, subject to conditions specified by the donors, for the benefit of the purchase of paintings, the Air Force Academy and the Strategic Air Command *(10 U.S.C. 2601)* $10,000

Total, Department of Defense—Military *$10,800,000*

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

Funds Contributed for River and Harbor Improvements:

Indefinite appropriations of the amounts received and covered into the Treasury as contributions and advances by local interests in certain localities for river and harbor improvements as provided in various acts of Congress *(33 U.S.C. 560, 561, 701h, 702f, 703)* 39,000,000

SOLDIERS' AND AIRMEN'S HOME

Payment of Claims:

Refunds are made from the Permanent Fund of amounts of court-martial fines and other charges erroneously deducted from the pay of soldiers and airmen after adjudication of claims therefor by the General Accounting Office *(31 U.S.C. 71, 711(12); 24 U.S.C. 44)* 5,000

Total, Department of Defense—Civil *$39,005,000*

DEPARTMENT OF ENERGY

Advances for Cooperative Work:

When requested, the Western Area Power Administration performs investigations or construction work with the funding provided by non-Federal entities under the Contributed Funds Act *(43 U.S.C. 395, 396)* 14,903,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Public Health Service Trust Funds:

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are used in accordance with the conditions prescribed *(42 U.S.C. 219, 24 U.S.C. 165, 24 U.S.C. 2001–2004)* 4,620,000

SOCIAL SECURITY ADMINISTRATION

Federal Old-Age and Survivors Insurance Trust Fund:

Under the provisions of section 201, title II, of the Social Security Act amendments of 1939, approved August 10, 1939, there was created on the books of the Treasury of the United States a trust fund to be known as the "Federal old-age and survivors insurance trust fund," consisting of the securities held by the Secretary of the Treasury for the "old-age reserve account" and the amount standing to the credit of the "old-age reserve account" on the books of the Treesury of January 1, 1940, which securities and amount the Secretary of the Treasury was authorized and directed to transfer to the trust fund, and, in addition, such amounts as may be appropriated to the trust fund as provided in the Act. The Act appropriates funds for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury, with the further provision that the trust fund shall repay to the general fund of the Treasury the amount required by the Social Security Board and the Treasury Department to administer title II and title VIII of the Act and the Federal Insurance Contributions Act *(42 U.S.C. 401)* 111,883,592,000

Federal Disability Insurance Trust Fund:

The Social Security Act provides disability insurance benefits for certain disabled individuals. An amount equal to 0.55 percent of wages paid and 0.825 percent of self-employment income is appropriated to this fund for benefit payments and administrative expenses. The excess of income over outgo and annual interest are invested in Government securities.

Under the provisions of the Act, the Secretary of Health, Education, and Welfare will determine at the end of each year, that portion of the administrative expenses of the Bureau of Old-Age and Survivors Insurance which is a proper charge against this fund (70 Stat. 821) 20,581,389,000

HEALTH CARE FINANCING ADMINISTRATION

Federal Hospital Insurance Trust Fund:

Public Law 89-97 provides social insurance under the social security system for inpatient and outpatient hospital care, posthospital extended care, and outpatient hospital extended care, and home health services to over 20 million aged Americans financed by a joint employee-employer tax $32,539,120,000

Federal Supplementary Medical Insurance Trust Fund:

The Social Security Act provides for a voluntary supplemental medical benefits program. Benefit payments are made to those electing coverage to cover the cost of physicians' services, home health services, and other related medical services. Costs of benefit payments and administrative expenses are financed by premium payments together with matching contributions from the general revenues of the Treasury *(revised 4/68)* 12,468,000,000

Total, Department of Health and Human Services *$177,476,721,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land and Resource Management Trust Fund:

Applicants for conveyance of lands omitted in original surveys pay the cost of surveys and the administrative costs of conveyance. Advances are made by individuals to pay the costs of other types of surveys requested by them. Users of the Federal range and others contribute funds or make gifts for conservation practices, acquisition, protection, and other purposes *(43 U.S.C. 315h, 315i, 775; 74 Stat. 506; 31 U.S.C. 711; 43 U.S.C. 759, 761, and 887; 48 Stat. 1224–1236; 90 Stat. 2758; secs. 211 and 307(c) of Public Law 94–579)* 599,000

Trustee Funds, Alaska Townsites:

Amounts received from sale of Alaska town lots are available for expenses incident to the maintenance and sale of townsites *(31 U.S.C. 725s; Comp. Gen. Decision of Nov. 18, 1935)* 1,000

HERITAGE CONSERVATION AND RECREATION SERVICE

Donations:

This account includes donations from non-Federal entities used to support the work of the Heritage Conservation and Recreation Service *(16 U.S.C. 460l(h))* 264,000

BUREAU OF INDIAN AFFAIRS

Indian Tribal Funds:

Funds held in trust for Indian tribes under the provisions of various acts are used for the expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians. The tribes are encouraged to develop plans for the beneficial use of their funds *(44 Stat. 560; 25 U.S.C., Sec. 155; 82 Stat. 171)* 324,899,000

Alaska Native Fund:

As provided by Public Law 92–203 funds are deposited in the Treasury for the benefit of native Alaskans 171,200,000

BUREAU OF MINES

Contributed Funds:

Funds contributed by States, counties, municipalities and private sources are used to conduct research and investigations to promote (a) the conservation and development of mineral resources and (b) health and safety in the mineral industries 800,000

U.S. FISH AND WILDLIFE SERVICE

Contributed Funds:

For miscellaneous contributed funds, received by the Fish and Wildlife Service from States, local organizations, individuals, etc., deposited in the Treasury of the United States and made available for work under cooperative agreements *(5 U.S.C. 563, 564; 16 U.S.C. 661)* 3,400,000

NATIONAL PARK SERVICE

Donations:

Hereafter the Secretary of the Interior in the administration of the National Park Service is authorized in his discretion to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purpose of the national park and monument system *(16 U.S.C. 6)* 1,499,000

Preservation, Birthplace of Abraham Lincoln:

Interest from an endowment fund, title to which was transferred to the United States by the Lincoln Farm Association on April 11, 1916, in connection with deed of gift conveying the homestead of Abraham Lincoln and the log cabin in which he was born. This fund has been converted into the city of Louisville, Ky., bonds amounting to $44,000 and United States Treasury bonds amounting to $16,500, the income from which is available for expenses incident to the preservation of the birthplace of Lincoln *(16 U.S.C. 211–212)* $1,000

BUREAU OF RECLAMATION

Reclamation Trust Funds:

Funds advanced by State and local governments are used for investigations and construction requested by those governments and by foreign governments for technical services other than those services performed under auspices of Foreign Operations Administration *(43 U.S.C. 395, 396)* 5,525,000

Total, Department of the Interior *$508,188,000*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Gifts and Bequests, National Commission for Employment Policy:

Miscellaneous funds from gifts and bequests are used to carry out the provisions of the National Commission for Employment Policy *(29 U.S.C. 954)* 100,000

Unemployment Trust Fund:

The financial transactions of the Federal-State and railroad unemployment insurance systems are made through the Unemployment Trust Fund. In the Federal-State system, benefit payments are made by each State, financed by State payroll taxes. These tax receipts are deposited in the Unemployment Trust Fund and invested in Government securities until needed for benefit payments. The expenses of State and Federal administration (including those of the Federal-State employment service), are paid from the fund out of revenue from the Federal unemployment tax, assessed on employers, of 0.5 percent of the first $4,200 of wages.

Both the benefit payments and administrative expenses of the separate unemployment insurance program for railroad employees are paid from the Unemployment Trust Fund and receipts from the tax on wages of railroad employees are deposited in the fund to meet expenses *(42 U.S.C. 1104)* 19,300,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

Special Workmen's Compensation Expenses; Longshoremen's and Harbor Worker's Compensation Act:

Trust fund created by section 44 of the Act of March 4, 1927 *(33 U.S.C. 944)*, from the amount received as compensation for death of an employee where no person is entitled to compensation for such death and from fines and penalties collected; to be used for the payment of additional compensation under the provisions of subdivisions (f) and (g) of section 8 of the Act of March 4, 1927 *(33 U.S.C. 908; 31 U.S.C. 725; 33 U.S.C. 944)* 10,934,000

Total, Department of Labor *$19,311,034,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Foreign Service Retirement and Disability Fund:

This fund is used primarily for the payment of annuities to retired Foreign Service officers. It is also used for the refund of contributions made to certain officers who leave the Foreign Service before retirement. The fund is maintained through (1) contribution of 7 percent of the basic annual salaries of all Foreign Service officers; (2) interest on investments; and (3) appropriated funds *(22 U.S.C. 1062)* 265,742,000

Unconditional Gift Fund:

Unconditional gifts may be used to carry out the Department's functions *(22 U.S.C. 809)* 90,000

Conditional Gift Fund:

This fund consists of procurement of furnishing, paintings, and decorative objects for the Department's diplomatic reception rooms and funds donated by overseas commissary and mess services to assist such services at other posts *(22 U.S.C. 809)* 860,000

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Gifts and Bequests, National Commission on Educational, Scientific, and Cultural Cooperation:

This trust fund receives gifts or bequests of money from private individuals and organizations to be used to carry out any of the authorized educational, scientific, or cultural purposes of the United States National Commission for UNESCO *(22 U.S.C. 287(g))* $50,000

Total, Department of State *$266,742,000*

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Coast Guard General Gift Fund (Trust Account):

This trust fund, maintained from gifts and bequests, is used for purposes as specified by the donor in connection with the Coast Guard training program *(10 U.S.C. 2601)* 30,000

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY TRUST FUND

The Highway Revenue Act of 1956, as amended, provides for the transfer from the General fund to the Highway trust fund of revenue from the gasoline tax and certain other taxes paid by highway users. The Secretary of the Treasury estimates the amounts to be so transferred. In turn, annual appropriations are authorized from this fund to meet expenditures for Federal-aid highways and other programs specified by law as follows:

Federal-Aid Highways:

Grants are made to States for construction and improvements of Federal-aid highways. Contract authorizations are provided in the Federal-Aid Highway Act of 1956 and subsequent highway legislation to cover 90 percent of the costs of completing the 42,500-mile National System of Interstate and Defense Highways, and to provide Federal matching funds for the primary, secondary, and urban programs under the statutory formulas. The Federal share of project costs is increased in those States with large areas of public domain. Payments to the States for work done are made out of the Highway trust fund, into which are deposited certain percentages of tax receipts on motor fuel, tires and tubes, tread rubber, trucks, buses, trailers, truck use, truck parts and accessories, and on lubricating oil used in highway vehicles 9,048,040,000

Highway-Related Safety Grants:

The Highway Safety Act of 1970 authorized grants to States and communities for implementing and maintaining highway-related safety standards *(Public Law 94-280)* 24,673,000

Trust Fund Share of Other Highway Programs:

Provides reimbursement to certain accounts financed from general funds of the Treasury for the Highway Trust Fund portion of the costs in carrying out those programs *(90 Stat. 428)* 25,000,000

OTHER FEDERAL HIGHWAY ADMINISTRATION TRUST FUNDS

Contributions for Highway Research Programs:

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment 500,000

Cooperative Work, Forest Highways:

Contributions are received from States and counties in connection with cooperative engineering, survey, maintenance, and construction projects for forest highways *(23 U.S.C. 204)* 500,000

Technical Assistance, U.S. Dollars Advanced From Foreign Governments:

Under the Foreign Economic Assistance Act and under agreement with the International Bank for Reconstruction and Development and the Export-Import Bank of Washington, the Federal Highway Administration renders technical assistance and acts as agent for the purchase of equipment and materials for carrying out highway programs in foreign countries. During the current year these services are being rendered to Costa Rica, the Dominican Republic, Ethiopia, Iran, Nicaragua, and the Philippines *(64 Stat. 204, 209)* 1,500,000

Advances From State Cooperating Agencies:

Funds are contributed by the State highway department or local subdivisions thereof for construction and/or maintenance of roads or bridges. The work is performed under the supervision of the Federal Highway Administration $1,000,000

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Trust Fund Share of Highway Safety Programs:

Funds are transferred to the Operations and Research and State and Community Highway Safety appropriations *(90 Stat. 451, 452)*.............. 199,907,000

Total, Department of Transportation *$9,301,150,000*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Pershing Hall Memorial Fund:

The Secretary of the Treasury may invest and reinvest the principal of the Pershing Hall memorial fund in interest-bearing United States bonds. Earnings are appropriated for payment to the national treasurer of the American Legion for use in the maintenance of Pershing Hall in Paris, France *(49 Stat. 426)*.............. 7,000

OFFICE OF REVENUE SHARING

State and Local Government Fiscal Assistance Trust Fund:

This trust fund was established by the State and Local Fiscal Assistance Act of 1972 and renewed under Public Law 94–488, the State and Local Fiscal Assistance Amendments of 1976, to provide general revenue sharing payments to localities for defined high-priority expenditures and payments to the States to supplement their revenue sources. Payments to the States and localities are made at least quarterly. It is anticipated that the fourth quarter payment for each year will continue to be paid within the first 5 days of the succeeding year, as provided by law.............. 6,854,924,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Esther Cattell Schmitt Fund:

Public Law 87–467 *(76 Stat. 88)* authorized the acceptance of the gift made to the United States by the will of Esther Cattell Schmitt. The income received from the gift to the United States is paid by the Secretary of the Treasury to beneficiaries named in provisions of the will.............. 18,000

U.S. CUSTOMS SERVICE

Refunds, Transfers and Expenses, Unclaimed, Abandoned, and Seized Goods:

All proceeds of the sale of abandoned and seized merchandise are deposited to this account. Expenses of sale are paid and net proceeds transferred to miscellaneous receipts *(19 U.S.C. 528, 1491, 1493, 1559, 1613, 1624)* 4,600,000

Total, Department of the Treasury *$6,859,549,000*

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

National Archives Gift Fund:

Grants and donations are deposited into this fund to benefit National Archives' collections and services in accordance with the terms of the donor *(44 U.S.C. 2305)*.............. 75,000

VETERANS ADMINISTRATION

Post-Vietnam Era Veteran's Education Account:

This account is a depository for that portion of the contributory matching educational program which provides educational assistance payments to participants who entered the service after January 1, 1977, and are pursuing training under chapter 32 *(38 U.S.C.)*.............. 114,200,000

General Post Fund, National Homes:

This fund consists of gifts, and bequests and proceeds of property left in the care of the homes by former members; unpaid pension money standing to the credit of members of the homes who die without pensionable heirs, and proceeds from effects of members of the homes who die leaving no heirs or next of kin and without having disposed of their estate by will. Such funds are available upon authorization of the Administrator of Veterans' Affairs for the construction of chapels, amusement halls, and for other objects to promote the comfort and welfare of the veterans at the various hospitals and homes in cases where no general appropriation is available *(38 U.S.C. Chs. 83 and 85)*.................................. $7,000,000

National Service Life Insurance Trust Fund:

This fund was established in 1940 as the financing mechanism for World War II servicemen's and veterans' insurance program authorized by the National Service Life Insurance Act of 1940. Over 22 million policies have been issued under this program. Because issuance of new policies ended in 1951 the insurance in force will continue to decline.

This fund is operated on a commerical basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation General operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the Veterans insurance and indemnities appropriation for claims (1) resulting from extra hazards of the veterans' service, and (2) arising on certain policies held by personnel on active duty *(72 Stat. 1154)*.................................. 1,060,193,000

United States Government Life Insurance Fund:

This fund was established in 1919 to receive premiums and pay claims on insurance issued under the provisions of the War Risk Insurance Act.

The fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the appropriation Veterans insurance and indemnities for claims (a) resulting from the extra hazards of the veteran's service, and (b) arising on certain policies held by personnel on active military duty *(72 Stat. 1161)*.................................. 34,304,000

Total, Veterans Administration.................................. *$1,215,697,000*

ACTION

Donations and Contributions, Domestic Programs:

Miscellaneous contributed funds received by gift, devise, bequest, or from foreign governments are used in furtherance of the program *(87 Stat. 394; 42 U.S.C. 5042(5))*.................................. 2,000

AMERICAN BATTLE MONUMENTS COMMISSION

Contributed Flower Fund:

This fund consists of moneys deposited by citizens for floral decorations for graves in military cemeteries in foreign countries. The donor is advised when flowers have been placed *(36 U.S.C. 128)*.................................. 20,000

Repair of Non-Federal War Memorials:

When requested to do so and upon receipt of the necessary funds, the Commission will arrange for and oversee the repair of war memorials to U.S. Forces erected in foreign countries by American citizens, States, municipalities, or associations. Such moneys are accounted for through this fund *(36 U.S.C. 128)*... 8,000

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement and Disability Fund:

The Act of May 22, 1920 *(41 Stat. 614)* as amended, authorized the establishment of the civil service retirement and disability fund and the deposit therein of deductions from the salaries of, and deposits for additional annuity by, employees and other members of the civil service retirement and disability fund and appropriated said fund for the payment of annuities, refunds, and allowances to such members. Said fund is supplemented by contributions from the various Government agencies as required by the Act of July 31, 1956 *(5 U.S.C., ch. 84, Stat. 622, Act of July 31, 1956)*.................................. 25,858,490,000

Advisory Commission on Intergovernmental Relations

Contributions:

State and local governments and nonprofit organizations contribute funds to strengthen the Commission's clearinghouse and information services to State and local governments, for special studies, and to encourage widespread consideration of the Commission's recommendations for improving intergovernmental relations $100,000

Appalachian Regional Commission

State Participation:

The 13 Appalachian States advance funds for the salaries and expenses of the States Regional Representative and his staff to represent the Appalachian States with the Appalachian Regional Commission and to provide technical support to local development districts 5,400,000

International Communication Agency

U.S. Dollars Advanced From Foreign Governments:

Funds advanced by other governments and private organizations are used to send experts abroad to perform requested services; to give foreign nationals scientific, technical, or other training; to purchase films and other products owned or controlled by the International Communication Agency; and to replace damaged or destroyed Inernational Communication Agency property *(22 U.S.C. 1431–1479)*.... 562,000

National Foundation on the Arts and the Humanities

Gifts and Donations:

The National Foundation on the Arts and the Humanities Act of 1965 authorizes the Government to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of in support of the purposes of the Foundation. Total gifts are matched by a general fund appropriations *(79 Stat. 845)*... 13,320,000

National Science Foundation

Donations:

Donations are used in furtherance of general purposes of the Foundation 5,200,000

Railroad Retirement Board

Railroad Retirement Account:

By authority of Act of June 24, 1937, and Public Resolution of July 1, 1937, there was established a "Railroad Retirement Account" into which all funds appropriated for annuity and pension payments together with interest from investment would be credited and available until expended and the provision made that such amounts not necessary for immediate expenditure would be invested by the Secretary of the Treasury in accordance with the provision of the Railroad Retirement Act of June 24, 1937 *(45 U.S.C. 228a–228r)*........ 4,769,000,000

Smithsonian Institution

Canal Zone Biological Area Funds:

The Act of July 1, 1940, section 6, provides that all moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7 of said Act, shall be deposited into the Treasury as a trust fund to be appropriated and used to defray part of the expenses of maintaining and operating the Canal Zone Biological Area *(60 Stat. 1101; 20 U.S.C. 79, 79a)*........ 70,000

United States Tax Court

Tax Court Judges Survivors Annuity Fund:

This fund, established under 26 U.S.C. 7448, effective October 4, 1961, is used to pay annuities to eligible widows and dependent children of deceased judges of the Tax Court of the United States. Participating judges pay into the fund 3 percent of their salaries or retired pay to cover creditable service for which payment is required and additional funds needed are transferred to the fund by the Tax Court from appropriations 128,000

United States Metric Board

Gifts and Donations:

Funds are provided by the chairman of the Board not authorized to be paid from the appropriated funds........ 8,000

WATER RESOURCES COUNCIL

River Basin Commissions:		
Commissions are jointly financed by contributions from the Federal Government and member States		$10,562,000
Total, Independent Agencies	*$31,878,642,000*	
Grand total, trust funds	*255,464,214,000*	

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1981 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1980	1981
Legislative:		
Library of Congress	$5,882,000	$5,082,000
Office of Technology Assessment	5,000	5,000
Total	5,887,000	5,087,000
The Judiciary	8,210,000	9,400,000
Executive:		
Funds appropriated to the President	9,022,155,000	9,525,248,000
Agriculture:		
Science and Education Administration	1,308,000	1,017,000
Animal and Plant Health Inspection Service	2,126,000	2,326,000
Soil Conservation Service	1,110,000	1,078,000
Agricultural Marketing Service	177,000	178,000
Food Safety and Quality Service	53,772,000	53,832,000
Economics, Statistics, and Cooperative Service	70,000	70,000
International Development Staff	7,011,000	6,087,000
Forest Service	96,609,000	96,400,000
Total	162,183,000	160,988,000
Commerce:		
Bureau of the Census	8,116,000	9,283,000
Economic and Statistical Analysis	250,000	250,000
Regional Action Planning Commissions	47,054,000	44,334,000
Industry and Trade Administration	7,790,000	8,290,000
General Administration	200,000	200,000
Science and Technical Research	22,000,000	22,000,000
National Oceanic and Atmospheric Administration	12,000,000	12,000,000
Maritime Administration	420,000	400,000
Total	97,830,000	96,757,000
Department of Defense—Military	10,600,000	10,800,000
Department of Defense—Civil:		
Corps of Engineers—Civil	38,000,000	39,000,000
Soldiers' and Airmen's Home	20,000	5,000
Total	38,020,000	39,005,000
Department of Energy	12,996,000	14,903,000
Health and Human Services:		
Office of the Assistant Secretary for Health	4,620,000	4,620,000
Health Care Financing Administration	35,922,156,000	45,007,120,000
Social Security Administration	116,931,976,000	132,464,981,000
Total	152,858,752,000	177,476,721,000
Interior:		
Bureau of Land Management	600,000	600,000
Bureau of Indian Affairs	531,399,000	496,099,000
Bureau of Mines	800,000	800,000
U.S. Fish and Wildlife Service	3,400,000	3,400,000

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1981 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1980	1981
Executive—Continued		
Interior—Continued		
National Park Service	$17,700,000	$1,500,000
Bureau of Reclamation	5,300,000	5,525,000
Heritage Conservation and Recreation Service	264,000	264,000
Total	559,463,000	508,188,000
Labor:		
Employment and Training Administration	17,400,100,000	19,300,100,000
Employment Standards Administration	9,735,000	10,934,000
Total	17,409,835,000	19,311,034,000
State:		
Administration of Foreign Affairs	261,795,000	266,692,000
International Organizations and Conferences	50,000	50,000
Total	261,845,000	266,742,000
Transportation:		
Coast Guard	30,000	30,000
Federal Aviation Administration	610,000,000	
Federal Highway Administration	8,651,077,000	9,101,213,000
National Highway Traffic Safety Administration	175,203,000	199,907,000
Total	9,436,310,000	9,301,150,000
Treasury:		
Office of the Secretary	10,000	7,000
Bureau of Government Financial Operations	18,000	18,000
U.S. Customs Service	4,340,000	4,600,000
Office of Revenue Sharing	6,854,924,000	6,854,924,000
Total	6,859,292,000	6,859,549,000
Independent agencies:		
General Services Administration	75,000	75,000
Veterans' Administration	1,170,538,000	1,215,697,000
ACTION	2,000	2,000
American Battle Monuments Commission	25,000	28,000
Office of Personnel Management	23,388,492,000	25,858,490,000
Advisory Commission on Intergovernmental Relations	100,000	100,000
Appalachian Regional Commission	5,206,000	5,400,000
International Communication Agency	562,000	562,000
National Foundation on the Arts and the Humanities	11,400,000	13,320,000
National Science Foundation	5,200,000	5,200,000
Railroad Retirement Board	4,440,000,000	4,769,000,000
Smithsonian Institution	70,000	70,000
United States Metric Board	8,000	8,000
Pennsylvania Avenue Development Corporation	2,000	
United States Tax Court	123,000	128,000
Water Resources Council	10,967,000	10,562,000
Total, Independent Agencies	29,032,770,000	31,878,642,000
Grand total	225,776,148,000	255,464,214,000

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 96th CONG., 2D SESS.

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS		
Agriculture, rural development, and related agencies [1] (pp. 93-117).		
Agricultural programs	$5,260,695,000	
Rural development programs	2,303,848,000	
Domestic food programs	12,756,899,000	
Rescission	−285,000,000	
International programs	1,292,965,000	
Related agencies	367,254,000	
Total *(net)*		[1] $21,696,661,000
Department of Defense (pp. 119-145):		
Military personnel	33,074,349,000	
Retired military personnel	13,887,800,000	
Operation and maintenance	51,768,663,000	
Procurement	44,909,424,000	
Research, development, test, and evaluation	16,022,716,000	
Special foreign currency program	2,760,000	
Related agencies	73,124,000	
Total		159,738,836,000
District of Columbia (pp. 147-154):		
Federal funds to the District of Columbia	490,782,700	
(Out of District revenues)	*(1,741,033,500)*	
Total		490,782,700
Energy and water development (pp. 155-171):		
Department of Energy	7,178,590,000	
Department of Defense—Civil	2,984,134,000	
Department of the Interior	771,461,000	
Independent agencies:		
Appalachian Regional Commission	3,192,000	
Appalachian regional development programs	339,300,000	
Delaware River Basin Commission	385,000	
Interstate Commission on the Potomac River Basin	55,000	
Nuclear Regulatory Commission	447,520,000	
Nuclear Safety Oversight Committee	1,500,000	
Susquehanna River Basin Commission	312,000	
Tennessee Valley Authority	287,563,000	
Water Resources Council	24,777,000	
General provisions	60,663	
Total		12,038,849,663
Foreign assistance and related programs [2] (pp. 173-184).		
Multilateral Economic Assistance:		
Inter-American Development Bank	251,547,[illegible]47	
International Bank for Reconstruction and Development	32,788,555	
International Finance Corporation	33,447,900	
International Development Association	20,000,000	
Asian Development Bank	139,612,996	
African Development Fund	41,666,667	
International organizations and programs	262,380,000	

See footnotes at end of table, p. 1933.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 96th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Foreign assistance and related programs (pp. 173-184)—Continued:		
Bilateral Economic Assistance:		
Agency for International Development	$3,459,814,500	
International narcotics control	48,758,000	
Inter-American Foundation	15,964,000	
Peace Corps	105,000,000	
Migration and refugee assistance	491,241,000	
Military Assistance	638,600,000	
Total		[2]$5,540,820,665
Department of Housing and Urban Development—Independent agencies [3] (pp. 185-210).		
Department of Housing and Urban Development	37,960,223,000	
Rescission of contract authority *(indefinite)*	−1,050,000,000	
Independent agencies:		
American Battle Monuments Commission	8,967,000	
Consumer Product Safety Commission	43,000,000	
Cemeterial expenses, Army	5,135,000	
Environmental Protection Agency	4,752,876,000	
Council on Environmental Quality and Office of Environmental Quality	3,250,000	
Office of Science and Technology Policy	2,712,000	
Federal Emergency Management Agency	1,218,937,000	
Consumer Information Center	1,409,000	
Office of Consumer Affairs	2,200,000	
National Aeronautics and Space Administration	5,541,200,000	
National Commission on Air Quality	2,000,000	
National Consumer Cooperative Bank	35,700,000	
National Institute of Building Sciences	625,000	
National Science Foundation	1,076,100,000	
Neighborhood Reinvestment Corporation	12,713,000	
Selective Service System	27,137,000	
Payments to State and local government fiscal assistance trust fund	4,569,949,000	
Office of Revenue Sharing	6,518,000	
New York City loan guarantee program, administrative expenses	922,000	
Investment in National Consumer Cooperative Bank	89,000,000	
Veterans Administration	20,810,526,000	
General provisions	−994,812,000	
Total *(net)*		[3]74,126,287,000
Department of the Interior and related agencies [4] (pp. 211-241).		
Department of the Interior *($108,585,000 trust funds)*	4,092,846,000	
Related agencies:		
Forest Service *(net)*	1,461,360,000	
Department of Energy	2,605,888,000	
Department of Health and Human Services	678,588,000	
Department of Education	94,537,000	
Other related agencies	533,724,000	
Total *(net)*		[4]9,466,943,000
Departments of Labor, Health and Human Services, and Education and related agencies [5] (pp. 243-273).		
Department of Labor	10,973,583,000	
Department of Health and Human Services	58,043,381,000	
Department of Education and special institutions	14.137,984,000	
Related agencies *($943,326,000 trust funds)*	1,403,875,000	
Total		[5]84,558,823,000
Legislative branch [6] (pp. 275-290 and p. 380).		
Congressional Operations	*(790,905,600)*	
Other Agencies	*(408,674,000)*	
Total		[6]*(1,199,579,600)*

See footnotes at end of table, p. 1933.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 96th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Military construction (pp. 291-297)		$5,098,680,000
Departments of State, Justice, and Commerce, the Judiciary, and related agencies [7] (pp. 299-322).		
Department of State	$1,564,708,000	
Department of Justice	2,217,274,000	
Department of Commerce	2,442,170,000	
The Judiciary	631,140,000	
Related agencies *($1,998,000 trust funds)*	2,276,464,000	
Supplemental appropriations for fiscal year 1980 *(reappropriations)*	*(3,761,800)*	
Total		[7]9,131,756,000
Department of Transportation and related agencies [8] (pp. 323-342).		
Department of Transportation *($435,000,000 trust funds)*	11,108,252,764	
Related agencies	886,903,000	
General provisions	−3,894,000	
Total *(net)*		[8]11,991,261,764
Treasury, Postal Service, and general government [9] (pp. 343-365).		
Department of the Treasury	3,649,397,881	
United States Postal Service	1,593,217,000	
Executive Office of the President and Funds Appropriated to the President	81,744,000	
Independent agencies:		
Administrative Conference of the United States	1,100,000	
Advisory Commission on Intergovernmental Relations	1,750,000	
Advisory Committee on Federal Pay	190,000	
Committee for Purchase from the Blind and Other Severely Handicapped	500,000	
Federal Election Commission	9,283,000	
Contributions to International Buffer Stocks	88,000,000	
General Services Administration	537,050,000	
Office of Personnel Management	3,683,884,000	
Merit Systems Protection Board	19,250,000	
Federal Labor Relations Authority	14,000,000	
United States Tax Court	10,427,000	
Total		[9]9,689,792,881
Total, regular annual appropriation acts *(net)* [10]		[10]403,569,493,673
SUPPLEMENTAL APPROPRIATION ACTS		
Urgent Supplemental for Food Stamp Program, 1980 (P.L. 96-243) (pp. 5-6)	2,556,174,000	
Federal Trade Commission, 1980 (P.L. 96-261) (p. 7)	49,700,000	
Supplemental-Rescission Appropriations Act, 1980 *(net)* (P.L. 96-304) (pp. 11-88)	[11]16,900,136,772	
Urgent Supplemental, Veterans' Administration, 1980 (P.L. 96-352) (p. 31)	67,000,000	
International Monetary Fund, 1981 (P.L. 96-544) (pp. 367-368)	5,537,839,000	
Total, supplemental appropriation acts		25,110,849,772
CONTINUING APPROPRIATIONS		
Continuing Appropriations, 1981 (P.L. 96-369) (pp. 369-377):		
Foreign Assistance and Related Agencies (p. 370)	280,000,000	
Department of Agriculture (p. 374)	15,000,000	
Department of Energy (p. 375)	1,383,000,000	
Total		1,678,000,000
Further Continuing Appropriations, 1981 (P.L. 96-536) (pp. 379-385):		
Departments of Labor, Health and Human Services, Education and related programs (p. 379)	[12]*(84,558,823,000)*	
Treasury, Postal Service, and general government (p. 379)	[13]*(9,689,792,881)*	
Foreign assistance and related programs (p. 380)	[14]*(5,540,820,665)*	

See footnotes at end of table, p. 1933.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 96th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
CONTINUING APPROPRIATIONS—Continued		
Further Continuing Appropriations, 1981 (P.L. 96-536)—Continued:		
Legislative branch (p. 380)	$1,199,579,600	
Executive Office of the President and Funds Appropriated to the President (p. 380)	9,447,000	
Department of Energy (p. 381)	112,000,000	
Departments of State, Justice, and Commerce, the Judiciary, and related agencies (p. 382)	[15]*(9,131,756,000)*	
General Services Administration (p. 384)	823,000	
Department of the Treasury (p. 384)	218,299	
Small Business Administration (p. 384)	600,000,000	
Panama Canal Commission (p. 384)	10,210,000	
Department of Labor (pp. 384-385)	1,475,000,000	
Total		$3,407,277,899
Total, continuing appropriations		5,085,277,899
MISCELLANEOUS LAWS CARRYING APPROPRIATIONS		
Legislative acts	([16])	
Private appropriation acts (p. 1901)	843,002	
Total appropriations in miscellaneous laws		843,002
Grand total, regular annual, supplemental, continuing and other acts *(net)*		433,766,464,346
Consisting of—		
New budget *(obligational)* authority	*(438,285,036,492)*	
Rescissions of unobligated balances	*(−4,518,572,146)*	
PERMANENT FEDERAL FUNDS AND TRUST FUNDS		
Federal funds:		
Interest on public debt (p. 1911)	79,400,000,000	
Other (pp. 1903-1914)	16,752,253,000	
Total, Federal funds	96,152,253,000	
Trust funds:		
Social Security Administration (p. 1919)	132,464,981,000	
Other (pp. 1915-1928)	122,999,233,000	
Total, Trust funds	255,464,214,000	
Total, permanent Federal funds and Trust funds		351,616,467,000
Grand total, all funds *(net)*		785,382,931,346
Fiscal year 1980 *(net)*	18,981,500,017	
Fiscal year 1981 *(net)*	766,063,431,329	
Fiscal year 1982	166,000,000	
Fiscal year 1983	172,000,000	
RECAPITULATION AND RECONCILIATION		
Federal funds		528,429,808,346
Trust funds		[17]256,953,123,000
Adjustment for interfund and intragovernmental transactions (see par. ?, Compilers' Notes, p. IV)		−88,590,878,000
Net total new budget *(obligational)* authority for session		696,792,053,346

See footnotes at end of table, p. 1933.

[1] Reflects rescission of $285 million in appropriated funds in the Child Nutrition Program.

[2] Funding for programs and activities normally included in this bill is provided in section 101(b) of Public Law 96-536, Further Continuing Appropriations, 1981.

[3] Reflects rescission of $1,050,000,000 in indefinite contract authority under the Rent Supplement Program.

[4] Reflects a reduction of $156,000 in appropriated funds for consultant services under the Forest Service.

[5] Funding for programs activities normally included in this bill is provided under Sec. 101(a) (1) of Public Law 96-536, Further Continuing Appropriations, 1981.

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) and Sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981.

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(o) of Public Law 96-536, Further Continuing Appropriations, 1981.

[8] Reflects a reduction of $3,894,000 in consultant services for the Department of Transportation.

[9] Funding for programs and activities normally included in this bill is provided in Sec. 101(a) (4) of Public Law 96-536, Further Continuing Appropriations, 1981.

[10] **Includes amounts provided through further continuing appro**priations for programs and activities normally funded in five regular annual appropriation bills. These bills are (1) the Foreign Assistance and Related Programs Appropriations Bill, 1981, H.R. 7854 *($5,540,820,665)*; the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, 1981, H.R. 7998 *($84,558,823,000)*; the Legislative Branch Appropriations Bill, 1981, H.R. 7593 *($1,199,579,600)*; the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Bill, 1981, H.R. 7584 *($9,131,756,000)*; and the Treasury, Postal Service, and General Government Appropriations Bill, 1981, H.R. 7583 *($9,689,792,881)*.

[11] **Includes $591,600,000 in advance appropriations for fiscal year** 1981 for Special Migration and Refugee Assistance *($50,000,000)*, Economic Support Fund *($80,000,000)*, Unemployment Trust Fund and Other Funds *($400,000,000)*, and Rail Labor Assistance *($61,600,000)*. **Also reflects rescissions of $3,183,562,146.**

[12] For informational purposes only. Amount included in total for "regular annual appropriations acts *(net)*" above.

[13] For informational purposes only. Amount included in total for "regular annual appropriations acts *(net)*" above.

[14] For informational purposes only. Amount included in total for "regular annual appropriations acts *(net)*" above.

[15] For informational purposes only. Amount included in total for "regular annual appropriations acts *(net)*" above.

[16] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action. As a result, there were no legislative acts approved during the 96th Congress, 2d Session, carrying appropriations.

[17] Includes $1,488,909,000 in "current" trust funds.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (−) 1981, compared with 1980
Department of Agriculture:			
Regular annual, supplemental and continuing acts:			
Agricultural programs	$4,908,691,000	$5,260,695,000	+$352,004,000
Rescission	−4,200,000		+4,200,000
Rural development programs	2,250,682,000	2,303,848,000	+53,166,000
Rescission	−23,000,000		+23,000,000
Domestic food programs	11,642,699,000	12,756,899,000	+1,114,200,000
Rescission	−500,000	−285,000,000	−284,500,000
International programs	920,627,000	1,292,965,000	+372,338,000
Forest Service	1,637,514,000	1,476,360,000	−161,154,000
Total, regular annual, supplemental and continuing acts *(net)*	21,332,513,000	22,805,767,000	+1,473,254,000
Permanent appropriations:			
Federal funds	4,621,088,000	2,863,298,000	−1,757,790,000
(Authority to borrow)	*(1,964,313,000)*	*(34,154,000)*	*(−1,930,159,000)*
Trust funds	162,183,000	160,988,000	−1,195,000
Total, Department of Agriculture *(net)*	26,115,784,000	25,830,053,000	−285,731,000
Department of Commerce:			
Regular annual and supplemental acts	2,219,110,000	2,442,170,000	+223,060,000
Rescission	−35,400,000		+35,400,000
Total, regular annual and supplemental acts *(net)*	2,183,710,000	2,442,170,000	+258,460,000
Permanent appropriations:			
Federal funds	326,434,000	384,329,000	+57,895,000
(Contract authority)	*(304,755,000)*	*(348,502,000)*	*(+43,747,000)*
Trust funds	97,830,000	96,757,000	−1,073,000
Total, Department of Commerce, *(net)*	2,607,974,000	2,923,256,000	+315,282,000
Department of Defense—Civil:			
Regular annual, supplemental and continuing acts	3,748,255,000	3,009,595,000	−738,660,000
Rescission	−5,450,000		+5,450,000
Total, regular annual, supplemental and continuing acts *(net)*	3,742,805,000	3,009,595,000	−733,210,000
Permanent appropriations:			
Federal funds	7,677,000	7,879,000	+202,000
Trust funds	38,020,000	39,005,000	+985,000
Total, Department of Defense—Civil *(net)*	3,788,502,000	3,056,479,000	−732,023,000
Department of Defense—Military:			
Regular annual and supplemental acts:			
Army	33,978,186,000	39,535,297,000	+5,557,111,000
Navy	46,782,293,000	54,437,004,000	+7,654,711,000
Air Force	40,937,221,000	48,692,456,000	+7,755,235,000
Department of Defense	19,376,334,000	22,099,635,000	+2,723,301,000
Other	63,127,000		−63,127,000
Total, regular annual and supplemental acts	141,137,161,000	164,764,392,000	+23,627,231,000
Permanent appropriations:			
Trust funds	10,600,000	10,800,000	+200,000
Total, Department of Defense—Military	141,147,761,000	164,775,192,000	+23,627,431,000

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (−) 1981, compared with 1980
District of Columbia—Federal funds:			
Regular annual and supplemental acts	$470,570,000	$490,782,700	+$20,212,700
Rescission	−21,129,700		+21,129,700
Total, District of Columbia—Federal funds *(net)*	449,440,300	490,782,700	+41,342,400
District of Columbia—Payable from District revenue:			
(Regular annual and supplemental acts)	*(1,596,618,200)*	*(1,741,033,500)*	*(+144,415,300)*
(Rescission)	*(−6,177,400)*		*(+6,177,400)*
Total, District of Columbia—Payable from District revenue *(net)*	*(1,590,440,800)*	*(1,741,033,500)*	*(+150,592,700)*
Department of Education:			
Regular annual, supplemental and continuing acts	12,711,339,855	14,232,521,000	+1,521,181,145
Rescission	−333,802,000		+333,802,000
Total, regular annual, supplemental and continuing acts *(net)*	12,377,537,855	14,232,521,000	+1,854,983,145
Permanent appropriations:			
Federal funds	10,827,000	10,748,000	−79,000
Total, Department of Education	12,388,364,855	14,243,269,000	+1,854,904,145
Department of Energy:			
Regular annual, supplemental and continuing acts	28,899,326,000	11,279,478,000	−17,619,848,000
Rescission	−2,122,225,000		+2,122,225,000
Total, regular annual, supplemental and continuing acts *(net)*	26,777,101,000	11,279,478,000	−15,497,623,000
Permanent appropriations:			
Federal funds	85,000	85,000	
Trust funds	12,996,000	14,903,000	+1,907,000
Total, Department of Energy	26,790,182,000	11,294,466,000	−15,495,716,000
Environmental Protection Agency:			
Regular annual and supplemental acts	4,671,042,000	4,752,876,000	+81,834,000
Rescission	−500,000		+500,000
Total, regular annual and supplemental acts *(net)*	4,670,542,000	4,752,876,000	+82,334,000
Foreign Assistance:			
Regular annual, supplemental and continuing acts	6,901,138,852	10,948,660,665	+4,047,521,813
Permanent appropriations:			
Trust funds	9,022,155,000	9,525,248,000	+503,093,000
(Contract authority)	*(9,000,000,000)*	*(9,500,000,000)*	*(+500,000,000)*
Total, Foreign Assistance	15,923,293,852	20,473,908,665	+4,550,614,813
General Government:			
Regular annual, supplemental and continuing acts	14,607,359,657	12,881,760,000	−1,725,599,657
Rescission	−28,694,000		+28,694,000
Total, regular annual, supplemental and continuing acts *(net)*	[1]14,578,665,657	12,881,760,000	−1,696,905,657
Appropriated during 96th Cong., 1st.sess. for fiscal year 1981		162,000,000	+162,000,000
Permanent appropriations:			
Federal funds	7,868,634,000	8,795,738,000	+927,104,000
Trust funds	27,862,157,000	30,662,870,000	+2,800,713,000
Total, General Government	[1]50,309,456,657	52,502,368,000	+2,192,911,343

See footnotes at end of table, p. 1940.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (-) 1981, compared with 1980
General Services Administration:			
Regular annual, supplemental and continuing acts	$433,718,500	$539,282,000	+$105,563,500
Appropriated during 95th Cong., 1st sess. for fiscal year 1980	152,000,000		-152,000,000
Permanent appropriations:			
Federal funds	1,000,000	1,000,000	
Trust funds	75,000	75,000	
Total, General Services Administration	586,793,500	540,357,000	-46,436,500
Department of Health and Human Services:			
Regular annual, supplemental and continuing acts:			
Food and Drug Administration	325,668,000	349,288,000	+23,620,000
Health Services Administration	2,032,638,000	1,990,991,000	-41,6 7,000
Rescission	-18,500,000		+18,500,000
Center for Disease Control	298,415,000	329,441,000	+31,026,000
Rescission	-18,318,000		+18,318,000
National Institutes of Health	3,429,381,000	3,616,447,000	+187,066,000
Alcohol, Drug Abuse and Mental Health Administration	1,112,767,000	1,143,580,000	+30,813,000
Rescission	-4,000,000		+4,000,000
Health Resources Administration	728,210,000	648,021,000	-80,189,000
Rescission	-19,300,000		+19,300,000
Assistant Secretary for Health	279,009,000	271,924,000	-7,085,000
Rescission	-18,500,000		+18,500,000
Health Care Financing Administration	22,872,150,000	25,935,044,000	+3,062,894,000
Rescission	-30,000,000		+30,000,000
Social Security Administration	15,751,302,000	19,284,705,000	+3,533,403,000
Human Development Services Administration	5,533,358,000	5,280,183,000	-253,175,000
Departmental Management	369,203,000	223,833,000	-145,370,000
Assistant Secretary for Human Development	467,750,000		-467,750,000
Special Institutions	191,932,000		-191,932,000
Section 201 Reduction	-500,000,000		+500,000,000
Total, regular annual, supplemental and continuing acts *(net)*	[1]52,783,165,000	59,073,457,000	+6,290,292,000
Permanent appropriations:			
Federal funds	350,000	450,000	+100,000
Trust funds	152,858,752,000	177,476,721,000	+24,617,969,000
Total, Department of Health and Human Services *(net)*	[1]205,642,267,000	236,550,628,000	+30,908,361,000
Department of Housing and Urban Development:			
Regular annual and supplemental acts	33,828,796,000	37,147,584,000	+3,318,788,000
Rescission	-388,700,000	-1,050,000,000	-661,300,000
Total, regular annual and supplemental acts *(net)*	33,440,096,000	36,097,584,000	+2,657,488,000
Permanent appropriations:			
Federal funds	2,081,895,000	1,059,357,000	-1,022,538,000
(Contract authority)	*(39,538,000)*	*(32,500,000)*	*(-7,038,000)*
(Authority to borrow)	*(2,028,912,000)*	*(1,017,265,000)*	*(-1,011,647,000)*
Total, Department of Housing and Urban Development *(net)*	35,521,991,000	37,156,941,000	+1,634,950,000

See footnotes at end of table, p. 1940.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (−) 1981, compared with 1980
Department of the Interior:			
Regular annual and supplemental acts:			
Bureau of Reclamation	$607,341,000	$771,461,000	+$164,120,000
Land and Water Resources	603,170,000	572,915,000	−30,255,000
Rescission	−3,000,000		+3,000,000
Fish and Wildlife and Parks	1,516,442,000	1,212,881,000	−303,561,000
Rescission	−18,000,000		+18,000,000
Energy and Minerals	960,888,000	908,284,000	−52,604,000
Indian Affairs	1,022,321,000	1,099,046,000	+76,725,000
Territorial Affairs	210,081,000	166,638,000	−43,443,000
Secretarial Offices	68,085,000	133,082,000	+64,997,000
Total, regular annual and supplemental acts	4,967,328,000	4,864,307,000	−103,021,000
Permanent appropriations:			
Federal funds	607,784,000	676,795,000	+69,011,000
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	559,463,000	508,188,000	−51,275,000
Total, Department of the Interior *(net)*	6,134,575,000	6,049,290,000	−85,285,000
The Judiciary:			
Regular annual and supplemental acts	591,306,000	631,140,000	+39,834,000
Permanent appropriations:			
Trust funds	8,210,000	9,400,000	+1,190,000
Total, The Judiciary	599,516,000	640,540,000	+41,024,000
Department of Justice:			
Regular annual and supplemental acts	2,479,840,000	2,217,274,000	−262,566,000
Rescission	−4,439,446		+4,439,446
Total, regular annual and supplemental acts *(net)*	2,475,400,554	2,217,274,000	−258,126,554
Department of Labor:			
Regular annual, supplemental and continuing acts	12,709,128,000	12,848,583,000	+139,455,000
Permanent appropriations:			
Trust funds	17,409,835,000	19,311,034,000	+1,901,199,000
Total, Department of Labor	30,118,963,000	32,159,617,000	+2,040,654,000
Legislative Branch:			
Regular annual, supplemental and continuing acts	1,253,287,863	1,199,647,263	−53,640,600
Rescission	−4,292,000		+4,292,000
Total, regular annual, supplemental and continuing acts *(net)*	1,248,995,863	1,199,647,263	−49,348,600
Permanent appropriations:			
Federal funds	17,316,000	17,283,000	−33,000
Trust funds	5,887,000	5,087,000	−800,000
Total, Legislative Branch *(net)*	1,272,198,863	1,222,017,263	−50,181,600
National Aeronautics and Space Administration:			
Regular annual and supplemental acts	5,244,786,000	5,541,200,000	+296,414,000
Postal Service:			
Regular annual, supplemental and continuing acts	1,676,810,000	1,593,217,000	−83,593,000
Department of State:			
Regular annual, supplemental and continuing acts	2,184,692,000	2,104,707,000	−79,985,000
Permanent appropriations:			
Federal funds	108,722,000	113,357,000	+4,635,000
Trust funds	261,845,000	266,742,000	+4,897,000
Total, Department of State	2,555,259,000	2,484,806,000	−70,453,000

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (−) 1981, compared with 1980
Department of Transportation:			
Regular annual and supplemental acts:			
Office of the Secretary	$45,513,000	$46,468,699	+$955,699
Coast Guard	1,726,376,782	1,860,220,065	+133,843,283
Federal Aviation Administration	2,606,132,000	2,734,460,000	+128,328,000
Federal Highway Administration	402,850,000	40,181,000	−362,669,000
National Highway Traffic Safety Administration	106,025,000	124,469,000	+18,444,000
Federal Railroad Administration	1,555,321,000	1,521,883,000	−33,438,000
Rescission	−60,000,000		+60,000,000
Urban Mass Transportation Administration	3,214,375,000	4,615,200,000	+1,400,825,000
Rescission	−713,100,000		+713,100,000
Research and Special Programs Directorate	26,046,000	43,420,000	+17,374,000
Office of the Inspector General	1,300,000	13,657,000	+12,357,000
Total, regular annual and supplemental acts	8,910,838,782	10,999,958,764	+2,089,119,982
Appropriations in legislative acts made during 95th Cong., 2nd sess. for fiscal year 1981—trust funds (P.L. 95-599)		5,615,000,000	+5,615,000,000
Permanent appropriations:			
Federal funds	7,000,000	7,000,000	
Trust funds	9,436,310,000	9,301,150,000	−135,160,000
(Contract authority)	*(9,434,416,000)*	*(9,297,620,000)*	*(−136,796,000)*
Total, Department of Transportation *(net)*	18,354,148,782	25,923,108,764	+7,568,959,982
Department of the Treasury:			
Regular annual, supplemental and continuing acts	12,009,346,600	8,317,325,180	−3,692,021,420
Rescission	−1,622,000		+1,622,000
Total, regular annual, supplemental and continuing acts *(net)*	12,007,724,600	8,317,325,180	−3,690,399,420
Private appropriation acts	89,245	753,757	+664,512
Permanent appropriations:			
Federal funds	76,362,629,000	82,214,934,000	+5,852,305,000
Trust funds	6,859,292,000	6,859,549,000	+257,000
Total, Department of the Treasury *(net)*	95,229,734,845	97,392,561,937	+2,162,827,092
Veterans Administration:			
Regular annual and supplemental acts	20,559,741,000	20,810,526,000	+250,785,000
Permanent appropriations:			
Trust funds	1,170,538,000	1,215,697,000	+45,159,000
Total, Veterans Administration	21,730,279,000	22,026,223,000	+295,944,000
General Reduction:			
Regular annual and supplemental acts	[2] −220,000,000		+220,000,000
Grand Total:			
Regular annual, supplemental and continuing acts	397,261,017,109	415,781,210,572	+18,520,193,463
Rescissions	−4,096,672,146	−1,335,000,000	+2,761,672,146
Appropriated in fiscal 1978 for fiscal 1980	152,000,000		−152,000,000
Appropriated in fiscal 1979 and fiscal 1980 for fiscal 1981		5,777,000,000	+5,777,000,000
Private appropriation acts	89,245	753,757	+664,512

See footnotes at end of table, p. 1940.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1980 AND 1981—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1980—96th Cong., 1st sess. 96th Cong., 2d sess.	Fiscal year 1981—96th Cong., 2d sess.	Increase (+) or decrease (−) 1981, compared with 1980
Grand Total—Continued:			
Legislative acts:			
Federal funds	(3)	(3)	
Trust funds *(contract authority)*	(3)	(3)	
Permanent appropriations:			
Federal Funds	$92,021,441,000	$96,152,253,000	+$4,130,812,000
(Contract authority)	*(374,293,000)*	*(411,002,000)*	*(+36,709,000)*
(Authority to borrow)	*(3,993,225,000)*	*(1,051,419,000)*	*(−2,941,806,000)*
Trust funds	225,776,148,000	255,464,214,000	+29,688,066,000
(Contract authority)	*(18,434,416,000)*	*(18,797,620,000)*	*(+363,204,000)*
Net total	711,114,023,208	771,840,431,329	+60,726,408,121
Less:			
Adjustments for interfund and intragovernmental transactions (see par. 2, "Compilers' Notes", p. IV)	−80,235,901,000	−88,590,878,000	−8,354,977,000
Appropriated in fiscal 1978 for fiscal 1980	−152,000,000		+152,000,000
Appropriated in fiscal 1979 and fiscal 1980 for fiscal 1981		−[illegible],777,000,000	−5,777,000,000
Net total	630,726,122,208	67[illegible]72,553,329	+46,746,431,121

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[1] Includes amounts for fiscal year 1980 for programs funded through continuing appropriations, Public Law 96-123 (Sec. 101(c)). These amounts were *excluded* from the previous volume (96th Cong., 1st sess.) since the continuing resolution provided for these programs at the "current rate". Figures reflecting the new budget (obligational) authority for these programs at the "current rate" have been taken from the 1980 column of the President's Budget for 1981 (House Document 96-246). These amounts total $1,146,946,000 and consist of $1,088,464,000 under the Department of Health, Education, and Welfare; and $58,482,000 under General Government (see Table VIII on p. 1959 for the agencies involved).

[2] Pursuant to Section 304(a) of Public Law 96-304 (see p. 85, this volume).

[3] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action. As a result, there were no legislative acts approved during the 96th Cong., 2d sess., carrying appropriations.

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS		*1980*		*1980*	
Agriculture, rural development and related agencies:					
Agricultural programs *(net)*	$5,204,121,329	June 17 (96-1095)	$5,178,574,000	July 30	$5,178,574,000
Rural development programs	2,193,570,000	do	2,266,695,000	do	2,266,695,000
Domestic food programs *(net)*	12,977,776,000	do	12,809,799,000	do	12,809,799,000
International programs	1,296,787,000	do	1,291,465,000	do	1,291,465,000
Related agencies	371,372,000	do	364,154,000	do	364,154,000
Total	22,043,626,329		21,910,687,000		21,910,687,000
Department of Defense:					
Military personnel	32,129,120,000	Sept. 11 (96-1317)	32,179,220,000	Sept. 16	32,225,820,000
Retired military personnel	13,987,800,000	do	13,887,800,000	do	13,887,800,000
Operation and maintenance	51,188,023,000	do	51,812,001,000	do	51,865,401,000
Procurement	40,639,342,000	do	44,240,005,000	do	44,240,005,000
Research, development, test, and evaluation	16,475,555,000	do	14,843,919,000	do	14,916,582,000
Special foreign currency program	2,760,000	do	2,760,000	do	2,760,000
General provisions	*(750,000,000)*	do	*(750,000,000)*	do	*(750,000,000)*
Related agencies	73,824,000	do	73,124,000	do	73,124,000
Total	154,496,424,000		157,028,829,000		157,211,492,000
District of Columbia:					
Federal payment to the District of Columbia	528,557,100	Aug. 28 (96-1271)	515,702,600	Sept. 3	509,702,600
(Out of District revenues)	*(1,776,811,900)*	do	*(1,764,957,400)*	do	*(1,764,957,400)*
Energy and water development:					
Department of Energy	7,215,054,000	June 16 (96-1093)	6,836,325,000	June 25	6,943,725,000
Department of Defense—Civil	2,872,914,000	do	3,108,671,000	do	3,108,671,000
Department of the Interior	806,752,000	do	814,690,000	do	814,690,000
Independent agencies	957,139,000	do	1,088,027,000	do	1,088,027,000
General provisions		do		do	
Total	11,851,859,000		11,847,713,000		11,955,113,000
Foreign assistance and related programs:					
Multilateral Economic Assistance	1,950,281,533	July 29 (96-1207)	1,648,722,209		
Bilateral Economic Assistance	4,781,092,000	do	4,665,592,000		
Military Assistance	872,000,000	do	879,137,500		
Export-Import Bank of the United States	*(12,328,064,000)*	do	*(12,328,064,000)*		
Total	7,603,373,533		7,193,451,709		
Department of Housing and Urban Development—Independent agencies:					
Department of Housing and Urban Development *(net)*	7,179,520,000	June 19 (96-1114)	5,937,410,000	July 28	5,947,410,000
(Appropriations to liquidate contract authorizations)	*(7,127,000,000)*	do	*(7,127,000,000)*	do	*(7,127,000,000)*
Independent agencies	34,254,303,000	do	33,674,663,000	do	33,718,297,000
(Appropriations to liquidate contract authorizations)	*(1,700,000,000)*	do	*(1,700,000,000)*	do	*(1,700,000,000)*
Corporations *(limitations on administrative expenses)*	*(56,250,000)*	do	*(54,135,000)*	do	*(54,135,000)*
General provision		do		do	
Total	41,433,823,000		39,612,073,000		39,665,707,000

See footnotes at end of table, pp. 1948–1949.

SUPPLEMENTAL APPROPRIATION BILLS, 96TH CONG., 2D SESS.

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Note," p. II.)]

Estimates considered by **Senate** [1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1980		*1980*		*1980*			
$5,204,121,329	Nov. 24 (96-1030)	$5,290,476,000	Nov. 25	$5,291,567,000	ec. 15	$5,260,695,000	H.R. 7591	96-528
2,193,570,000	......do......	2,311,257,000	......do......	2,318,256,000	......do......	2,303,848,000		
12,977,776,000	......do......	12,394,876,000	......do......	12,394,876,000	......do......	12,471,899,000		
D1,296,787,000	......do......	1,296,297,000	......do......	1,296,297,000	......do......	1,292,965,000		
371,372,000	......do......	369,412,000	......do......	369,412,000	......do......	367,254,000		
22,043,626,329		21,662,318,000		21,670,408,000		21,696,661,000		
32,129,120,000	Nov. 19 (96-1020)	32,963,249,000	Nov. 21	33,163,249,000	ec. 15	33,074,349,000	H.R. 8105	96-527
13,987,800,000	......do......	13,887,800,000	......do......	13,887,800,000	......do......	13,887,800,000		
51,188,023,000	......do......	51,322,413,000	......do......	51,322,413,000	......do......	51,768,663,000		
40,639,342,000	......do......	45,512,805,000	......do......	45,512,805,000	......do......	44,909,424,000		
16,475,555,000	......do......	16,885,679,000	......do......	16,885,679,000	......do......	16,022,716,000		
2,760,000	......do......	2,760,000	......do......	2,760,000	......do......	2,760,000		
(750,000,000)	......do......	*(750,000,000)*	......do......	*(750,000,000)*	......do......	*(750,000,000)*		
73,824,000	......do......	73,124,000	......do......	73,124,000	......do......	73,124,000		
154,496,424,000		160,647,830,000		160,847,830,000		159,738,836,000		
531,872,100	Sept. 19 (96-969)	488,438,800	Nov. 17	488,488,800	ec. 15	490,782,700	H.R. 8061	96-539
(1,780,126,900)	......do......	*(1,737,728,300)*	......do......	*(1,737,728,300)*	......do......	*(1,741,033,500)*		
7,304,054,000	Sept. 5 (96-927)	7,247,670,500	Sept. 10	7,257,420,500	Oct. 1	7,178,590,000	H.R. 7590	96-367
2,872,914,000	......do......	2,926,692,000	......do......	2,926,692,000	......do......	2,984,134,000		
806,752,000	......do......	789,878,000	......do......	789,878,000	......do......	771,461,000		
1,004,391,000	......do......	1,107,604,000	......do......	1,107,604,000	......do......	1,104,604,000		
	......do......	−17,324,337	......do......	−17,324,337	......do......	60,663		
11,988,111,000		12,054,520,163		12,064,270,163		12,038,849,663		
						781,443,165	H.R. 7854	(5)
						4,120,777,500		
						638,600,000		
						(19,931,736,000)		
						5,540,820,665		
40,491,951,000	Sept. 4 (96-926)	36,760,330,000	Sept. 23	36,874,130,000	ec. 15	36,910,223,000	H.R. 7631	96-526
(7,127,000,000)	......do......	*(7,127,000,000)*	......do......	*(7,127,000,000)*	......do......	*(7,127,000,000)*		
38,646,137,000	......do......	33,415,735,000	......do......	38,033,384,000	......do......	38,210,876,000		
(1,700,000,000)	......do......	*(1,700,000,000)*	......do......	*(1,700,000,000)*	......do......	*(1,700,000,000)*		
(56,250,000)	......do......	*(54,135,000)*	......do......	*(54,135,000)*	......do......	*(54,135,000)*		
	......do......	−28,297,000	......do......	−1,114,259,000	......do......	−994,812,000		
79,138,088,000		70,147,768,000		73,793,255,000		74,126,287,000		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL ACTS—Continued		*1980*		*1980*	
Department of the Interior and related agencies:					
Department of the Interior	$3,741,484,000	July 2 (96-1147)	$4,054,734,000	July 30	$4,056,734,000
Related agencies	7,771,300,000	do	6,436,225,000	do	6,431,225,000
Total	11,512,784,000		10,490,959,000		10,487,959,000
Departments of Labor, Health and Human Services, Education, and related agencies:					
Department of Labor	12,170,188,000	Aug 21 (96-1244)	11,892,977,000	Aug 27	11,892,977,000
Department of Health and Human Services	57,457,179,000	do	57,120,574,000	do	57,120,574,000
Department of Education and special institutions	13,515,952,920	do	14,137,984,000	do	14,137,984,000
Related agencies	1,414,044,000	do	1,400,175,000	do	1,400,175,000
Total	84,557,363,920		84,551,710,000		84,551,710,000
Legislative branch:					
Congressional operations	*(589,350,700)*	June 17 (96-1098)	*(564,854,600)*	July 21	*(564,854,600)*
Other agencies	*(446,332,000)*	do	*(408,674,000)*	do	*(408,674,000)*
Capital improvements	*(20,869,000)*	do		do	
Total	*(1,056,551,700)*		*(973,528,600)*		*(973,528,600)*
Military construction	5,387,136,000	June 17 (96-1097)	4,801,119,000	June 27	4,801,979,000
Departments of State, Justice, and Commerce, the Judiciary, and related agencies *(vetoed)*:					
Department of State	1,649,632,000	June 13 (96-1091)	1,565,608,000	July 23	1,565,608,000
Department of Justice	2,247,134,000	do	2,230,768,000	do	2,253,141,000
Department of Commerce	1,789,993,000	do	1,739,715,000	do	1,739,715,000
(Appropriations to liquidate contract authorizations)	*(333,196,000)*	do	*(333,196,000)*	do	*(333,196,000)*
The Judiciary	647,091,000	do	627,688,000	do	627,688,000
Related agencies	2,465,049,000	do	2,423,946,000	do	2,533,046,000
Total	8,798,899,000		8,587,725,000		8,719,198,000
Department of Transportation and related agencies:					
Department of Transportation	11,566,394,065	July 24 (96-1193)	11,146,681,065	July 31	11,146,681,065
(Appropriations to liquidate contract authorizations)	*(9,792,800,000)*	do	*(9,890,300,000)*	do	*(9,890,300,000)*
Related agencies	891,241,000	do	886,103,000	do	886,103,000
General Provisions		do		do	
Total	12,457,635,065		12,032,784,065		12,032,784,065
Treasury, Postal Service, and general government:					
Department of the Treasury	3,644,255,000	June 13 (96-1090)	3,647,225,000	Aug. 20	3,649,397,881
U.S. Postal Service	1,343,217,000	do	1,593,217,000	do	1,593,217,000
Executive Office of the President	107,030,000	do	81,744,000	do	81,744,000
Independent agencies	4,419,198,000	do	4,365,434,000	do	4,365,434,000
Total	9,513,700,000		9,687,620,000		9,689,792,881
Total, regular annual appropriation acts	370,185,180,947		368,270,373,374		361,536,124,546
(Appropriations to liquidate contract authorizations)	*(18,952,996,000)*		*(19,050,496,000)*		*(19,050,496,000)*

See footnotes at end of table, pp. 1948–1949.

SUPPLEMENTAL APPROPRIATION BILLS, 96TH CONG., 2D SESS.—Continued

2d Sess., differs to some extent from previous tabulations. (See explanation, par. 4 (Compilers' Note," p. II)]

Estimates considered by **Senate** [1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1980		*1980*		*1980*			
$3,800,596,000	Sept. 23 (96-985)	$3,941,407,000	Nov. 17	$3,943,952,000	Dec. 12	$4,092,846,000	H.R. 7724	96-514
6,548,900,000	do	6,630,524,500	do	5,254,300,500	do	5,374,097,000		
10,349,496,000		10,571,931,500		9,198,252,500		9,466,943,000		
						10,973,583,000	H.R. 7998	([3])
						58,043,381,000		
						14,137,984,000		
						1,403,875,000		
						84,558,823,000		
							H.R. 7593	([4])
5,387,136,000	Sept. 9 (96-931)	5,148,370,000	Sept. 17	5,160,660,000	Oct. 13	5,098,680,000	H.R. 7592	96-436
1,649,632,000	Sept. 16 (96-949)	1,591,397,000	Nov. 17	1,591,397,000		1,564,708,000	H.R. 7584	([5])
2,247,134,000	do	2,212,087,000	do	2,218,137,000		2,217,274,000		
2,653,281,000	do	2,479,594,000	do	2,477,344,000		2,442,170,000		
(333,196,000)	do	*(333,196,000)*	do	*(333,196,000)*		*(333,196,000)*		
651,291,000	do	635,228,000	do	635,228,000		631,140,000		
2,466,549,000	do	2,134,862,000	do	2,135,612,000		2,276,464,000		
9,667,887,000		9,053,168,000		9,057,718,000		9,131,756,000		
12,079,894,065	Sept. 9 (96-932)	11,084,403,764	Sept. 18	11,086,653,764	Oct. 9	11,108,252,764	H.R. 7831	96-400
(9,792,800,000)	do	*(9,790,300,000)*	do	*(9,790,300,000)*	do	*(9,790,300,000)*		
891,241,000	do	887,483,000	do	887,483,000	do	886,903,000		
	do	−3,894,000	do	−3,894,000	do	−3,894,000		
12,971,135,065		11,967,992,764		11,970,242,764		11,991,261,764		
3,644,255,000	Sept. 17 (96-955)	3,716,730,581				3,649,397,881	H.R. 7583	([6])
1,343,217,000	do	1,066,917,000				1,593,217,000		
81,986,000	do	91,565,000				81,744,000		
4,418,400,000	do	4,271,754,000				4,365,434,000		
9,487,858,000		9,146,966,581				9,689,792,881		
316,061,633,494		310,889,353,808		304,251,125,227		403,569,493,673		
(18,952,996,000)		*(18,950,496,000)*		*(18,950,496,000)*		*(18,950,496,000)*		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
SUPPLEMENTAL APPROPRIATION ACTS		*1980*		*1980*	
Federal Trade Commission, Transfer of Funds, 1980		Mar. 25 (96-848)	*($12,100,000)*	Mar. 26	*($12,100,000)*
Federal Trade Commission, Additional Transfer of Funds, 1980				May 1	*(7,600,000)*
Urgent Supplemental for Food Stamp Program, 1980	$2,556,174,000	May 8 (96-927)	2,556,174,000	May 13	2,556,174,000
Supplemental-Rescission Appropriations Act, 1980		May 9 (96-934)			
Federal Trade Commission, 1980	69,021,000	May 29 (96-1054)	49,700,000	May 30	49,700,000
Selective Service System, Transfer of Funds, 1980:					
Appropriations	21,895,000	April 18 (96-885)		April 22	
(By transfer)			*(13,295,000)*		*(13,295,000)*
Supplemental-Rescission Appropriations Act, 1980 *(net)*	18,465,964,417	June 11 (96-1086)	15,398,104,363	June 19	16,095,014,363
(Appropriations to liquidate contract authorizations)	*(4,184,669,000)*	......do......	*(4,184,669,000)*	......do......	*(4,184,669,000)*
Export-Import Bank, Increase in Program Limitation, 1980	*(525,750,000)*	July 24 (96-1191)	*(525,750,000)*	July 30	*(525,750,000)*
Urgent Supplemental, Veterans' Administration, 1980	40,000,000	Sept. 10 (96-1311)	40,000,000	Sept. 15	40,000,000
International Monetary Fund, 1981	5,537,839,000	Aug. 28 (96-1263)	5,537,839,000	Sept. 25	5,537,839,000
Total, supplemental appropriation acts	26,690,893,417		23,581,817,363		24,278,727,363
CONTINUING APPROPRIATIONS					
Further Continuing Appropriations, 1980 *(Federal Trade Commission)*		Mar. 13 (96-824)			
Continuing Appropriations, 1981:					
Foreign Assistance and Related Agencies		Sept. 17 (96-1327)		Sept. 18	
Department of Agriculture		......do......		......do......	
Department of Energy		......do......		......do......	
Postal Service		......do......		......do......	
Department of Labor		......do......		......do......	
Environmental Protection Agency		......do......		......do......	
Total					
Further Continuing Appropriations, 1981		Dec. 1 (96-1484)		Dec. 3	
Further Continuing Appropriations, 1981:					
Departments of Labor, Health and Human Services, Education, and related agencies	*(88,205,794,920)*			Dec. 13	*(84,558,823,000)*
Treasury, Postal Service, and general government	*(9,487,858,000)*			......do......	*(9,689,792,881)*
Foreign assistance and related programs	*(7,373,633,462)*			......do......	*(5,540,820,665)*
Legislative branch	1,283,569,700			......do......	1,199,579,600
House and Related Offices	*(1,056,551,700)*			......do......	*(973,528,600)*
Secretary of the Senate	*(213,336,000)*			......do......	*(214,202,000)*
Architect of the Capitol	*(13,682,000)*			......do......	*(11,639,000)*
Executive office of the President and funds appropriated to the President	25,044,000			......do......	9,770,000
Department of Energy	112,000,000			......do......	112,000,000
Departments of State, Justice, and Commerce, the Judiciary, and related agencies	*(9,666,387,000)*			......do......	*(9,131,756,000)*
General Services Administration	119,798,000			......do......	119,823,000
Department of Treasury	218,299			......do......	218,299
Small Business Administration	600,000,000			......do......	600,000,000
Panama Canal Commission	10,210,000			......do......	10,210,000
Department of Labor	1,293,000,000			......do......	1,229,000,000
Total	3,443,839,999				3,280,600,899
Total, continuing appropriations	3,443,839,999				3,280,600,899

See footnotes at end of table, pp. 1948–1949.

SUPPLEMENTAL APPROPRIATION BILLS, 96TH CONG., 2D SESS.—Continued

2d Sess., differs to some extent from previous tabulations. (See explanation, par. 4 (Compilers' Note," p. III)

Estimates considered by Senate [1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1980		*1980*		*1980*			
		($12,100,000)	Mar. 26	*($12,100,000)*	Mar. 28	*($12,100,000)*	H.J.Res. 514	96-219
			May 1	*(7,600,000)*	May 1	*(7,600,000)*	H.J.Res. 541	96-240
2,556,174,000	May 13	2,556,174,000	May 14	3,002,400,000	May 16	2,556,174,000	H.J.Res. 545	96-243
							H.R. 7325	(7)
69,021,000		49,700,000	June 3	49,700,000	June 4	49,700,000	H.J.Res. 554	96-261
	May 21 (96-789)		June 4		June 12		H.J.Res. 521	96-282
(13,295,000)	do	*(13,295,000)*	do	*(13,285,000)*	do	*(13,285,000)*		
31,683,225,821	June 23 (96-829)	23,102,627,398	June 28	23,614,833,253	July 8	16,900,136,772	H.R. 7542	96-304
(4,184,669,000)	do	*(4,184,669,000)*	do	*(4,184,669,000)*	do	*(4,184,669,000)*		
			July 31	*(1,250,000,000)*	Aug. 29	*(525,750,000)*	H.J.Res. 589	96-334
40,000,000		40,000,000	Sept. 16	67,000,000	Sept. 17	67,000,000	H.J.Res. 607	96-352
5,537,839,000		5,537,839,000	ec. 13	5,537,839,000	ec. 17	5,537,839,000	H.J.Res. 601	96-544
39,886,259,821		31,286,340,398		32,271,772,253		25,110,849,772		
							H.J.Res. 510	(8)
	Sept. 24		Sept. 29		Oct. 1	280,000,000		
	do		do	15,000,000	do	15,000,000		
1,383,000,000	do	1,383,000,000	do	1,383,000,000	do	1,383,000,000	H.J.Res. 610	96-369
(1,343,217,000)	do		do	*(1,063,217,000)*	do	*(1,250,000,000)*		
(1,293,000,000)	do		do	*(743,000,000)*	do	*(1,229,000,000)*		
	do		do	1,356,376,000	do			
1,383,000,000		1,383,000,000		2,754,376,000		1,678,000,000		
	Dec. 3		Dec. 11				H.J.Res. 637	(9)
(88,205,794,920)			Dec. 16	*(84,558,823,000)*	Dec. 16	*(84,558,823,000)*		
(9,487,858,000)			do	*(9,689,792,881)*	do	*(9,689,792,881)*		
(7,373,633,462)			do	*(5,540,820,665)*	do	*(5,540,820,665)*		
1,283,569,700			do	1,199,579,600	do	1,199,579,600		
(1,056,551,700)			do	*(973,738,600)*	do	*(973,738,600)*		
(213,336,000)			do	*(214,202,000)*	do	*(214,202,000)*		
(13,682,000)			do	*(11,639,000)*	do	*(11,639,000)*		
25,044,000			do	9,770,000	do	9,447,000	H.J.Res. 644	96-536
112,000,000			do	112,000,000	do	112,000,000		
(9,666,387,000)			do	*(9,131,756,000)*	do	*(9,131,756,000)*		
			do		do	823,000		
			do		do	218,299		
			do		do	600,000,000		
			do		do	10,210,000		
			do		do	1,475,000,000		
1,420,613,700				1,321,349,600		3,407,277,899		
2,803,613,700		1,383,000,000		4,075,725,600		5,085,277,899		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
DEFERRALS [10]		*1980*		*1980*	
Department of Transportation	*($1,659,000,000)*	June 11 (96-1086)	*($1,659,000,000)*	June 19	*($1,659,000,000)*
Department of Transportation	*(7,875,000)*	June 11 (96-1086)	*(7,875,000)*	June 19	*(7,875,000)*
Department of Transportation	*(166,245,473)*	June 11 (96-1086)	*(166,245,473)*	June 19	*(166,245,473)*
Department of Interior					
Environmental Protection Agency					
RECAPITULATION					
Grand total:					
New budget *(obligational)* authority *(net)*	**400,319,914,363**		391,852,190,737		**389,095,452,808**
Appropriations	***(402,842,645,363)***		*(394,573,387,437)*		***(391,896,649,508)***
Rescissions of unobligated balances	*(−2,522,731,000)*		*(−2,721,196,700)*		*(−2,801,196,700)*
(Appropriations to liquidate contract authorizations)	*(23,137,665,000)*		*(23,235,165,000)*		*(23,235,165,000)*
(By transfer)			*(13,295,000)*		*(13,295,000)*

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[1] The amounts in the "Estimates Considered by Senate" column will differ to some extent from the budget estimates shown in Tables VIII, VIIIa and VIIIb because of (1) estimates which were submitted after the Senate Committee reported the bill but considered by the committee of conference, and (2) estimates considered by the Senate Committee but deferred by the committee of conference for later consideration.

[2] H.R. 7854, the Foreign Assistance and Related Programs Appropriations Bill for 1981, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on July 29, 1980, but was not acted on by the House. No action occurred in the Senate. Funding for programs and activities normally included in this bill is provided under sec. 101(b) of Public Law 96-536, Further Continuing Appropriations for fiscal year 1981 (see page 380, this volume).

[3] H.R. 7998, the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill for 1981, was passed by the House of Representatives on August 27, 1980, but was not reported or passed by the Senate. Funding for programs and activities normally included in this bill is provided in three sequential continuing resolutions—Public Law 96-369; Public Law 96-536; and Public Law 97-12 (see "note" on page 243).

[4] H.R. 7593, the Legislative Branch Appropriation Bill for 1981, was passed by the House of Representatives on July 21, 1980; however, no action occurred in the Senate. Funding for programs and activities normally included in this bill is provided under sec. 101(c) and sec. 101(d) of Public Law 96-536, Further Continunug Appropriations for fiscal year 1981 (see page 380, this volume).

SUPPLEMENTAL APPROPRIATION BILLS, 96TH CONG., 2D SESS.—Continued

2d Sess., differs to some extent from previous tabulations. (See explanation, par. 4 (Compilers' Note," p. II)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1980		*1980*		*1980*			
							H.R. 7542	
							H.R. 7542	
							H.R. 7542	
($15,500,000)	July 28 (96-873)	*($15,500,000)*	Aug. 1	*($15,500,000)*			S.Res. 464	
(3,647,948,000)	July 28 (96-872)	*(3,647,948,000)*	Aug. 1	*(3,647,948,000)*			S.Res. 470	
358,751,507,015		343,558,694,206		340,598,623,080		**$433,765,621,344**		
(361,286,677,461)		*(349,222,104,352)*		*(345,802,928,226)*		***(438,284,193,490)***		
(−2,535,170,446)		*(−5,663,410,146)*		*(−5,204,305,146)*		*(−4,518,572,146)*		
(23,137,665,000)		*(23,135,165,000)*		*(23,135,165,000)*		*(23,135,165,000)*		
(13,295,000)		*(13,295,000)*		*(13,285,000)*		*(13,285,000)*		

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[5] H.R. 7584, the Departments of State, Justice and Commerce, The Judiciary, and Related Agencies Appropriation Bill for 1981, was vetoed by the President on December 13, 1980. The veto message and bill were referred to the Committee on Appropriations, and no attempt was made by the Congress to override the President's veto. Funding for programs and activities normally included in this bill is provided under sec. 101(o) of Public Law 96-536, Further Continuing Appropriations for fiscal year 1981 (see page 382, this volume).

[6] H.R. 7583, the Treasury, Postal Service, and General Government Appropriations Bill for 1981, was passed by the House of Representatives on August 20, 1980, and reported by the Senate Committee on Appropriations on September 17, 1980; however, no further action was taken by the Senate. Funding of programs and activities normally included in this bill is provided under sec. 101(a)((4), sec. 101(d), and sec. 111 of Public Law 96-536, Further Continuing Appropriations for fiscal year 1981 (see pages 378, 380, and 384, this volume).

[7] H.R. 7325 was *laid on table* June 19, 1980.

[8] See H.J. Res. 514 and H.J. Res. 541.

[9] The Senate further insisted on its amendment to the House amendment to Senate Amendment No. 7. See H.J. Res. 644 which was subsequently considered and passed by Congress in lieu of H.J. Res. 637.

[10] See pp. 387-401 and pp. 403-408 for status reports on rescissions and deferrals.

NOTE.—The President's Budget for 1981, as submitted January 28, 1980 (H. Doc. 96-246), tentatively estimated total new budget (obligational) authority for fiscal year 1981 at $696.1 billion net ($784.7 billion gross, including $88.6 billion in intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget purposes only). An estimated $359.3 billion does not require action by Congress. This amount includes permanent appropriations such as interest on the public debt and various trust funds for which the obligational authority is already provided in the basic law. Virtually all of the remaining $425.4 billion is for consideration at this session of Congress in the appropriation bills. Approximately $15.7 billion of the $425.4 billion was shown in the January budget as being "for later transmittal" for supplemental requirements under present law, new legislation, allowances, and for contingencies and civilian pay raises.

VI. COMPARISON OF BUDGET ESTIMATES AND LOAN AND BORROWING AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 96TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Loan and borrowing authorizations, fiscal year 1981 and prior years	Increase (+) or decrease (−), authorizations compared with estimates
REGULAR ANNUAL ACTS			
AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES			
RURAL DEVELOPMENT ASSISTANCE			
Farmers Home Administration:			
Rural Housing Insurance:			
Home ownership assistance	$99,000,000		−$99,000,000
Miscellaneous offsetting adjustments	−99,000,000	−$99,000,000	
Total, Agriculture, Rural Development, and related agencies		−99,000,000	−99,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund	780,070,000	805,070,000	+25,000,000
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Land acquisition and development fund	15,000,000	15,000,000	
DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES			
RELATED AGENCIES			
SMALL BUSINESS ADMINISTRATION			
Disaster loan fund		100,000,000	+100,000,000
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
COAST GUARD			
Offshore oil pollution compensation fund	2,000,000	2,000,000	
Grand total, loan and borrowing authority	797,070,000	823,070,000	+26,000,000

VIa. COMPARISON OF BUDGET ESTIMATES AND CONTRACT AUTHORIZATION APPROPRIATIONS CARRIED IN APPROPRIATION ACTS, 96TH CONG., 2D SESS.

[NOTE.—For informational purposes only to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Annual contributions for assisted housing	$33,196,631,000	$30,877,500,000	−$2,319,131,000
Rent supplement	*(−1,050,000,000)*	−1,050,000,000	[1]−1,050,000,000
Total, Department of Housing and Urban Development and independent agencies	33,196,631,000	29,827,500,000	−3,369,131,000
Grand total, contract authority *(net)*	33,196,631,000	29,827,500,000	−3,369,131,000
Current contract authority	*(33,196,631,000)*	*(30,877,500,000)*	*(−2,319,131,000)*
Rescission of contract authority	*(−1,050,000,000)*	*(−1,050,000,000)*	[1]*(−1,050,000,000)*

[1] Reflects actual amount rescinded rather than comparison with request.

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 96TH CONG., 2D SESS.

[NOTE.—For informational purposes only to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing payments	$7,127,000,000	$7,127,000,000	
ENVIRONMENTAL PROTECTION AGENCY			
Construction grants	1,700,000,000	1,700,000,000	
DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES			
DEPARTMENT OF COMMERCE			
MARITIME ADMINISTRATION			
Operating-differential subsidies	333,196,000	333,196,000	
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports *(Airport and Airway Trust Fund)*: Development grants	595,000,000	595,000,000	
FEDERAL HIGHWAY ADMINISTRATION			
Highway related safety grants	17,500,000	17,500,000	
National Scenic and Recreational Highway	16,500,000	14,000,000	−$2,500,000
Federal-aid highways	7,500,000,000	7,500,000,000	
Total, Federal Highway Administration	7,534,000,000	7,531,500,000	−2,500,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
State and community highway safety	163,800,000	163,800,000	
URBAN MASS TRANSPORTATION ADMINISTRATION			
Urban formula grants	1,500,000,000	1,500,000,000	
Total, Department of Transportation and related agencies	9,792,800,000	9,790,300,000	−2,500,000
Total, regular annual acts	18,952,996,000	18,950,496,000	−2,500,000

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 96TH CONG., 2D SESS.—Continued

[NOTE.—For informational purposes only to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1980			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Housing payments	$745,037,000	$745,037,000	
Low Rent Public Housing—Loans and Other Expenses	1,995,325,000	1,995,325,000	
Total, Department of Housing and Urban Development and independent agencies	2,740,362,000	2,740,362,000	
DEPARTMENT OF COMMERCE			
MARITIME ADMINISTRATION			
Operating-differential subsidies	44,307,000	44,307,000	
DEPARTMENT OF TRANSPORTATION			
FEDERAL HIGHWAY ADMINISTRATION			
Federal-aid highways	1,400,000,000	1,400,000,000	
Total, supplemental acts	4,184,669,000	4,184,669,000	
Grand total, appropriations to liquidate contract authorizations	23,137,665,000	23,135,165,000	−$2,500,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 96TH CONG.

Category	Number of Public Law
AGRICULTURE ACTS (pp. 411–484)	96–213
	96–220
	96–234
	96–249
	96–263
	96–355
	96–358
	96–362
	96–365
	96–468
	96–469
	96–494
	96–554
	96–592
COMMERCE ACTS (pp. 485–603)	96–252
	96–262
	96–296
	96–302
	96–339
	96–459
	96–460
	96–461
	96–464
	96–477
	96–481
	96–547
DEFENSE ACTS (pp. 605–710)	96–342
	96–343
	96–418
	96–450
	96–513
	96–540
	96–579
DISTRICT OF COLUMBIA ACTS (p. 711)	96–235
EDUCATION ACTS (pp. 713–737)	96–374
	96–422
	96–496
ENERGY ACTS (pp. 739–845)	96–294
	96–295
	96–310
	96–320
	96–345
	96–368
	96–386
	96–501
	96–512
	96–567
	96–571
ENVIRONMENTAL ACTS (pp. 847–936)	96–229
	96–255
	96–270
	96–381
	96–463
	96–482
	96–483
	96–510
	96–539
	96–568
	96–569
	96–572
FOREIGN ASSISTANCE ACTS (pp. 937–994)	96–257
	96–259
	96–271
	96–323
	96–389
	96–449
	96–465
	96–525
	96–533
	96–606
GENERAL GOVERNMENT ACTS (pp. 995–1021)	96–253
	96–317
	96–346
	96–388
	96–508
	96–511
	96–575
	96–604
HOUSING ACTS (pp. 1023–1081)	96–399
INTERIOR ACTS (pp. 1083–1257)	96–199
	96–205
	96–244
	96–246
	96–267
	96–268
	96–283
	96–285
	96–288
	96–289
	96–290
	96–301
	96–305
	96–309
	96–312
	96–315
	96–332
	96–335
	96–336
	96–344
	96–366
	96–375
	96–420
	96–457
	96–487
	96–495
	96–506
	96–515
	96–522
	96–537
	96–549
	96–550
	96–586
	96–587
	96–597
	96–602
	96–607
	96–610
	96–612
JUDICIARY AND JUSTICE ACTS (pp. 1259–1318)	96–190
	96–209
	96–212
	96–397
	96–447
	96–509
LABOR, HEALTH AND HUMAN SERVICES ACTS (pp. 1319–1415)	96–265
	96–272
	96–284
	96–364
	96–398
	96–473
	96–538
	96–582
	96–583
	96–611
LEGISLATIVE BRANCH ACTS (pp. 1417–1429)	96–191
	96–214
	96–432
	96–444
	96–532

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESSION OF THE 96TH CONGRESS—Continued

Category	Number of Public Law	Category	Number of Public Law
RECONCILIATION ACTS (pp. 1431–1515)	96–499	SCIENCE ACTS (pp. 1673–1696)	96–316
			96–472
			96–480
REVENUE ACTS (pp. 1517–1672)	96–222		96–516
	96–223		
	96–256	TRANSPORTATION ACTS (pp. 1697–1826)	96–192
	96–264		96–193
	96–286		96–254
	96–541		96–298
	96–556		96–376
	96–595		96–423
	96–596		96–448
	96–598		96–451
	96–601		96–594
	96–603		
	96–605	VETERANS ACTS (pp. 1827–1900)	96–330
	96–608		96–385
	96–613		96–466

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

CONTINUING APPROPRIATIONS, 1980, PUBLIC LAW 96-123, APPROVED NOVEMBER 20, 1979

[NOTE.—This table reflects amounts for fiscal year 1980 for programs funded through the continuing resolution, Public Law 96-123 (sec. 101(c)). These amounts were *excluded* from the previous volume (96th Cong., 1st sess.) since the continuing resolution provided for these programs at the "current rate" rather than a definite amount because authorizing legislation had not been approved at the time of consideration of the Labor-HEW Appropriations Bill, 1980 (H.R. 4389). The amounts shown below in the column "New budget (obligational) authority appropriated" have been determined by reference to the 1980 column of the President's Budget for 1981 (House Document No. 96-246). (See footnote 3 on page 1338 of the previous volume (96th Cong., 1st sess.)).]

Agency and item	H. Doc. No. (unless otherwise indicated)	Estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (–), appropriations compared with estimates
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
HEALTH SERVICES				
Health services, 1980	96-40	[1] $50,450,000	$39,625,000	–$10,825,000
CENTER FOR DISEASE CONTROL				
Preventive health services, 1980	96-40	26,700,000	15,400,000	–11,300,000
Alcohol, Drug Abuse, and Mental Health Administration Alcohol, drug abuse, and mental health, 1980		316,719,000	397,500,000	+80,781,000
HEALTH RESOURCES ADMINISTRATION				
Health resources, 1980	96-40	14,743,000	106,250,000	+91,507,000
ASSISTANT SECRETARY FOR HEALTH				
Assistant secretary for health, 1980	96-40	[2] 7,100,000	5,708,000	–1,392,000
SOCIAL SECURITY ADMINISTRATION				
Refugee assistance, 1980	96-85	149,000,000	523,981,000	+374,981,000
Total, Department of Health, Education, and Welfare		564,712,000	1,088,464,000	+523,752,000
RELATED AGENCIES				
Action *(domestic programs)*	96-40	97,607,000	58,482,000	–39,125,000
Grand total, new budget *(obligational)* authority		662,319,000	1,146,946,000	+484,627,000

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[1] Includes budget amendment of $10,825,000 submitted in H. Doc. 96-235.

[2] Includes $3,600,000 submitted in H. Doc. 96-40 and not considered in the Labor-HEW Appropriations Bill, 1980 (H.R. 4389) during the 96th Congress, 1st session, due to a lack of authorizing legislation.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FEDERAL TRADE COMMISSION, TRANSFER OF FUNDS, 1980, PUBLIC LAW 96-219, APPROVED MARCH 28, 1980

Agency and item	Estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL TRADE COMMISSION			
Salaries and expenses *(by transfer)*		*($12,100,000)*	*(+$12,100,000)*
(Limitation on obligations)		*(9,800,000)*	*(+9,800,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FEDERAL TRADE COMMISSION, ADDITIONAL TRANSFER OF FUNDS, 1980, PUBLIC LAW 96-240, APPROVED MAY 1, 1980

Agency and item	Estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL TRADE COMMISSION			
Salaries and expenses *(by transfer)*		*($7,600,000)*	*(+$7,600,000)*
(Limitation on obligations)		*(5,800,000)*	*(+5,800,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE FOOD STAMP PROGRAM, 1980, PUBLIC LAW 96-243, APPROVED MAY 16, 1980

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF AGRICULTURE				
Food stamp program	96-247	$2,556,174,000	$2,556,174,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FEDERAL TRADE COMMISSION APPROPRIATIONS, 1980, PUBLIC LAW 96-261, APPROVED JUNE 4, 1980

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL TRADE COMMISSION				
Salaries and expenses	96-40	$69,021,000	[1] $49,700,000	−$19,321,000

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[1] In addition, $9,800,000 was transferred in Public Law 96-219 and $5,800,000 was transferred in Public Law 96-240 for a total of $65,300,000 for the Federal Trade Commission for fiscal year 1980.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SELECTIVE SERVICE SYSTEM, TRANSFER OF FUNDS, 1980, PUBLIC LAW 96-282, APPROVED JUNE 27, 1980

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
SELECTIVE SERVICE SYSTEM				
Salaries and expenses	96-247 96-267	$21,895,000		−$21,895,000
(By transfer)			*($13,285,000)*	*(+13,285,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980

TITLE I—GENERAL SUPPLEMENTALS

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER I				
DEPARTMENT OF AGRICULTURE				
Science and Education Administration:				
Scientific activities overseas *(rescission)*			−$1,200,000	−$1,200,000
Cooperative research *(rescission)*	H 96-299	*(−$2,500,000)*	−3,000,000	[1]−3,000,000
Extension activities *(rescission)*	H 96-299	*(−1,500,000)*		
Total, Science and Education Administration			−4,200,000	[1]−4,200,000
Farmers Home Administration:				
Agricultural Credit Insurance Fund: Farm Ownership loans *(loan authority)*			*(100,000,000)*	*(+100,000,000)*
Water and waste disposal grants *(rescission)*	H 96-299	*(−75,000,000)*	−10,000,000	[1]−10,000,000
Mutual and self-help housing *(rescission)*			−10,000,000	−10,000,000
Rural development planning grants *(rescission)*	H 96-299	*(−2,000,000)*	−1,000,000	[1]−1,000,000
Total, Farmers Home Administration			−21,000,000	[1]−21,000,000
Soil Conservation Service:				
Conservation operations	S 96-52	3,000,000	3,000,000	
Watershed and flood prevention operations	S 96-52	20,000,000	20,000,000	
Rescission	H 96-299	*(−20,000,000)*	−2,000,000	[1]−2,000,000
Resource conservation and development *(rescission)*	H 96-299	*(−4,000,000)*		(1)
Total, Soil Conservation Service		23,000,000	21,000,000	[1]−2,000,000
Agricultural Stabilization and Conservation Service:				
Emergency conservation program	S 95-52	20,000,000	20,000,000	
Food and Nutrition Service:				
Child nutrition programs	H 96-294	312,400,000	312,400,000	
(Transfer authority to food stamp program)			*(243,000,000)*	*(+243,000,000)*
Special milk program		11,800,000	14,800,000	+3,000,000
Special supplemental food programs *(WIC)*			250,000	+250,000
Food stamp program	H 96-294	235,000,000	203,226,000	−31,774,000
Food donations programs		16,044,000	16,044,000	
Food Program Administration *(rescission)*			−500,000	−500,000
Total, Food and Nutrition Service		575,244,000	546,220,000	−29,024,000
Public Law 480:				
Titles I and III—Credit sales	H 96-267	74,070,000	20,000,000	−54,070,000
Title II—Commodities for disposition abroad	H 96-267	122,638,000	122,860,000	+222,000
Total, Public Law 480		196,708,000	142,860,000	−53,848,000
Total, Chapter I:				
New budget *(obligational)* authority		814,952,000	704,880,000	−110,072,000
Appropriations		814,952,000	*(732,580,000)*	*(−82,372,000)*
Rescissions		*(−105,000,000)*	*(−27,700,000)*	[1]*(−27,700,000)*
(Loan level)			*(100,000,000)*	*(+100,000,000)*
(Transfer authority)			*(243,000,000)*	*(+243,000,000)*

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER II				
DEPARTMENT OF DEFENSE—MILITARY				
MILITARY PERSONNEL				
Military personnel, Army		$64,000,000	$43,073,000	−$20,927,000
(By transfer)	H 96-294	*(32,319,000)*	*(46,919,000)*	*(+14,600,000)*
Military personnel, Navy		26,800,000	24,500,000	−2,300,000
(By transfer)	H 96-294	*(24,572,000)*	*(24,572,000)*	
Military personnel, Marine Corps		9,700,000	6,200,000	−3,500,000
(By transfer)	H 96-294	*(8,121,000)*	*(8,121,000)*	
Military personnel, Air Force		24,680,000	32,680,000	+8,000,000
(By transfer)	H 96-294	*(26,646,000)*	*(26,646,000)*	
Reserve personnel, Army		1,200,000		−1,200,000
Reserve personnel, Navy		429,000	2,329,000	+1,900,000
(By transfer)	H 96-294	*(1,775,000)*	*(1,775,000)*	
Reserve personnel, Marine Corps		1,100,000	1,000,000	−100,000
(By transfer)	H 96-294	*(1,108,000)*	*(1,108,000)*	
National Guard personnel, Army		3,850,000		−3,850,000
Total, Military personnel		131,759,000	109,782,000	−21,977,000
(By transfer)		*(94,541,000)*	*(109,141,000)*	*(+14,600,000)*
RETIRED MILITARY PERSONNEL				
Retired pay, Defense	H 96-294	573,200,000	513,200,000	−60,000,000
OPERATION AND MAINTENANCE				
Operation and maintenance, Army	H 96-294	446,859,000	410,200,000	−36,659,000
(By transfer)	H 96-294	*(397,000)*	*(67,856,000)*	*(+67,459,000)*
Operation and maintenance, Navy	H 96-294	1,046,618,000	1,010,218,000	−36,400,000
(By transfer)	H 96-294	*(237,200,000)*	*(245,600,000)*	*(+8,400,000)*
Operation and maintenance, Marine Corps	H 96-294	32,844,000	30,844,000	−2,000,000
(By transfer)	H 96-294	*(27,100,000)*	*(27,100,000)*	
Operation and maintenance, Air Force	H 96-294	1,243,592,000	1,255,209,000	+11,617,000
(By transfer)	H 96-294	*(90,062,000)*	*(62,445,000)*	*(−27,617,000)*
Operation and maintenance, Defense Agencies	H 96-294	1,438,000		−1,438,000
Operation and maintenance, Army Reserve	H 96-294	7,420,000	6,920,000	−500,000
Operation and maintenance, Navy Reserve	H 96-294	44,977,000	44,977,000	
Operation and maintenance, Marine Corps Reserve	H 96-294	372,000	372,000	
Operation and maintenance, Air Force Reserve	H 96-294	58,285,000	58,285,000	
Operation and maintenance, Army National Guard	H 96-294	13,983,000	13,483,000	−500,000
Operation and maintenance, Air National Guard	H 96-294	126,990,000	126,990,000	
Total, Operation and maintenance		3,023,378,000	2,957,498,000	−65,880,000
(By transfer)		*(354,759,000)*	*(403,001,000)*	*(+48,242,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
PROCUREMENT				
Aircraft procurement, Army *(by transfer)*	H 96-294	*($1,100,000)*		*(−$1,100,000)*
Missile Procurement, Army *(by transfer)*			*($2,400,000)*	*(+2,400,000)*
Procurement of ammunition, Army *(by transfer)*	H 96-294	*(6,100,000)*	*(14,500,000)*	*(+8,400,000)*
Other procurement, Army *(by transfer)*	H 96-294	*(9,600,000)*	*(4,400,000)*	*(−5,200,000)*
Weapons procurement, Navy *(by transfer)*	H 96-294	*(9,200,000)*	*(3,700,000)*	*(−5,500,000)*
Shipbuilding and Conversion, Navy *(by transfer)*	H 96-294	*(24,600,000)*	*(9,920,000)*	*(−14,680,000)*
Aircraft procurement, Air Force *(by transfer)*			*(17,000,000)*	*(+17,000,000)*
Other procurement, Air Force *(by transfer)*	H 96-294	*(66,100,000)*	*(68,000,000)*	*(+1,900,000)*
Total, Procurement *(by transfer)*		*(116,700,000)*	*(119,920,000)*	*(+3,220,000)*
RESEARCH, DEVELOPMENT, TEST AND EVALUATION				
Research, development, test and evaluation, Army *(by transfer)*	H 96-294	*(6,000,000)*	*(1,200,000)*	*(−4,800,000)*
GENERAL PROVISIONS				
(Increase in limitation)		*(2,000,000)*	*(2,000,000)*	
(Additional transfer authority)		*(500,000,000)*	*(250,000,000)*	*(−250,000,000)*
Total, Chapter II:				
New budget *(obligational)* authority		3,728,337,000	3,580,480,000	−147,857,000
(By transfer)		*(572,000,000)*	*(633,262,000)*	*(+61,262,000)*
(Transfer authority)		*(500,000,000)*	*(250,000,000)*	*(−250,000,000)*
(Increase in limitation)		*(2,000,000)*	*(2,000,000)*	
CHAPTER III				
FUNDS APPROPRIATED TO THE PRESIDENT				
SPECIAL MIGRATION AND REFUGEE ASSISTANCE				
Refugee Assistance			50,000,000	+50,000,000
Advance appropriation for 1981			50,000,000	+50,000,000
Total, Chapter III:				
New budget *(obligational)* authority			100,000,000	+100,000,000
Appropriations FY 1980			*(50,000,000)*	*(+50,000,000)*
Appropriations FY 1981			*(50,000,000)*	*(+50,000,000)*
CHAPTER IV				
TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA				
Salaries and expenses		6,500,000	6,500,000	
DISTRICT OF COLUMBIA				
FEDERAL FUNDS				
Federal payment to the District of Columbia	H 96-293	61,800,000	38,300,000	−23,500,000
Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' retirement funds		52,070,000	52,070,000	
Loans to the District of Columbia for capital outlay *(rescission)*			−21,129,700	−21,129,700
Total, Federal funds to District of Columbia		113,870,000	69,240,300	−44,629,700

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DISTRICT OF COLUMBIA FUNDS				
Governmental direction and support	H 96-293	*($2,746,800)*	*($6,610,900)*	*(+$3,864,100)*
Public safety and justice	H 96-293	*(5,428,100)*	*(3,278,600)*	*(−2,149,500)*
Public education system	H 96-293	*(5,477,900)*	*(2,903,300)*	*(−2,574,600)*
Rescission	H 96-293	*(−6,177,400)*	*(−6,177,400)*	
Human support services	H 96-293	*(11,408,600)*	*(9,500,000)*	*(−1,908,600)*
Transportation services and assistance	H 96-293	*(2,090,700)*		*(−2,090,700)*
Environmental services and supply	H 96-293	*(4,769,500)*	*(3,710,100)*	*(−1,059,400)*
Personal services	H 96-293	*(12,715,800)*	*(5,167,000)*	*(−7,548,800)*
Pension funds	H 96-293	*(20,997,900)*	*(16,997,900)*	*(−4,000,000)*
Capital outlay	H 96-293	*(44,549,300)*	*(6,816,200)*	*(−37,733,100)*
Total, District of Columbia funds		*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*
Total, Chapter IV:				
New budget *(obligational)* authority		120,370,000	75,740,300	−44,629,700
Appropriations		*(120,370,000)*	*(96,870,000)*	*(−23,500,000)*
Rescissions			*(−21,129,700)*	*(−21,129,700)*
(District of Columbia funds—net)		*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*
CHAPTER V				
ENERGY AND WATER DEVELOPMENT				
DEPARTMENT OF ENERGY				
OPERATING EXPENSES				
Energy supply, research and development activities		18,156,000	13,000,000	−5,156,000
Rescission	H 96-299	*(−5,350,000)*	−44,350,000	[1]−44,350,000
Deferral	H 96-314	*(−2,500,000)*	*(−50,500,000)*	*(−48,000,000)*
Uranium supply and enrichment activities		307,600,000	185,600,000	−122,000,000
(By transfer)			*(50,000,000)*	*(+50,000,000)*
Rescission	H 96-299	*(−1,000,000)*	−4,000,000	[1]−4,000,000
General science and research activities *(rescission)*			−2,000,000	−2,000,000
Atomic energy defense activities		34,700,000	31,400,000	−3,300,000
Rescission	H 96-299	*(−3,400,000)*	−6,400,000	[1]−6,400,000
Deferral	H 96-314	*(−1,000,000)*	*(−1,000,000)*	
Departmental administration		3,383,000		−3,383,000
Rescission	H 96-299	*(−3,000,000)*	−31,725,000	[1]−31,725,000
Total, Operating expenses *(net)*		**363,839,000**	141,525,000	**−222,314,000**
PLANT AND CAPITAL EQUIPMENT				
Energy supply, research and development activities		2,500,000		−2,500,000
Rescission	H 96-299	*(−6,150,000)*	−5,150,000	[1]−5,150,000
Deferral			*(−8,000,000)*	*(−8,000,000)*
Uranium supply and enrichment activities *(deferral)*			*(−185,000,000)*	*(−185,000,000)*
General science and research activities *(deferral)*			*(−5,000,000)*	*(−5,000,000)*
Atomic energy defense activities		9,300,000	6,600,000	−2,700,000
Deferral			*(−30,000,000)*	*(−30,000,000)*
Departmental administration		4,850,000	1,550,000	−3,300,000
Deferral	H 96-314	*(−1,000,000)*	*(−6,000,000)*	*(−5,000,000)*
Total, Plant and capital equipment		**16,650,000**	3,000,000	**−13,650,000**
Federal Energy Regulatory Commission		2,300,000	1,200,000	−1,100,000
Total, Department of Energy *(net)*		**382,789,000**	145,725,000	**−237,064,000**

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96–304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Construction, general		$36,900,000	$180,000,000	+$143,100,000
(By transfer)		*(55,400,000)*		*(−55,400,000)*
Flood control and coastal emergencies	S 96-52	170,000,000	170,000,000	
Operation and maintenance, general	S 96-52	45,000,000	70,000,000	+25,000,000
Alaska Hydroelectric Power Development Fund: Rescission			−5,450,000	−5,450,000
Administrative provisions *(increase in limitation)*			*(25,000,000)*	*(+25,000,000)*
Total, Department of Defense—Civil		251,900,000	414,550,000	+162,650,000
DEPARTMENT OF THE INTERIOR				
WATER AND POWER RESOURCES SERVICE				
Construction and Rehabilitation		3,000,000	9,700,000	+6,700,000
(By transfer)			*(32,450,000)*	*(+32,450,000)*
Loan program *(rescission)*			−3,000,000	−3,000,000
Total, Water and Power Resources Service		3,000,000	6,700,000	+3,700,000
INDEPENDENT AGENCIES				
FUNDS APPROPRIATED TO THE PRESIDENT				
Appalachian Regional Development programs *(deferral)*	H 96-299	*(−14,300,000)*	*(−29,300,000)*	*(−15,000,000)*
Energy Mobilization Board	S 96-53	2,000,000		−2,000,000
Nuclear Regulatory Commission: Salaries and expenses		49,200,000	31,950,000	−17,250,000
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund		20,753,000	74,353,000	+53,600,000
Water Resources Council: Water resources planning		986,000		−986,000
Rescissions	H 96-299	*(−11,000,000)*	−11,431,000	[1]−11,431,000
Total, Independent agencies		72,939,000	94,872,000	+21,933,000
Total, Chapter V:				
New budget *(obligational)* authority		710,628,000	661,847,000	−48,781,000
Appropriations		*(710,628,000)*	*(775,353,000)*	*(+64,725,000)*
Rescissions		*(−29,900,000)*	*(−113,506,000)*	[1]*(−113,506,000)*
(By transfer)		*(55,400,000)*	*(82,450,000)*	*(+27,050,000)*
(Deferrals)		*(−18,800,000)*	*(−314,800,000)*	*(−296,000,000)*
(Increase in limitations)			*(25,000,000)*	*(+25,000,000)*

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER VI				
FOREIGN OPERATIONS				
FUNDS APPROPRIATED TO THE PRESIDENT				
International disaster assistance		$80,000,000	$43,000,000	−$37,000,000
Payment to the Foreign Service Retirement and Disability Fund		26,696,000	1,020,000	−25,676,000
Operating expenses		270,000,000	2,000,000	−268,000,000
Economic support fund *(advance appropriation for 1981)*			80,000,000	+80,000,000
Total, Chapter VI:				
New budget *(obligational)* authority		376,696,000	126,020,000	−250,676,000
Appropriations, 1980		*(376,696,000)*	*(46,020,000)*	*(−330,676,000)*
Appropriations, 1981			*(80,000,000)*	*(+80,000,000)*
CHAPTER VII				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
HOUSING PROGRAMS				
Housing payments *(appropriation to liquidate contract authority)*		*(745,037,000)*	*(745,037,000)*	
Payments for operation of low-income housing projects		52,600,000	13,800,000	−38,800,000
Low-rent public housing—loans and other expenses, payments to the Federal Financing Bank *(by transfer)*		*(1,995,325,000)*	*(1,995,325,000)*	
(Appropriation to liquidate contract authority)		*(1,995,325,000)*	*(1,995,325,000)*	
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION				
Special Assistance Functions Fund			150,000,000	+150,000,000
Total, Housing programs		52,600,000	163,800,000	+111,200,000
(By transfer)		*(1,995,325,000)*	*(1,995,325,000)*	
(Appropriations to liquidate contract authority)		*(2,740,362,000)*	*(2,740,362,000)*	
COMMUNITY PLANNING AND DEVELOPMENT				
Community development grants *(rescissions)*	H 96-299	*(−153,200,000)*	−153,200,000	[1]−153,200,000
Comprehensive planning grants *(rescission)*			−5,000,000	−5,000,000
Rehabilitation loan fund *(rescission)*	H 96-299	*(−38,000,000)*	−25,500,000	[1]−25,500,000
Total, Community planning and development			−183,700,000	[1]−183,700,000
POLICY DEVELOPMENT AND RESEARCH				
Research and technology *(rescission)*			−5,000,000	−5,000,000
Total, Department of Housing and Urban Development		+52,600,000	−24,900,000	−77,500,000

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (-), appropriations compared with estimates
INDEPENDENT AGENCIES				
ENVIRONMENTAL PROTECTION AGENCY				
Research and development		$5,600,000	$4,000,000	-$1,600,000
Abatement, control, and compliance		6,400,000	4,000,000	-2,400,000
United States Regulatory Council *(rescission)*			-500,000	-500,000
Total, Environmental Protection Agency		12,000,000	7,500,000	-4,500,000
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Funds appropriated to the President, disaster relief	S 96-49 S 96-52	870,000,000	870,000,000	
Emergency planning, preparedness and mobilization	H 96-237	8,900,000	1,900,000	-7,000,000
(Increase in limitation)	S 96-49	*(812,000)*	*(812,000)*	
Total, Federal Emergency Management Agency		878,900,000	871,900,000	-7,000,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and development		300,000,000	285,000,000	-15,000,000
NATIONAL CONSUMER COOPERATIVE BANK				
Salaries and expenses *(rescission)*			-555,000	-555,000
Self-help development *(rescission)*			-6,500,000	-6,500,000
Total, National Consumer Cooperative Bank			-7,055,000	-7,055,000
NATIONAL SCIENCE FOUNDATION				
Research and related activities *(rescission)*			-2,000,000	-2,000,000
Science education activities *(rescission)*	H 96-299	*(-5,000,000)*	-2,500,000	**[1]-2,500,000**
Total, National Science Foundation			-4,500,000	**[1]-4,500,000**
NEIGHBORHOOD REINVESTMENT CORPORATION				
Salaries and expenses *(increase in limitation)*			*(300,000)*	*(+300,000)*
VETERANS ADMINISTRATION				
General operating expenses		13,128,000	5,638,000	-7,490,000
Construction, major projects		3,200,000	4,000,000	+800,000
Construction, minor projects		596,000		-596,000
Total, Veterans Administration		16,924,000	9,638,000	-7,286,000
Total, Independent agencies		**1,207,824,000**	1,162,483,000	**-45,341,000**

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Total, Chapter VII:				
New budget *(obligational)* authority		$1,260,424,000	$1,137,583,000	−$122,841,000
Appropriations		*(1,260,424,000)*	*(1,338,338,000)*	*(+77,914,000)*
Rescissions		*(−196,200,000)*	*(−200,755,000)*	[1]*(−200,755,000)*
(By transfer)		*(1,995,325,000)*	*(1,995,325,000)*	
(Increase in limitation)		*(812,000)*	*(1,112,000)*	*(+300,000)*
(Appropriation to liquidate contract authority)		*(2,740,362,000)*	*(2,740,362,000)*	
CHAPTER VIII				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources		48,900,000	46,800,000	−2,100,000
Payments in lieu of taxes *(deferral)*			*(−5,000,000)*	*(−5,000,000)*
OFFICE OF WATER RESEARCH AND TECHNOLOGY				
Salaries and expenses			2,000,000	+2,000,000
HERITAGE CONSERVATION AND RECREATION SERVICE				
Urban park and recreation grants *(rescission)*	H 96-299	*(−85,000,000)*	−15,000,000	[1]−15,000,000
Deferral			*(−45,000,000)*	*(−45,000,000)*
Land and water conservation fund *(rescission)*	H 96-299	*(−251,000,000)*		
Deferral			*(−165,000,000)*	*(−165,000,000)*
Historic preservation fund *(rescission)*	H 96-299	*(−16,500,000)*		
Deferral			*(−10,000,000)*	*(−10,000,000)*
Total, Heritage Conservation and Recreation Service			−15,000,000	[1]−15,000,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management		3,000,000	350,000	−2,650,000
National Wildlife Refuge Fund		3,900,000	1,950,000	−1,950,000
Total, United States Fish and Wildlife Service		6,900,000	2,300,000	−4,600,000
NATIONAL PARK SERVICE				
Operation of the national park system		1,373,000	1,373,000	
Construction *(rescission)*			−3,000,000	−3,000,000
Total, National Park Service		1,373,000	−1,627,000	−3,000,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research	S 96-52	8,941,000	8,600,000	−341,000
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs		7,000,000	7,000,000	
Eastern Indian Land Claims Settlement Fund		8,000,000		−8,000,000
Total, Bureau of Indian Affairs		15,000,000	7,000,000	−8,000,000

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
TERRITORIAL AFFAIRS				
OFFICE OF TERRITORIAL AFFAIRS				
Administration of territories		$3,318,000	$3,318,000	
Trust Territory of the Pacific Islands		6,117,000	6,117,000	
Total, Territorial Affairs		9,435,000	9,435,000	
Total, Department of the Interior		**90,549,000**	59,508,000	**−31,041,000**
RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest Management, Protection and Utilization	S 96-52	125,697,000	113,000,000	−12,697,000
DEPARTMENT OF THE TREASURY				
Energy Security Reserve	S 96-32	1,208,000,000		−1,208,000,000
(Release from Energy Security Reserve)	S 96-49	*(18,792,000,000)*	*(18,792,000,000)*	
DEPARTMENT OF ENERGY				
Fossil energy research and development	S 96-49	39,000,000	4,000,000	−35,000,000
Rescission	H 96-299	*(−22,000,000)*	−17,600,000	[1]−17,600,000
Energy conservation		27,392,000	2,600,000	−24,792,000
Rescission	H 96-299	*(−4,000,000)*	−10,000,000	[1]−10,000,000
Deferral			*(−1,000,000)*	*(−1,000,000)*
Economic Regulatory Administration	H 96-299 S 96-53	103,000,000		−103,000,000
Rescission	H 96-299	*(−1,000,000)*	−1,000,000	[1]−1,000,000
Strategic Petroleum Reserve *(rescission)*			−2,000,000,000	−2,000,000,000
Energy Information Administration		20,200,000	3,500,000	−16,700,000
Total, Department of Energy		**189,592,000**	−2,018,500,000	**−2,208,092,000**
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH SERVICES ADMINISTRATION				
Indian health facilities *(rescission)*		*(−18,000,000)*		(1)
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION				
Salaries and expenses		200,000		−200,000
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION				
Public development		500,000	500,000	

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE				
Permitting and enforcement *(rescission)*			−$2,700,000	−$2,700,000
Total, Chapter VIII:				
New budget *(obligational)* authority		**$1,614,538,000**	−1,848,192,000	**−3,462,730,000**
Appropriations		*(1,614,538,000)*	*(201,108,000)*	*(−1,413,430,000)*
Rescissions		*(−397,500,000)*	*(−2,049,300,000)*	[1]**(−2,049,300,000)**
(Deferrals)			*(−226,000,000)*	*(−226,000,000)*
(Release of energy reserves)		*(18,792,000,000)*	*(18,792,000,000)*	
CHAPTER IX				
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Advances to the Unemployment Trust Fund and other funds	H 96-308	1,841,000,000	1,441,000,000	−400,000,000
Advance appropriation for 1981			400,000,000	+400,000,000
Grants to States for Unemployment Insurance and Employment Services *(Trust fund transfer)*	H 96-294	*(147,610,000)*	*(147,610,000)*	
Total, Employment and Training Administration		1,841,000,000	1,841,000,000	
(Trust fund transfer)		*(147,610,000)*	*(147,610,000)*	
LABOR-MANAGEMENT SERVICES ADMINISTRATION				
Salaries and expenses	H 96-294	1,463,000		−1,463,000
EMPLOYMENT STANDARDS ADMINISTRATION				
Salaries and expenses		2,707,000		−2,707,000
Black Lung Disability Trust Fund *(Trust funds)*	H 96-308	*(392,347,000)*	*(392,347,000)*	
DEPARTMENTAL MANAGEMENT				
Salaries and expenses		2,200,000		−2,200,000
Total, Department of Labor		1,847,370,000	1,841,000,000	−6,370,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH SERVICES ADMINISTRATION				
Health Services	H 96-294 S 96-52	37,125,000	38,400,000	+1,275,000
Rescission	H 96-299	***(−34,900,000)***	−18,500,000	[1]**−18,500,000**
Total, Health Services		**37,125,000**	19,900,000	**−17,225,000**
CENTER FOR DISEASE CONTROL				
Preventive health services			600,000	+600,000
Rescission			−18,318,000	−18,318,000
Total, Center for Disease Control			−17,718,000	−17,718,000

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[1] **Reflects actual amounts rescinded rather than comparison with requests.**

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL INSTITUTES OF HEALTH				
National Cancer Institute *(rescission)*	H 96-299	*(−$17,000,000)*		(1)
National Heart, Lung and Blood Institute *(rescission)*	H 96-299	*(−7,000,000)*		(1)
National Institute of Dental Research *(rescission)*	H 96-299	*(−300,000)*		(1)
National Institute of Arthritis, Metabolism and Digestive Diseases *(rescission)*	H 96-299	*(−2,500,000)*		(1)
National Institute of Neurological and Communicative Disorders and Stroke *(rescission)*	H 96-299	*(−2,000,000)*		(1)
National Institute of Allergy and Infectious Diseases *(rescission)*	H 96-299	*(−1,500,000)*		(1)
National Institute of General Medical Sciences *(rescission)*	H 96-299	*(−500,000)*		(1)
National Institute of Child Health and Human Development *(rescission)*	H 96-299	*(−1,000,000)*		(1)
National Eye Institute *(rescission)*	H 96-299	*(−3,200,000)*		(1)
National Institute of Environmental Health Sciences *(rescission)*	H 96-299	*(−500,000)*		(1)
National Institute of Aging *(rescission)*	H 96-299	*(−500,000)*		(1)
Research resources *(rescission)*	H 96-299	*(−5,000,000)*		(1)
National Library of Medicine *(rescission)*	H 96-299	*(−500,000)*		(1)
Buildings and facilities *(by transfer)*		*(7,230,000)*		*(−7,230,000)*
Total, National Institutes of Health **(By transfer)**		***(7,230,000)***		***(−7,230,000)***
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION				
Alcohol, drug abuse, and mental health *(rescission)*	H 96-299	(−4,000,000)	−$4,000,000	−4,000,000
HEALTH RESOURCES ADMINISTRATION				
Health resources		2,400,000		−2,400,000
Rescission	H 96-299	*(−149,953,000)*	−19,300,000	[1]−19,300,000
Total, Health resources		−2,400,000	−19,300,000	**−21,700,000**
ASSISTANT SECRETARY FOR HEALTH				
Salaries and expenses *(rescission)*	H 96-299	*(−12,800,000)*	−18,500,000	**[1]−18,500,000**
HEALTH CARE FINANCING ADMINISTRATION				
Grants to states for Medicaid		2,289,490,000	2,159,000,000	−130,490,000
Rescission			−30,000,000	−30,000,000
Total, Health Care Financing Administration		2,289,490,000	2,129,000,000	−160,490,000
SOCIAL SECURITY ADMINISTRATION				
Assistance payments program		80,000,000	74,000,000	−6,000,000
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES				
Grants to states for social and child welfare services	H 96-294 S 96-51	506,750,000	467,750,000	−39,000,000

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTAL MANAGEMENT				
Refugee assistance	H 96-305	$100,081,000	$516,900,000	+$416,819,000
Less amount appropriated under continuing resolution *(P.L. 96-123)*			[1] −416,900,000	−416,900,000
Net total, refugee assistance		100,081,000	100,000,000	−81,000
Total, Department of Health and Human Services		**3,015,846,000**	2,731,132,000	−41,561,000
DEPARTMENT OF EDUCATION				
Elementary and secondary education *(rescission)*	H 96-299	***(−135,750,000)***	−130,750,000	[2] **−130,750,000**
School assistance in federally affected areas	S 96-52	20,000,000	20,000,000	
Emergency school aid *(rescission)*	H 96-299	***(−25,123,000)***	−21,052,000	[2] **−21,052,000**
Library Resources *(rescission)*	H 96-299	***(−18,000,000)***	−18,000,000	[2] **−18,000,000**
Occupational, vocational, and adult education	S 96-52	17,600,000	17,600,000	
Rescission	H 96-299	***(−87,500,000)***		([2])
Student assistance *(rescission)*	H 96-299	***(−108,000,000)***	−140,000,000	[2] **−140,000,000**
Student loan insurance fund	H 96-294	758,723,000	649,723,000	−109,000,000
Higher and continuing education *(rescission)*	H 96-299	***(−44,275,000)***	−16,000,000	[2] **−16,000,000**
Special projects and training *(rescission)*	H 96-299	***(−11,000,000)***	−5,000,000	[2] **−5,000,000**
School improvement	S 96-52	7,700,000	7,700,000	
National Institute of Education *(rescission)*			−3,000,000	−3,000,000
Depatmental management, salaries and expenses	H 96-294	1,301,000	605,000	−696,000
Rehabilitation services			1,500,855	+1,500,855
Total, Department of Education		**805,324,000**	363,326,855	**−441,997,145**
RELATED AGENCIES				
Action: Operating expenses, domestic programs	H 96-294	9,202,000	4,000,000	−5,202,000
Federal Mine Safety and Health Review Commission, salaries and expenses *(rescission)*	H 96-299	***(−188,000)***	−188,000	[2] −188,000
National Commission on Libraries and Information Science		26,000		−26,000
National Labor Relations Board	H 96-294	692,000		−692,000
Occupational Safety and Health Review Commission, salaries and expenses *(rescission)*	H 96-299	***(−100,000)***	−100,000	[2] −100,000
Railroad Retirement Board: Milwaukee Railroad restructuring administration		750,000	300,000	−450,000
Soldiers' and Airmen's Home: Operation and maintenance		386,000	300,000	−86,000
Total, Related agencies		**11,056,000**	4,312,000	**−6,744,000**
Total, Chapter IX:				
New budget *(obligational)* authority		**5,679,596,000**	4,939,770,855	**−739,825,145**
Appropriations, 1980		*(5,679,596,000)*	*(4,982,478,855)*	*(−697,117,145)*
Appropriations, 1981			*(400,000,000)*	*(+400,000,000)*
Rescissions		*(−673,089,000)*	*(−442,708,000)*	[2] ***(−442,708,000)***
(By transfer)		*(7,230,000)*		*(−7,230,000)*
(Trust fund transfer)		*(147,610,000)*	*(147,610,000)*	
(Trust funds)		*(392,347,000)*	*(392,347,000)*	

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[1] Current rate as provided under continuing appropriations, 1980, P.L. 96-123.

[2] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER X				
LEGISLATIVE BRANCH				
SENATE				
CONTINGENT EXPENSES OF THE SENATE				
Miscellaneous items *(rescission)*			−$1,000,000	−$1,000,000
HOUSE OF REPRESENTATIVES				
Payments to Widows and Heirs of Deceased Members of Congress			60,663	+60,663
HOUSE LEADERSHIP OFFICES				
Office of the Majority Floor Leader	H 96-294	$24,900		−24,900
Office of the Minority Floor Leader	H 96-294	24,900		−24,900
Total, House leadership offices		49,800		−49,800
SALARIES, OFFICERS AND EMPLOYEES				
House Democratic Caucus	H 96-294	12,900		−12,900
House Republican Caucus	H 96-294	12,900		−12,900
Total, Salaries, Officers and employees		25,800		−25,800
CONTINGENT EXPENSES OF THE HOUSE				
ALLOWANCES AND EXPENSES				
Official expenses of Members		3,630,000		−3,630,000
Supplies, materials, administrative costs and Federal tort claims		3,796,000		−3,796,000
Rescission			−1,000,000	−1,000,000
Total, Contingent expenses of the House		7,426,000	−1,000,000	−8,426,000
Total, House of Representatives		7,501,600	−939,337	−8,440,937
ARCHITECT OF THE CAPITOL				
Capitol Buildings and Grounds: Capitol grounds *(rescission)*			−1,792,000	−1,792,000
GOVERNMENT PRINTING OFFICE				
Congressional Printing and Binding	H 96-294	4,578,000	4,578,000	
Printing and Binding	H 96-294	5,295,000	5,295,000	
Office of Superintendent of Documents, salaries and expenses		790,000		−790,000
Total, Government Printing Office		10,663,000	9,873,000	−790,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
LIBRARY OF CONGRESS				
Salaries and expenses *(rescission)*			−$500,000	−$500,000
Furniture and Furnishings *(release of Sec. 311 funds)*		*($800,000)*		*(−800,000)*
Total Chapter X:				
New budget *(obligational)* authority		18,164,600	5,641,663	−12,522,937
Appropriations		*(18,164,600)*	*(9,933,663)*	*(−8,230,937)*
Rescissions			*(−4,292,000)*	*(−4,292,000)*
(Release of Sec. 311 funds)		*(800,000)*		*(−800,000)*
CHAPTER XI				
MILITARY CONSTRUCTION				
Military Construction, Army *(by transfer)*	H 96-294	*(4,300,000)*	*(1,000,000)*	*(−3,300,000)*
(Increase in limitation)		*(1,000,000)*	*(1,000,000)*	
Military Construction, Navy			9,500,000	+9,500,000
(By transfer)	H 96-294	*(42,500,000)*	*(12,000,000)*	*(−30,500,000)*
(Increase in limitation)		*(14,000,000)*	*(14,000,000)*	
Military Construction, Air Force *(by transfer)*	H 96-294	*(24,700,000)*	*(7,000,000)*	*(−17,700,000)*
(Increase in limitations)		*(7,000,000)*	*(7,000,000)*	
Total, Military Construction			9,500,000	+9,500,000
(By transfer)		*(71,500,000)*	*(20,000,000)*	*(−51,500,000)*
(Increase in limitation)		*(22,000,000)*	*(22,000,000)*	
Family Housing	H 96-294	22,922,000		−22,922,000
(By transfer)	H 96-294	*(18,000,000)*	*(14,000,000)*	*(−4,000,000)*
(Increase in limitations)		*(14,000,000)*	*(14,000,000)*	
Total, Chapter XI:				
New budget *(obligational)* authority		22,922,000	9,500,000	−13,422,000
(By transfer)		*(89,500,000)*	*(34,000,000)*	*(−55,500,000)*
(Increase in limitations)		*(36,000,000)*	*(36,000,000)*	
CHAPTER XII				
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	H 96-294	12,434,000	11,534,000	−900,000
Emergencies in the diplomatic and consular service		4,300,000	4,300,000	
Payment to the Foreign Service retirement and disability fund		4,177,000	4,177,000	
Total, Administration of foreign affairs		20,911,000	20,011,000	−900,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
Contributions to international organizations		27,289,000	7,600,000	−19,689,000
Missions to international organizations	H 96-294	774,000	418,000	−356,000
Total, international organizations and conferences		28,063,000	8,018,000	−20,045,000
INTERNATIONAL COMMISSIONS				
International fisheries commissions		248,000		−248,000
Total, Department of State		49,222,000	28,029,000	−21,193,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF JUSTICE				
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	H 96-294 S 96-52	$80,000	$80,000	
(By transfer)	S 96-49	*(745,000)*	*(745,000)*	
Salaries and expenses, Antitrust Division			4,000,000	+$4,000,000
(By transfer)	S 96-49	*(233,000)*	*(233,000)*	
Salaries and expenses, United States Attorneys and Marshals	S 96-52	15,676,000	14,672,000	−1,004,000
(By transfer)	S 96-49	*(2,008,000)*	*(2,008,000)*	
Fees and expenses of witnesses *(by transfer)*			*(846,000)*	*(+846,000)*
Total, legal activities		15,756,000	18,752,000	+2,996,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	S 96-52	688,000	688,000	
(By transfer)	H 96-294 S 96-49	*(7,648,000)*	*(7,648,000)*	
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses	S 96-52	15,778,000	12,000,000	−3,778,000
(By transfer)	H 96-294 S 96-49	*(4,492,000)*	*(3,000,000)*	*(−1,492,000)*
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses *(by transfer)*	H 96-294 S 96-49	*(3,424,000)*	*(2,362,000)*	*(−1,062,000)*
FEDERAL PRISON SYSTEM				
Salaries and expenses, Bureau of Prison *(by transfer)*	S 96-49	*(846,000)*		*(−846,000)*
OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS				
Law enforcement assistance *(by transfer)*			*(7,000,000)*	***(+7,000,000)***
Rescission	H 96-314	***(−12,439,446)***	−4,439,446	**[1]−4,439,446**
Total, Department of Justice		**32,222,000**	27,000,554	**−5,221,446**
(By transfer)		*(19,396,000)*	*(23,842,000)*	*(+4,446,000)*

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses	S 96-48	$10,200,000	$10,200,000	
Participation in United States expositions		20,800,000	20,800,000	
Total, general administration		31,000,000	31,000,000	
ECONOMIC DEVELOPMENT ADMINISTRATION				
Salaries and expenses		46,300,000	40,000,000	−$6,300,000
Economic development assistance programs	H 96-294	660,583,000	5,000,000	−655,583,000
Total, Economic Development Administration		706,883,000	45,000,000	−661,883,000
INTERNATIONAL TRADE ADMINISTRATION				
Operations and administration		1,200,000	1,200,000	
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research, and facilities		1,000,000	1,500,000	+500,000
Coastal zone management		6,000,000	5,250,000	−750,000
Fishermen's Guaranty Fund	H 96-294	930,000	930,000	
Coastal energy impact fund *(rescission)*	H 96-299	*(−50,000,000)*	−35,400,000	[1]−35,400,000
Total, National Oceanic and Atmospheric Administration		7,930,000	−27,720,000	−35,650,000
PATENT AND TRADEMARK OFFICE				
Salaries and expenses		1,671,000	1,000,000	−671,000
MARITIME ADMINISTRATION				
Operating-differential subsidies *(liquidation of contract authority)*		*(44,307,000)*	*(44,307,000)*	
Operations and training			1,174,000	+1,174,000
Total, Department of Commerce		748,684,000	51,654,000	−697,030,000
(Appropriation to liquidate contract authority)		*(44,307,000)*	*(44,307,000)*	
THE JUDICIARY				
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Pretrial Services Agencies *(by transfer)*			*(900,000)*	*(+900,000)*
RELATED AGENCIES				
ARMS CONTROL AND DISARMAMENT AGENCY				
Arms control and disarmament activities *(rescission)*	H 96-299	*(−720,000)*	−720,000	[1]−720,000
BOARD FOR INTERNATIONAL BROADCASTING				
Grants and expenses		6,600,000	5,000,000	−1,600,000

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Treasury				
Bureau of Government Financial Operations				
Chrysler Corporation Loan Guarantee Program		$1,500,000,000	$1,500,000,000	
Federal Communications Commission				
Salaries and expenses *(increase in limitations)*			*(835,000)*	*(+$835,000)*
Federal Trade Commission				
Salaries and expenses		69,021,000	1,000,000	−68,021,000
International Communication Agency				
Salaries and expenses			6,000,000	+6,000,000
Small Business Administration				
Salaries and expenses	H 96-291 S 96-52	12,000,000		−12,000,000
Business loan and investment fund *(rescission)*	H 96-299	***(−19,000,000)***		
Disaster loan fund	H 96-291 S 96-52	1,165,000,000	1,177,000,000	+12,000,000
Total, Small Business Administration		**1,177,000,000**	1,177,000,000	+19,000,000
Total, Related agencies		**2,752,621,000**	2,688,280,000	**−64,341,000**
Total, Chapter XII:				
New budget *(obligational)* authority		**3,582,749,000**	2,794,963,554	**−787,785,446**
Appropriations		*(3,582,749,000)*	*(2,835,523,000)*	*(−747,226,000)*
Rescissions		*(−82,159,446)*	*(−40,559,446)*	[1]*(−40,559,446)*
(By transfer)		*(19,396,000)*	*(24,742,000)*	*(+5,346,000)*
(Increase in limitations)			*(835,000)*	*(+835,000)*
(Appropriation to liquidate contract authority)		*(44,307,000)*	*(44,307,000)*	
CHAPTER XIII				
DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Transportation Planning, Research, and Development		1,000,000	350,000	−650,000
Coast Guard				
Operating expenses	H 96-294 S 96-52	47,100,000	45,100,000	−2,000,000
Retired pay		7,500,000	7,500,000	
(By transfer)		*(1,500,000)*	*(1,500,000)*	
Pollution fund		21,300,000	20,500,000	−800,000
Total, Coast Guard		75,900,000	73,100,000	−2,800,000

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL AVIATION ADMINISTRATION				
Operation and Maintenance, Metropolitan Washington Airports		$1,162,000	$1,162,000	
FEDERAL HIGHWAY ADMINISTRATION				
Federal-aid highways:				
(Liquidation of contract authorization) (trust fund)	H 96-294	*(1,400,000,000)*	*(1,400,000,000)*	
(Limitation of obligations)		*(7,600,000,000)*	*(7,800,000,000)*	*(+$200,000,000)*
Emergency relief			250,000,000	+250,000,000
Carpool/Vanpool Support Program	H 96-294	5,000,000	3,000,000	−2,000,000
Total, Federal Highway Administration		5,000,000	253,000,000	+248,000,000
FEDERAL RAILROAD ADMINISTRATION				
Rail labor assistance		68,100,000	6,500,000	−61,600,000
Advance appropriation for 1981			61,600,000	+61,600,000
Railroad Rehabilitation and Improvement Financing Funds *(rescission)*			−60,000,000	−60,000,000
Total, Federal Railroad Administration		68,100,000	8,100,000	−60,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION				
Urban discretionary grants	H 96-294	670,000,000	330,000,000	−340,000,000
Total, Department of Transportation		821,162,000	665,712,000	−155,450,000
RELATED AGENCIES				
CIVIL AERONAUTICS BOARD				
Payments to air carriers		19,669,000	19,669,000	
DEPARTMENT OF THE TREASURY				
Office of the Secretary: Investment in fund anticipation notes *(rescission)*			*(−60,000,000)*	*(−60,000,000)*
UNITED STATES RAILWAY ASSOCIATION				
Administrative expenses		4,600,000	4,100,000	−500,000
Total, Related Agencies		24,269,000	23,769,000	−500,000
Total, Chapter XIII:				
New budget *(obligational)* authority		845,431,000	689,481,000	−155,950,000
Appropriations, 1980		*(845,431,000)*	*(687,881,000)*	*(−157,550,000)*
Appropriations, 1981			*(61,600,000)*	*(+61,600,000)*
Rescissions			*(−60,000,000)*	*(−60,000,000)*
(By transfer)		*(1,500,000)*	*(1,500,000)*	
(Limitation on obligations)		*(7,600,000,000)*	*(7,800,000,000)*	*(+200,000,000)*
(Appropriation to liquidate contract authority)		*(1,400,000,000)*	*(1,400,000,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER XIV				
DEPARTMENT OF THE TREASURY				
Office of the Secretary, salaries and expenses *(rescission)*			−$250,000	−$250,000
International Affairs *(rescission)*			−250,000	−250,000
Bureau of Government Financial Operations:				
Salaries and expenses *(rescission)*	H 96-299	*(−$322,000)*	−322,000	[1]−322,000
Payments to the Governments of Guam, Virgin Islands and American Samoa		2,000,000		−2,000,000
Total, Bureau of Government Financial Operations (net)		2,000,000	−322,000	−2,322,000
United States Customs Service, salaries and expenses	S 96-52	650,000	650,000	
Bureau of the Mint, salaries and expenses *(rescision)*			−800,000	−800,000
Bureau of the Public Debt, administering the public debt	H 96-294	23,558,000	22,000,000	−1,558,000
Internal Revenue Service: Payment where energy credit exceeds liability for tax		1,000,000	1,000,000	
United States Secret Service, salaries and expenses	S 96-53	9,725,000	9,725,000	
Total, Department of the Treasury		36,933,000	31,753,000	−5,180,000
EXECUTIVE OFFICE OF THE PRESIDENT				
Council on Wage and Price Stability, salaries and expenses	H 96-294		500,000	+500,000
(By transfer)	H 96-294	*(4,786,000)*		*(−4,786,000)*
INDEPENDENT AGENCIES				
Commission on Executive, Legislative, and Judicial Salaries: Salaries and expenses		160,000	160,000	
General Services Administration:				
Federal Buildings Fund:				
Limitations on availability of revenue:				
Construction of buildings		*(15,320,000)*	*(100,589,000)*	*(+85,269,000)*
Alterations and major repairs		*(25,644,000)*	*(9,071,000)*	*(−16,573,000)*
Purchase contract payments		*(4,000,000)*		*(−4,000,000)*
Total, Federal Buildings Fund: *(Increase in limitations)*		*(44,964,000)*	*(109,660,000)*	*(+64,696,000)*
National Archives and Records Service: Operating Expenses		3,000,000	750,000	−2,250,000
General Activities: Allowances and Office Staff for Former Presidents		66,000		−66,000
Refunds under Renegotiation Act	S 96-53	2,500,000	2,500,000	
Total, General Services Administration		5,566,000	3,250,000	−2,316,000

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL PERSONNEL ACTIVITIES				
Office of Personnel Management: Payment to civil service retirement and disability fund		$376,754,000	$376,754,000	
Merit Systems Protection Board:				
Salaries and expenses	H 96-294	860,000	500,000	−$360,000
Office of special counsel, salaries and expenses *(rescission)*	H 96-299	*(−1,000,000)*	−2,000,000	−2,000,000
Total, federal personnel activities		377,614,000	375,254,000	−2,360,000
Federal Labor Relations Authority, salaries and expenses *(increase in limitations)*		*(500,000)*	*(500,000)*	
United States Tax Court, salaries and expenses *(increase in limitations)*	H 96-294	*(46,000)*	*(46,000)*	
Total, Independent agencies		383,340,000	378,664,000	−4,676,000
Total, Chapter XIV:				
New budget *(obligational)* authority		420,273,000	410,917,000	−9,356,000
Appropriations		*(420,273,000)*	*(414,539,000)*	*(−5,734,000)*
Rescissions		*(−1,322,000)*	*(−3,622,000)*	[1]*(−3,622,000)*
(By transfer)		*(4,786,000)*		*(−4,786,000)*
(Increase in limitations)		*(45,510,000)*	*(110,206,000)*	*(+64,696,000)*
Total, title I—General Supplementals:				
New budget *(obligational)* authority		19,195,080,600	13,388,632,372	−5,806,448,228
Appropriations, 1980		*(19,195,080,600)*	*(15,760,604,518)*	*(−3,434,476,082)*
Appropriations, 1981			*(591,600,000)*	*(+591,600,000)*
Rescissions		*(−1,485,170,446)*	*(−2,963,572,146)*	[1]*(−2,963,572,146)*
(Loan level)			*(100,000,000)*	*(+100,000,000)*
(Appropriation to liquidate contract authority)		*(4,184,669,000)*	*(4,184,669,000)*	
(By transfer)		*(2,745,137,000)*	*(2,771,279,000)*	*(+26,142,000)*
(Deferrals)		*(−18,800,000)*	*(−540,800,000)*	*(−522,000,000)*
(Increase in limitations)		*(84,322,000)*	*(175,153,000)*	*(+90,831,000)*
(Transfer authority)		*(500,000,000)*	*(493,000,000)*	*(−7,000,000)*
(Trust fund transfer)		*(147,610,000)*	*(147,610,000)*	
(Trust funds)		*(392,347,000)*	*(392,347,000)*	
(Limitation on obligations)		*(7,600,000,000)*	*(7,800,000,000)*	*(+200,000,000)*
(Release of energy reserves)		*(18,792,000,000)*	*(18,792,000,000)*	
(District of Columbia funds—net)		*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*
(Release of Sec. 311 funds)		*(800,000)*		*(−800,000)*

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
LEGISLATIVE BRANCH				
SENATE				
Salaries, officers and employees	S 96-49	$8,058,000	$6,700,000	−$1,358,000
Office of the Legislative Counsel of the Senate		36,000	36,000	
Senate policy committees		100,000	100,000	
Inquiries and investigations		1,725,000	1,000,000	−725,000
Folding documents		8,000	8,000	
Miscellaneous items		2,000		−2,000
Total, Senate		9,929,000	7,844,000	−2,085,000
HOUSE OF REPRESENTATIVES				
Compensation of Members		1,523,000	1,523,000	
House leadership offices		142,800	142,800	
Salaries, officers and employees		1,949,600	1,949,600	
Committee employees		1,700,000	1,700,000	
Committee on Appropriations *(studies and investigations)*		136,000	136,000	
Office of the Law Revision Counsel		28,000	28,000	
Office of the Legislative Counsel		99,000	99,000	
Members' clerk hire		8,500,000	8,500,000	
Allowances and expenses		1,029,000	1,029,000	
Special and select committees		2,055,000	2,055,000	
Total, House of Representatives		17,162,400	17,162,400	
JOINT ITEMS				
Joint Committee on Taxation		134,000	64,000	−70,000
Joint Economic Committee		116,000		−116,000
Capitol Guide Service		42,000	42,000	
Total, Joint Items		292,000	106,000	−186,000
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses		19,000		−19,000
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses		284,000	199,000	−85,000
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses		414,000	269,000	−145,000
ARCHITECT OF THE CAPITOL				
Office of the Architect of the Capitol: Salaries		172,000		−172,000
(By transfer of Sec. 311 from House Office Buildings)			*(172,000)*	*(+172,000)*
Capitol buildings		308,000		−308,000
(By transfer of Sec. 311 from House Office Buildings)			*(308,000)*	*(+308,000)*
Capitol grounds		107,000		−107,000
(By transfer of Sec. 311 from House Office Buildings)			*(107,000)*	*(+107,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Senate office buildings		$498,000	$450,000	−$48,000
Senate garage		10,000	10,000	
House office buildings		700,000		−700,000
(Release of Sec. 311 funds)			*(632,000)*	*(+632,000)*
Capitol Power Plant		125,000		−125,000
Structural and mechanical care, Library buildings and grounds		174,000		−174,000
Total, Architect of the Capitol		2,094,000	460,000	−1,634,000
BOTANIC GARDEN				
Salaries and expenses		70,000		−70,000
(By transfer of Sec. 311 from House Office Buildings)			*(70,000)*	*(+70,000)*
LIBRARY OF CONGRESS				
Salaries and expenses		4,979,000	1,182,000	−3,797,000
(Release of Sec. 311 funds)			*(447,000)*	*(+447,000)*
(By transfer of Sec. 311 funds from Furniture and Furnishings)			*(800,000)*	*(+800,000)*
Copyright Office: Salaries and expenses		781,000	381,000	−400,000
Congressional Research Service: Salaries and expenses		1,600,000	800,000	−800,000
Books for the blind and physically handicapped: Salaries and expenses		196,000	163,000	−33,000
Collection and distribution of library materials *(special foreign currency program)*		17,000		−17,000
Total, Library of Congress		7,573,000	2,526,000	−5,047,000
GENERAL ACCOUNTING OFFICE				
Salaries and expenses		8,767,000	4,000,000	−4,767,000
GOVERNMENT PRINTING OFFICE				
Office of Superintendent of Documents: Salaries and expenses		401,000	219,000	−182,000
Total, Legislative Branch		47,005,400	32,785,400	−14,220,000
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Salaries and expenses		466,000		−466,000
(By transfer)			*(113,000)*	*(+113,000)*
Care of building and grounds		48,000		−48,000
(By transfer)			*(25,000)*	*(+25,000)*
Total, Supreme Court of the United States		514,000		−514,000
COURT OF CUSTOMS AND PATENT APPEALS				
Salaries and expenses		93,000		−93,000
(By transfer)			*(91,000)*	*(+91,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
CUSTOMS COURT				
Salaries and expenses		$241,000		−$241,000
(By transfer)			*($91,000)*	*(+91,000)*
COURT OF CLAIMS				
Salaries and expenses		239,000		−239,000
(By transfer)			*(239,000)*	*(+239,000)*
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries of judges		6,300,000		−6,300,000
(By transfer)			*(3,600,000)*	*(+3,600,000)*
Salaries of supporting personnel		13,428,000		−13,428,000
(By transfer)			*(8,000,000)*	*(+8,000,000)*
Salaries and expenses of Magistrates		1,136,000		−1,136,000
(By transfer)			*(800,000)*	*(+800,000)*
Bankruptcy courts, salaries and expenses		3,061,000		−3,061,000
Total, Courts of Appeals, District Courts, and other Judicial Services		23,925,000		−23,925,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses		747,000		−747,000
(By transfer)			*(650,000)*	*(+650,000)*
FEDERAL JUDICIAL CENTER				
Salaries and expenses		202,000		−202,000
(By transfer)			*(117,000)*	*(+117,000)*
Total, The Judiciary		25,961,000		−25,961,000
EXECUTIVE OFFICE OF THE PRESIDENT				
White House Office: Salaries and expenses		763,000	731,000	−32,000
Executive Residence at the White House: Operating expenses		153,000	126,000	−27,000
Special Assistance to the President: Salaries and expenses		66,000	58,000	−8,000
Council of Economic Advisers: Salaries and expenses		27,000	27,000	
Council on Wage and Price Stability: Salaries and expenses		464,000	464,000	
Domestic Policy Staff: Salaries and expenses		122,000	111,000	−11,000
National Security Council: Salaries and expenses		101,000	88,000	−13,000
Office of Administration: Salaries and expenses		185,000	142,000	−43,000
Office of Management and Budget: Salaries and expenses	H 96-294	1,146,000	1,073,000	−73,000
Office of Science and Technology Policy: Salaries and expenses		87,000		−87,000
Office of the United States Trade Representative: Salaries and expenses		226,000	226,000	
Total, Executive Office of the President		3,340,000	3,046,000	−294,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
FUNDS APPROPRIATED TO THE PRESIDENT				
Operating expenses of the International Development Cooperation Agency		$8,587,000	$8,587,000	
Peace Corps, operating expenses		795,000	745,000	−$50,000
Total, Funds Appropriated to the President		9,382,000	9,332,000	−50,000
DEPARTMENT OF AGRICULTURE				
Office of the Secretary	H 96-294	324,000	200,000	−124,000
Departmental administration	H 96-294	985,000	800,000	−185,000
Working Capital Fund *(increase in limitation on obligations)*		*(1,983,000)*	*(983,000)*	*(−1,000,000)*
Office of the Inspector General	H 96-294	1,135,000	1,000,000	−135,000
(Transfer from food stamp program)		*(477,000)*	*(477,000)*	
Total, Office of the Inspector General		*(1,612,000)*	*(1,477,000)*	*(−135,000)*
Office of the General Counsel	H 96-294	631,000	500,000	−131,000
Science and Education Administration:				
Agricultural research	H 96-294	8,680,000	2,750,000	−5,930,000
Technical information systems		213,000	150,000	−63,000
Economic, Statistics, and Cooperative Service	H 96-294	4,369,000	1,875,000	−2,494,000
Total, Science and Education Administration		13,262,000	4,775,000	−8,487,000
World food and agricultural outlook and situation board	H 96-294	46,000		−46,000
Foreign Agricultural Service	H 96-294	602,000		−602,000
Agricultural Stabilization and Conservation Service:				
Salaries and expenses		5,977,000	5,000,000	−977,000
(Transfer from Commodity Credit Corporation)		*(3,534,000)*	*(3,534,000)*	
Total, Agricultural Stabilization and Conservation Service		*(9,511,000)*	*(8,534,000)*	*(−977,000)*
Federal Crop Insurance Corporation *(increase in limitations)*	H 96-294	*(1,012,000)*	*(1,012,000)*	
Rural Electrification Administration: Salaries and expenses	H 96-294	1,242,000	600,000	−642,000
Farmers Home Administration: Salaries and expenses	H 96-294	8,514,000	5,500,000	−3,014,000
Soil Conservation Service:				
Conservation operations	H 96-294	11,908,000	7,200,000	−4,708,000
Watershed planning		615,000	500,000	−115,000
Animal and Plant Health Inspection Service	H 96-294	6,665,000	4,000,000	−2,665,000
Federal Grain Inspection Service		1,172,000	900,000	−272,000
Total, Soil Conservation Service		20,360,000	12,600,000	−7,760,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Agricultural Marketing Service: Marketing services	H 96-294	$2,387,000	$1,700,000	−$687,000
Food Safety and Quality Service		14,076,000	12,950,000	−1,126,000
(Funds for strengthening markets, income and supply, sec. 32, increase in limitation)		*(259,000)*	*(259,000)*	
Food and Nutrition Service: Food program administration		2,408,000		−2,408,000
Forest Service:				
Forest Management, protection and utilization	H 96-294	27,084,000	23,487,000	−3,597,000
Construction and land acquisition		6,282,000	5,382,000	−900,000
Youth Conservation Corps		797,000	797,000	
Total, Forest Service		34,163,000	29,666,000	−4,497,000
Total, Department of Agriculture		106,112,000	75,291,000	−30,821,000
(By transfer)		*(4,011,000)*	*(4,011,000)*	
(Increase in limitations)		*(3,254,000)*	*(2,254,000)*	*(−1,000,000)*
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses	H 96-294	900,000	900,000	
BUREAU OF THE CENSUS				
Salaries and expenses	H 96-294	1,600,000	1,600,000	
Periodic censuses and programs	H 96-294	34,400,000	34,400,000	
Total, Bureau of the Census		36,000,000	36,000,000	
ECONOMIC AND STATISTICAL ANALYSIS				
Salaries and expenses	H 96-294	550,000	550,000	
ECONOMIC DEVELOPMENT ADMINISTRATION				
Salaries and expenses	H 96-294	900,000	900,000	
REGIONAL ACTION PLANNING COMMISSIONS				
Regional development programs	H 96-294	25,000	25,000	
INTERNATIONAL TRADE ADMINISTRATION				
Operations and administration	H 96-294	2,900,000	2,600,000	−300,000
MINORITY BUSINESS ENTERPRISE				
Minority business development		400,000		−400,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research, and facilities	H 96-294	18,500,000	18,500,000	
Coastal zone management	H 96-294	200,000	200,000	
Total, National Oceanic and Atmospheric Administration		18,700,000	18,700,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
PATENT AND TRADEMARK OFFICE				
Salaries and expenses	H 96-294	$4,331,000	$4,331,000	
SCIENCE AND TECHNICAL RESEARCH				
Scientific and technical research and services	H 96-294	2,700,000	2,700,000	
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION				
Salaries and expenses	H 96-294	361,000	361,000	
MARITIME ADMINISTRATION				
Operations and training	H 96-294	1,133,000	1,133,000	
Total, Department of Commerce		68,900,000	68,200,000	−$700,000
DEPARTMENT OF DEFENSE—MILITARY				
MILITARY PERSONNEL				
Military personnel, Army		597,100,000	597,100,000	
Military personnel, Navy		413,837,000	413,837,000	
Military personnel, Marine Corps		128,824,000	128,824,000	
Military personnel, Air Force		489,398,000	489,398,000	
Reserve personnel, Army		35,941,000	35,941,000	
Reserve personnel, Navy		13,577,000	17,377,000	+3,800,000
Reserve personnel, Marine Corps		4,949,000	4,949,000	
Reserve personnel, Air Force		11,853,000	11,853,000	
National Guard personnel, Army		52,800,000	52,800,000	
National Guard personnel, Air Force		17,060,000	19,760,000	+2,700,000
Total, Military Personnel		1,765,339,000	1,771,839,000	+6,500,000
OPERATION AND MAINTENANCE				
Operation and maintenance, Army		283,400,000	276,900,000	−6,500,000
Operation and maintenance, Navy		314,300,000	302,000,000	−12,300,000
Operation and maintenance, Marine Corps		17,200,000	15,700,000	−1,500,000
Operation and maintenance, Air Force		219,100,000	210,300,000	−8,800,000
Operation and maintenance, Defense agencies		148,000,000	144,700,000	−3,300,000
Operation and maintenance, Army Reserve		12,800,000	12,800,000	
Operation and maintenance, Navy Reserve		3,400,000	3,100,000	−300,000
Operation and maintenance, Marine Corps Reserve		117,000	117,000	
Operation and maintenance, Air Force Reserve		9,300,000	9,200,000	−100,000
Operation and maintenance, Army National Guard		30,900,000	25,300,000	−5,600,000
Operation and maintenance, Air National Guard		26,500,000	23,700,000	−2,800,000
National Board for the Promotion of Rifle Practice, Army		14,000	14,000	
Court of Military Appeals, Defense		69,000	69,000	
Total, Operation and Maintenance		1,065,100,000	1,023,900,000	−41,200,000
Total, Department of Defense—Military		2,830,439,000	2,795,739,000	−34,700,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF DEFENSE—CIVIL				
SOLDIERS' AND AIRMEN'S HOME				
Operation and maintenance	H 96-294	$745,000	$745,000	
CORPS OF ENGINEERS—CIVIL				
General investigations		4,300,000		−$4,300,000
Construction, general		13,400,000	13,400,000	
Operation and maintenance, general		23,600,000	23,600,000	
General expenses		4,100,000	3,600,000	−500,000
Total, Corps of Engineers—Civil		45,400,000	40,600,000	−4,800,000
Total, Department of Defense—Civil		46,145,000	41,345,000	−4,800,000
DEPARTMENT OF EDUCATION				
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION				
Indian education		89,000		−89,000
OFFICE OF CIVIL RIGHTS				
Salaries and expenses		891,000	625,000	−266,000
DEPARTMENTAL MANAGEMENT				
Salaries and expenses		7,447,000	5,200,000	−2,247,000
Institute of Museum Services		22,000		−22,000
Total, Departmental Management		7,469,000	5,200,000	−2,269,000
Total, Department of Education		8,449,000	5,825,000	−2,624,000
DEPARTMENT OF ENERGY				
Economic regulation		2,523,000		−2,523,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses	H 96-294	10,992,000	8,500,000	−2,492,000
HEALTH SERVICES ADMINISTRATION				
Health services	H 96-294	9,824,000	7,824,000	−2,000,000
Indian health services	H 96-294	9,835,000	8,335,000	−1,500,000
Total, Health Services Administration		19,659,000	16,159,000	−3,500,000
CENTER FOR DISEASE CONTROL				
Preventive health services *(by transfer)*	H 96-294	*(6,133,000)*	*(4,333,000)*	*(−1,800,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL INSTITUTES OF HEALTH				
National Cancer Institute	H 96-294	$3,234,000		−$3,234,000
National Heart, Lung and Blood Institute	H 96-294	1,141,000		−1,141,000
National Institute of Dental Research	H 96-294	520,000		−520,000
National Institute of Arthritis, Metabolism, and Digestive Diseases	H 96-294	1,443,000		−1,443,000
National Institute of Neurological and Communicative Disorders and Stroke	H 96-294	628,000		−628,000
National Institute of Allergy and Infectious Diseases	H 96-294	698,000		−698,000
National Institute of General Medical Sciences	H 96-294	109,000		−109,000
National Institute of Child Health and Human Development	H 96-294	713,000		−713,000
National Eye Institute	H 96-294	408,000		−408,000
National Institute of Environmental Health Sciences	H 96-294	305,000		−305,000
National Institute of Aging	H 96-294	157,000		−157,000
Research resources	H 96-294	83,000		−83,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	H 96-294	91,000		−91,000
National Library of Medicine	H 96-294	544,000		−544,000
Office of the Director	H 96-294	781,000		−781,000
Total, National Institutes of Health		10,855,000		−10,855,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION				
Alcohol, drug abuse, and mental health	H 96-294	3,047,000		−3,047,000
Saint Elizabeth's Hospital		4,130,000		−4,130,000
(By transfer)		*(49,000)*	*($4,000,000)*	*(+3,951,000)*
Total, Alcohol, Drug Abuse, and Mental Health Administration		7,177,000		−7,177,000
HEALTH RESOURCES ADMINISTRATION				
Health resources *(by transfer)*	H 96-294	*(1,762,000)*		*(−1,762,000)*
ASSISTANT SECRETARY FOR HEALTH				
Salaries and expenses	H 96-294	1,161,000	1,161,000	
(By transfer)	H 96-294	*(716,000)*		*(−716,000)*
HEALTH CARE FINANCING ADMINISTRATION				
Program management	H 96-294	2,489,000	2,000,000	−489,000
(Trust fund transfer)	H 96-294	*(3,580,000)*	*(3,000,000)*	*(−580,000)*
SOCIAL SECURITY ADMINISTRATION				
Limitation on administrative expenses: *(increase in limitation)*	H 96-294	*(107,600,000)*	*(93,000,000)*	*(−14,600,000)*
Supplemental security income program		25,600,000		−25,600,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF HUMAN DEVELOPMENT SERVICES				
Human development services	H 96-294	$1,877,000	$1,877,000	
DEPARTMENTAL MANAGEMENT				
General departmental management	H 96-294	4,432,000	3,585,000	−$847,000
(By transfer)	H 96-294	*(200,000)*	*(200,000)*	
Office of Inspector General	H 96-294	1,254,000	1,254,000	
Office of Consumer Affairs		85,000	43,000	−42,000
Total, Departmental Management		5,771,000	4,882,000	−889,000
Total, Department of Health and Human Services		85,581,000	34,579,000	−51,002,000
(By transfer)		*(8,860,000)*	*(8,533,000)*	*(−327,000)*
(Increase in limitations)		*(107,600,000)*	*(93,000,000)*	*(−14,600,000)*
(Trust fund transfer)		*(3,580,000)*	*(3,000,000)*	*(−580,000)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
MANAGEMENT AND ADMINISTRATION				
Salaries and expenses	H 96-294	11,008,000	3,008,000	−8,000,000
(By transfer, FHA funds)	H 96-294	*(11,845,000)*	*(11,845,000)*	
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources		6,403,000	5,700,000	−703,000
WATER AND POWER RESOURCES SERVICE				
Operation and maintenance		3,600,000	700,000	−2,900,000
General administrative expenses		1,200,000	1,200,000	
Construction		3,400,000		−3,400,000
Total, Water and Power Resources Service		8,200,000	1,900,000	−6,300,000
HERITAGE CONSERVATION AND RECREATION SERVICE				
Salaries and expenses		388,000	350,000	−38,000
Land and water conservation fund *(increase in limitation)*		*(297,000)*	*(297,000)*	
U.S. FISH AND WILDLIFE SERVICE				
Resource management		5,989,000	5,000,000	−989,000
NATIONAL PARK SERVICE				
Operation of the national park system		10,457,000	7,000,000	−3,457,000
John F. Kennedy Center for the Performing Arts		112,000	100,000	−12,000
Total, National Park Service		10,569,000	7,100,000	−3,469,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
GEOLOGICAL SURVEY				
Surveys, investigations, and research		$12,050,000	$10,500,000	−$1,550,000
BUREAU OF MINES				
Mines and minerals		2,069,000	1,750,000	−319,000
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology		980,000		−980,000
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs		12,844,000	10,500,000	−2,344,000
OFFICE OF TERRITORIAL AFFAIRS				
Administration of territories		111,000	100,000	−11,000
Trust Territory of the Pacific Islands		103,000	100,000	−3,000
Total, Office of Territorial Affairs		214,000	200,000	−14,000
OFFICE OF THE SOLICITOR				
Salaries and expenses		628,000	500,000	−128,000
OFFICE OF THE SECRETARY				
Departmental management		1,785,000	1,500,000	−285,000
Total, Department of the Interior		62,119,000	45,000,000	−17,119,000
(Increase in limitations)		*(297,000)*	*(297,000)*	
DEPARTMENT OF JUSTICE				
GENERAL ADMINISTRATION				
Salaries and expenses *(by transfer)*		*(1,419,000)*	*(950,000)*	*(−469,000)*
UNITED STATES PAROLE COMMISSION				
Salaries and expenses *(by transfer)*		*(279,000)*	*(260,000)*	*(−19,000)*
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities *(by transfer)*		*(5,528,000)*	*(5,528,000)*	
Salaries and expenses, Antitrust Division *(by transfer)*		*(1,704,000)*	*(1,704,000)*	
Salaries and expenses, United States Attorneys and Marshals		6,633,000	6,104,000	−529,000
(By transfer)		*(4,370,000)*	*(4,899,000)*	*(+529,000)*
Salaries and expenses, Community Relations Service *(by transfer)*		*(261,000)*	*(220,000)*	*(−41,000)*
Total, Legal Activities:				
New budget (obligational) authority		**6,633,000**	**6,104,000**	**−529,000**
(By transfer)		***(11,863,000)***	***(12,351,000)***	***(+488,000)***
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses		29,498,000	29,498,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses		$11,027,000	$11,027,000	
(By transfer)		*(5,389,000)*	*(5,389,000)*	
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses		6,804,000	6,804,000	
(By transfer)		*(1,077,000)*	*(1,077,000)*	
FEDERAL PRISON SYSTEM				
Salaries and expenses *(by transfer)*		*(9,368,000)*	*(3,300,000)*	*(−$6,068,000)*
Total, Department of Justice		53,962,000	53,433,000	−529,000
(By transfer)		*(29,395,000)*	*(23,327,000)*	*(−6,068,000)*
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Program administration		3,787,000	3,787,000	
(Trust fund transfer)		*(1,465,000)*	*(1,465,000)*	
LABOR-MANAGEMENT SERVICES ADMINISTRATION				
Salaries and expenses		2,623,000	2,223,000	−400,000
EMPLOYMENT STANDARDS ADMINISTRATION				
Salaries and expenses	H 96-294	4,882,000	4,882,000	
(By transfer)		*(11,000)*	*(11,000)*	
Black lung disability trust fund *(trust fund transfer)*		*(309,000)*	*(309,000)*	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses	H 96-294	3,530,000	3,230,000	−300,000
MINE SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses	H 96-294	3,090,000	2,890,000	−200,000
BUREAU OF LABOR STATISTICS				
Salaries and expenses	H 96-294	862,000	862,000	
DEPARTMENTAL MANAGEMENT				
Salaries and expenses	H 96-294	1,689,000	1,689,000	
(Trust fund transfer)		*(60,000)*	*(60,000)*	
Total, Department of Labor		20,463,000	19,563,000	−900,000
(By transfer)		*(11,000)*	*(11,000)*	
(Trust fund transfer)		*(1,834,000)*	*(1,834,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	H 96-294	$3,198,000	$3,198,000	
(By transfer)		*(11,349,000)*	*(11,349,000)*	
INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
Missions to international organizations *(by transfer)*		*(356,000)*	*(356,000)*	
INTERNATIONAL COMMISSIONS				
International Boundry and Water Commission, United States and Mexico: Salaries and expenses *(by transfer)*		*(224,000)*	*(224,000)*	
American sections, international commissions *(by transfer)*		*(71,000)*	*(71,000)*	
Total, Department of State		3,198,000	3,198,000	
(By transfer)		*(12,000,000)*	*(12,000,000)*	
DEPARTMENT OF TRANSPORTATION				
OFFICE OF THE SECRETARY				
Salaries and expenses		1,600,000	1,320,000	−$280,000
Limitation on Working Capital Fund *(increase in limitation)*		*(758,000)*	*(650,000)*	*(−108,000)*
COAST GUARD				
Operating expenses		30,500,000	29,900,000	−600,000
Reserve training		1,700,000	1,600,000	−100,000
Total, Coast Guard		32,200,000	31,500,000	−700,000
FEDERAL AVIATION ADMINISTRATION				
Operations		90,162,000	88,000,000	−2,162,000
Operation and maintenance, Metropolitan Washington Airports		838,000	700,000	−138,000
Total, Federal Aviation Administration		91,000,000	88,700,000	−2,300,000
FEDERAL HIGHWAY ADMINISTRATION				
Motor carrier safety		430,000	400,000	−30,000
Limitation on general operating expenses *(increase in limitation)*		*(5,700,000)*	*(4,700,000)*	*(−1,000,000)*
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION				
Operations and research		1,200,000	500,000	−700,000
FEDERAL RAILROAD ADMINISTRATION				
Office of the Administrator		468,000	450,000	−18,000
Railroad safety		732,000		−732,000
Total, Federal Railroad Administration		1,200,000	450,000	−750,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
URBAN MASS TRANSPORTATION ADMINISTRATION				
Administrative expenses		$840,000	$740,000	−$100,000
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION				
Saint Lawrence Seaway Development Corporation *(increase in limitation)*		*(38,000)*	*(30,000)*	*(−8,000)*
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION				
Research and special programs		300,000	200,000	−100,000
OFFICE OF INSPECTOR GENERAL				
Salaries and expenses		621,000	600,000	−21,000
(By transfer)		*(305,000)*	*(300,000)*	*(−5,000)*
Total, Department of Transportation		129,391,000	124,410,000	−4,981,000
(By transfer)		*(305,000)*	*(300,000)*	*(−5,000)*
(Increase in limitations)		*(6,496,000)*	*(5,380,000)*	*(−1,116,000)*
DEPARTMENT OF THE TREASURY				
Office of the Secretary:				
Salaries and expenses	H 96-294	1,383,000	1,000,000	−383,000
International affairs	H 96-294	199,000		−199,000
Total, Office of the Secretary		1,582,000	1,000,000	−582,000
Office of Revenue Sharing: Salaries and expenses	H 96-294	135,000		−135,000
Federal Law Enforcement Training Center: Salaries and expenses		399,000	264,000	−135,000
Bureau of Alcohol, Tobacco and Firearms: Salaries and expenses		5,219,000	4,409,000	−810,000
United States Customs Service: Salaries and expenses		22,153,000	16,000,000	−6,153,000
Bureau of the Mint: Salaries and expenses	H 96-294	310,000		−310,000
Bureau of the Public Debt: Administering the public debt		2,616,000	2,616,000	
Internal Revenue Service:				
Salaries and expenses	H 96-294	7,072,000	6,500,000	−572,000
Taxpayer service and returns processing	H 96-294	29,088,000	28,000,000	−1,088,000
Examinations and appeals	H 96-294	38,316,000	37,000,000	−1,316,000
Investigations and collections		24,710,000	24,710,000	
Total, Internal Revenue Service		99,186,000	96,210,000	−2,976,000
United States Secret Service: Salaries and expenses		1,370,417	7,100,000	+5,729,583
(By transfer)		*(5,729,583)*		*(−5,729,583)*
Total, Department of the Treasury		132,970,417	127,599,000	−5,371,417

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses	H 96-294	$5,600,000	$2,800,000	−$2,800,000
United States Regulatory Council		44,000		−44,000
Total, Environmental Protection Agency		5,644,000	2,800,000	−2,844,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and program management		46,286,000	36,286,000	−10,000,000
VETERANS ADMINISTRATION				
Medical care		171,270,000	151,270,000	−20,000,000
Medical and prosthetic research		3,600,000	3,000,000	−600,000
Medical administration and miscellaneous operating expenses		1,099,000	599,000	−500,000
General operating expenses		25,579,000	23,579,000	−2,000,000
Construction, minor projects		800,000	600,000	−200,000
(Increase in limitation)		*(1,310,000)*	*(1,110,000)*	*(−200,000)*
Total, Veterans Administration		202,348,000	179,048,000	−23,300,000
OTHER INDEPENDENT AGENCIES				
Action: Operating expenses, domestic programs	H 96-294	1,092,000	1,092,000	
Administrative Conference of the United States: Salaries and expenses		48,000	40,000	−8,000
Advisory Council on Historic Preservation: Salaries and expenses		40,000	25,000	−15,000
American Battle Monuments Commission: Salaries and expenses		597,000	597,000	
Civil Aeronautics Board: Salaries and expenses		1,387,000	1,267,000	−120,000
Commission of Fine Arts: Salaries and expenses		7,000		−7,000
Commission on Civil Rights: Salaries and expenses		489,000	489,000	
Committee for Purchase from the Blind and Other Severely Handicapped: Salaries and expenses	H 96-294	9,000	9,000	
Commodity Futures Trading Commission		551,000	251,000	−300,000
Community Services Administration: Community services program		1,900,000	1,500,000	−400,000
Consumer Product Safety Commission: Salaries and expenses	H 96-294	760,000	760,000	
Equal Employment Opportunity Commission: Salaries and expenses		5,562,000	5,562,000	
Export-Import Bank of the United States: Limitation on administrative expenses *(increase in limitation)*		*(445,000)*	*(400,000)*	*(−45,000)*
Farm Credit Administration: Limitation on administrative expenses *(increase in limitation)*		*(531,000)*	*(531,000)*	
Federal Communications Commission: Salaries and expenses	H 96-294	3,512,000	3,512,000	
Federal Election Commission: Salaries and expenses		393,000	300,000	−93,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Federal Emergency Management Agency:				
Emergency planning, preparedness and mobilization	H 96-294	$1,121,000		−$1,121,000
Hazard mitigation and disaster assistance	H 96-294	1,310,000		−1,310,000
Total, Federal Emergency Management Agency		2,431,000		−2,431,000
Federal Home Loan Bank Board *(increase in limitation)*	H 96-294	*(300,000)*		*(−300,000)*
Federal Labor Relations Authority: Salaries and expenses		570,000	$500,000	−70,000
Federal Maritime Commission: Salaries and expenses	H 96-294	200,000	125,000	−75,000
Federal Mediation and Conciliation Service: Salaries and expenses		845,000	745,000	−100,000
General Services Administration:				
Federal Buildings Fund:				
Limitations on availability of revenue:				
Real property operations		*(11,297,000)*		*(−11,297,000)*
Program direction and centralized service		*(3,315,000)*		*(−3,315,000)*
Total, Federal Buildings Fund: *(Increase in limitations)*		*(14,612,000)*		*(−14,612,000)*
Federal Supply Service, Operating expenses	H 96-294	5,854,000	5,854,000	
Transportation and Public Utilities Service, Operating expenses	H 96-294	704,000	429,000	−275,000
National Archives and Records Service, Operating expenses	H 96-294	2,608,000	1,300,000	−1,308,000
Automated Data and Telecommunications Service, Operating expenses	H 96-294	546,000	371,000	−175,000
Federal Property Resource Service:				
Operating expenses	H 96-294	1,359,000		−1,359,000
Rare silver dollar program		26,000		−26,000
General management and agency operations		445,000		−445,000
Administrative and staff support services, salaries and expenses		4,692,000	4,200,000	−492,000
Indian trust accounting, salaries and expenses		161,000		−161,000
Public services, salaries and expenses		331,000		−331,000
Inspector General, salaries and expenses		860,000		−860,000
Consumer information center		37,000		−37,000
Total, General Services Administration		17,623,000	12,154,000	−5,469,000
Intelligence Community Staff	H 96-294	396,000	396,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Intergovernmental Agencies:				
Advisory Commission on Intergovernmental Relations: Salaries and expenses		$63,000	$50,000	−$13,000
Appalachian Regional Commission: Salaries and expenses		120,000	115,000	−5,000
Delaware River Basin Commission: Salaries and expenses		4,000	4,000	
Susquehanna River Basin Commission: Salaries and expenses		3,000	3,000	
Total, Intergovernmental agencies		190,000	172,000	−18,000
International Communication Agency: Salaries and expenses		6,993,000	6,993,000	
(By transfer)		*(113,673)*	*(113,673)*	
International Trade Commission: Salaries and expenses		787,000	400,000	−387,000
Interstate Commerce Commission: Salaries and expenses	H 96-294	3,000,000	2,700,000	−300,000
National Capital Planning Commission: Salaries and expenses		210,000	175,000	−35,000
National Commission on Libraries and Information Science: Salaries and expenses		18,000	18,000	
National Foundation on the Arts and the Humanities:				
National endowment for the arts: Salaries and expenses	H 96-294	267,000	210,000	−57,000
National endowment for the humanities: Salaries and expenses		279,000		−279,000
National Labor Relations Board: Salaries and expenses	H 96-294	4,567,000	4,567,000	
National Mediation Board: Salaries and expenses	H 96-294	51,000	51,000	
National Science Foundation: Research and related activities	H 96-294	690,000		−690,000
National Transportation Safety Board: Salaries and expenses		600,000	540,000	−60,000
Nuclear Regulatory Commission: Salaries and expenses		4,810,000	4,810,000	
Office of the Federal Inspector, Alaska Natural Gas Transportation System: Salaries and expenses		208,000		−208,000
Office of Personnel Management: Salaries and expenses	H 96-294	4,486,000	4,000,000	−486,000
(By transfer)	H 96-294	*(1,495,000)*	*(1,495,000)*	
Pennsylvania Avenue Development Corporation: Salaries and expenses		78,000	50,000	−28,000
Securities and Exchange Commission: Salaries and expenses		3,879,000	3,879,000	
Selective Service System: Salaries and expenses		421,000	350,000	−71,000
Small Business Administration: Salaries and expenses		8,300,000	8,300,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Smithsonian Institution:				
Salaries and expenses	H 96-294	$4,655,000	$4,000,000	−$655,000
Salaries and expenses, National Gallery of Art	H 96-294	446,000		−446,000
Salaries and expenses, Woodrow Wilson International Center for Scholars		13,000	10,000	−3,000
Total, Smithsonian Institution		5,114,000	4,010,000	−1,104,000
United States Tax Court: Salaries and expenses		360,000	360,000	
Other Temporary Commissions:				
Navajo and Hopi Indian Relocation Commission:				
Salaries and expenses		41,000	35,000	−6,000
United States Metric Board: Salaries and expenses		73,000	73,000	
Total, Other temporary commissions		114,000	108,000	−6,000
Total, Other Independent Agencies		83,834,000	71,017,000	−12,817,000
(Increase in limitations)		*(15,888,000)*	*(931,000)*	*(−14,957,000)*
Total, title II—Increased pay costs:				
New budget *(obligational)* authority		3,985,060,817	3,731,504,400	−253,556,417
(By transfer)		*(73,765,256)*	*(75,361,673)*	*(+1,596,417)*
(Increase in limitations)		*(134,845,000)*	*(102,972,000)*	*(−31,873,000)*
(Trust fund transfer)		*(5,414,000)*	*(4,834,000)*	*(−580,000)*
(Release of Sec. 311 funds)			*(1,079,000)*	*(+1,079,000)*
(By transfer, Sec. 311 funds)			*(1,457,000)*	*(+1,457,000)*
TITLE III				
GENERAL PROVISIONS				
Purchase of furniture *(rescission)*			−220,000,000	−220,000,000
(Decrease in limitation)		*(−15,000,000)*	*(−15,000,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

SUMMARY

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (-), appropriations compared with estimates
TITLE I—GENERAL SUPPLEMENTALS				
I Agriculture:				
New budget *(obligational)* authority		$814,952,000	$704,880,000	-110,072,000
Appropriations		*(814,952,000)*	*(732,580,000)*	*(-82,372,000)*
Rescissions		*(-105,000,000)*	*(-27,700,000)*	[1]*(-27,700,000)*
(Loan level)			*(100,000,000)*	*(+100,000,000)*
(Transfer authority)			*(243,000,000)*	*(+243,000,000)*
II Defense:				
New budget *(obligational)* authority		3,728,337,000	3,580,480,000	-147,857,000
(By transfer)		*(572,000,000)*	*(633,262,000)*	*(+61,262,000)*
(Transfer authority)		*(500,000,000)*	*(250,000,000)*	*(-250,000,000)*
(Increase in limitation)		*(2,000,000)*	*(2,000,000)*	
III Funds appropriated to the President:				
New budget *(obligational)* authority			100,000,000	+100,000,000
Appropriations, 1980			*(50,000,000)*	*(+50,000,000)*
Appropriations, 1981			*(50,000,000)*	*(+50,000,000)*
IV District of Columbia:				
New budget *(obligational)* authority		120,370,000	75,740,300	-44,629,700
Appropriations		*(120,370,000)*	*(96,870,000)*	*(-23,500,000)*
Rescissions			*(-21,129,700)*	*(-21,129,700)*
(District of Columbia funds—net)		*(104,007,200)*	*(48,806,600)*	*(-55,200,600)*
V Energy and Water Development:				
New budget *(obligational)* authority		710,628,000	661,847,000	-48,781,000
Appropriations		*(710,628,000)*	*(775,353,000)*	*(+64,725,000)*
Rescissions		*(-29,900,000)*	*(-113,506,000)*	[1]*(-113,506,000)*
(By transfer)		*(55,400,000)*	*(82,450,000)*	*(+27,050,000)*
(Deferrals)		*(-18,800,000)*	*(-314,800,000)*	*(-296,000,000)*
(Increase in limitations)			*(25,000,000)*	*(+25,000,000)*
VI Foreign Operations:				
New budget *(obligational)* authority		376,696,000	126,020,000	-250,676,000
Appropriations, 1980		*(376,696,000)*	*(46,020,000)*	*(-330,676,000)*
Appropriations, 1981			*(80,000,000)*	*(+80,000,000)*
VII Housing & Urban Development-Independent Agency:				
New budget *(obligational)* authority		1,260,424,000	1,137,583,000	-122,841,000
Appropriations		*(1,260,424,000)*	*(1,338,338,000)*	*(+77,914,000)*
Rescissions		*(-196,200,000)*	*(-200,755,000)*	[1]*(-200,755,000)*
(Increase in limitations)		*(812,000)*	*(1,112,000)*	*(+300,000)*
(By transfer)		*(1,995,325,000)*	*(1,995,325,000)*	
(Appropriations to liquidate contract authority)		*(2,740,362,000)*	*(2,740,362,000)*	
VIII Interior and Related Agencies:				
New budget *(obligational)* authority		1,614,538,000	-1,848,192,000	-3,462,730,000
Appropriations		*(1,614,538,000)*	*(201,108,000)*	*(-1,413,430,000)*
Rescissions		*(-397,500,000)*	*(-2,049,300,000)*	[1]*(-2,049,300,000)*
(Deferrals)			*(-226,000,000)*	*(-226,000,000)*
(Release of energy reserves)		*(18,792,000,000)*	*(18,792,000,000)*	

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[1] Reflects actual amounts rescinded rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

SUMMARY—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
IX Labor and Health, Education and Welfare:				
New budget *(obligational)* authority		**$5,679,596,000**	$4,939,770,855	**−$739,825,145**
Appropriations, 1980		*(5,679,596,000)*	*(4,982,478,855)*	*(−697,117,145)*
Appropriations, 1981		....	*(400,000,000)*	*(+400,000,000)*
Rescissions		*(−673,089,000)*	*(−442,708,000)*	[1]***(−442,708,000)***
(By transfer)		*(7,230,000)*	....	*(−7,230,000)*
(Trust fund transfer)		*(147,610,000)*	*(147,610,000)*	....
(Trust funds)		*(392,347,000)*	*(392,347,000)*	....
X Legislative Branch:				
New budget *(obligational)* authority		18,164,600	5,641,663	−12,522,937
Appropriations		*(18,164,600)*	*(9,933,663)*	*(−8,230,937)*
Rescissions		....	*(−4,292,000)*	*(−4,292,000)*
(Release of Sec. 311 funds)		*(800,000)*	....	*(−800,000)*
XI Military Construction:				
New budget *(obligational)* authority		22,922,000	9,500,000	−13,422,000
(By transfer)		*(89,500,000)*	*(34,000,000)*	*(−55,500,000)*
(Increase in limitations)		*(36,000,000)*	*(36,000,000)*	....
XII State, Justice, Commerce and the Judiciary:				
New budget *(obligational)* authority		**3,582,749,000**	2,794.963,554	**−787,785,446**
Appropriations		*(3,582,749,000)*	*(2,835,523,000)*	*(−747,226,000)*
Rescissions		*(−82,159,446)*	*(−40,559,446)*	[1]***(−40,559,446)***
(By transfer)		*(19,396,000)*	*(24,742,000)*	*(+5,346,000)*
(Increase in limitation)		....	*(835,000)*	*(+835,000)*
(Appropriation to liquidate contract authority)		*(44,307,000)*	*(44,307,000)*	....
XIII Transportation:				
New budget *(obligational)* authority		845,431,000	689,481,000	−155,950,000
Appropriations, 1980		*(845,431,000)*	*(687,881,000)*	*(−157,550,000)*
Appropriations, 1981		....	*(61,600,000)*	*(+61,600,000)*
Rescissions		....	*(−60,000,000)*	*(−60,000,000)*
(By transfer)		*(1,500,000)*	*(1,500,000)*	....
(Appropriations to liquidate contract authority)		*(1,400,000,000)*	*(1,400,000,000)*	....
(Limitation on obligations)		*(7,600,000,000)*	*(7,800,000,000)*	*(+200,000,000)*
XIV Treasury, Postal Service & General Government:				
New budget *(obligational)* authority		**420,273,000**	410,917,000	**−9,356,000**
Appropriations		*(420,273,000)*	*(414,539,000)*	*(−5,734,000)*
Rescissions		*(−1,322,000)*	*(−3,622,000)*	[1]***(−3,622,000)***
(By transfer)		*(4,786,000)*	....	*(−4,786,000)*
(Increase in limitations)		*(45,510,000)*	*(110,206,000)*	*(+64,696,000)*
Total, title I—General Supplementais:				
New budget *(obligational)* authority		**19,195,080,600**	13,388,632,372	**−5,806,448,228**
Appropriations, 1980		*(19,195,080,600)*	*(15,760,604,518)*	*(−3,434,476,082)*
Appropriations, 1981		....	*(591,600,000)*	*(+591,600,000)*
Rescissions		*(−1,485,170,446)*	*(−2,963,572,146)*	[1]***(−2,963,572,146)***
(Loan level)		....	*(100,000,000)*	*(+100,000,000)*
(Appropriation to liquidate contract authority)		*(4,184,669,000)*	*(4,184,669,000)*	....
(By transfer)		*(2,745,137,000)*	*(2,771,279,000)*	*(+26,142,000)*
(Increase in limitations)		*(84,322,000)*	*(175,153,000)*	*(+90,831,000)*

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[1] **Reflects actual amounts rescinded rather than comparison with requests.**

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1980, PUBLIC LAW 96-304, APPROVED JULY 8, 1980—Continued

SUMMARY—Continued

Agency and item	H. Doc. 96-247 as amended by:	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
Total, Title I—General Supplementals—continued:				
(Limitation on obligations)		*($7,600,000,000)*	*($7,800,000,000)*	*(+$200,000,000)*
(Trust fund transfer)		*(147,610,000)*	*(147,610,000)*	
(District of Columbia funds—net)		*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*
(Transfer authority)		*(500,000,000)*	*(493,000,000)*	*(−7,000,000)*
(Release of Sec. 311 funds)		*(800,000)*		*(−800,000)*
(Deferrals)		*(−18,800,000)*	*(−540,800,000)*	*(−522,000,000)*
(Release of energy reserves)		*(18,792,000,000)*	*(18,792,000,000)*	
(Trust funds)		*(392,347,000)*	*(392,347,000)*	
Total, title II—Increased Pay Costs:				
New budget *(obligational)* authority		3,985,060,817	3,731,504,400	−253,556,417
(By transfer)		*(73,765,256)*	*(75,361,673)*	*(+1,596,417)*
(Increase in limitations)		*(134,845,000)*	*(102,972,000)*	*(−31,873,000)*
(Trust fund transfer)		*(5,414,000)*	*(4,834,000)*	*(−580,000)*
(Release of Sec. 311 funds)			*(1,079,000)*	*(+1,079,000)*
(By transfer, Sec. 311 funds)			*(1,457,000)*	*(+1,457,000)*
Total, title III—General Provisions:				
Rescission			−220,000,000	−220,000,000
(Decrease in limitations)		*(−15,000,000)*	*(−15,000,000)*	
Grand total—Titles I, II and III:				
New budget *(obligational)* authority		**23,180,141,417**	16,900,136,772	**−6,280,004,645**
Appropriations, 1980		*(23,180,141,417)*	*(19,492,108,918)*	*(−3,688,032,499)*
Appropriations, 1981			*(591,600,000)*	*(+591,600,000)*
Rescissions		*(−1,485,170,446)*	*(−3,183,572,146)*	[1] ***(3,183,572,146)***
(Deferrals)		*(−18,800,000)*	*(−540,800,000)*	*(−522,000,000)*
(By transfer)		*(2,818,902,256)*	*(2,846,640,673)*	*(+27,738,417)*
(Increase in limitations)		*(219,167,000)*	*(278,125,000)*	*(+58,958,000)*
(Decrease in limitation)		*(−15,000,000)*	*(−15,000,000)*	
(Appropriation to liquidate contract authority)		*(4,184,669,000)*	*(4,184,669,000)*	
(Transfer authority)		*(500,000,000)*	*(493,000,000)*	*(−7,000,000)*
(Loan level)			*(100,000,000)*	*(+100,000,000)*
(Trust fund transfer)		*(153,024,000)*	*(152,444,000)*	*(−580,000)*
(Trust funds)		*(392,347,000)*	*(392,347,000)*	
(Limitation on obligations)		*(7,600,000,000)*	*(7,800,000,000)*	*(+200,000,000)*
(Release from Energy Reserve)		*(18,792,000,000)*	*(18,792,000,000)*	
(Release of Sec. 311 funds)		*(800,000)*	*(1,079,000)*	*(+279,000)*
(By transfer, Sec. 311 funds)			*(1,457,000)*	*(+1,457,000)*
(District of Columbia funds—net)		*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*

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[1] **Reflects actual amounts rescinded rather than comparison with requests.**

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

EXPORT-IMPORT BANK, INCREASE IN PROGRAM LIMITATION, 1980, PUBLIC LAW 96-334, APPROVED AUGUST 29, 1980

Agency and item	Estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
EXPORT-IMPORT BANK OF THE UNITED STATES			
(Limitation on program activity)	[1] *($525,750,000)*	*($525,750,000)*	

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[1] Informal budget request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATION FOR THE VETERANS ADMINISTRATION, 1980, PUBLIC LAW 96-352, APPROVED SEPTEMBER 17, 1980

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1980	New budget (obligational) authority appropriated, 1980	Increase (+) or decrease (−), appropriations compared with estimates
VETERANS ADMINISTRATION				
Readjustment benefits	96-368	$40,000,000	$40,000,000	
DEPARTMENT OF COMMERCE				
BUREAU OF THE CENSUS				
Periodic censuses and programs			27,000,000	+$27,000,000
Total, new budget *(obligational)* authority		40,000,000	67,000,000	+27,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-528, APPROVED DECEMBER 15, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—AGRICULTURAL PROGRAMS			
PRODUCTION, PROCESSING AND MARKETING			
Office of the Secretary	$5,187,000	$4,810,000	−$377,000
Departmental Administration	[2] 13,887,992	12,950,000	−937,992
Governmental and Public Affairs	[2] 9,591,641	8,861,000	−730,641
Office of the Inspector General	28,721,000	28,052,000	−669,000
(Transfer from food stamp program)	*(9,406,000)*	*(10,000,000)*	*(+594,000)*
Office of the General Counsel	12,022,000	11,609,000	−413,000
Federal Grain Inspection Service	25,957,000	24,457,000	−1,500,000
Science and Education Administration:			
Agricultural research	399,823,000	414,367,000	+14,544,000
Special fund *(reappropriation, indefinite)*	2,000,000	2,000,000	
Scientific activities overseas *(special foreign currency program)*	5,642,000	5,000,000	−642,000
Cooperative research	195,104,000	200,897,000	+5,793,000
Extension activities	282,017,000	303,633,000	+21,616,000
Technical information systems	8,686,000	8,541,000	−145,000
Total, Science and Education Administration	893,272,000	934,438,000	+41,166,000
Animal and Plant Health Inspection Service:[3]			
Salaries and expenses	[3] 253,270,000	259,255,000	+5,985,000
Buildings and facilities	[3] 3,186,000	6,986,000	+3,800,000
Total, Animal & Plant Health Inspection Service	256,456,000	266,241,000	+9,785,000
Food Safety and Quality Service	298,313,000	293,318,000	−4,995,000
Economics and Statistics Service	97,803,000	90,203,000	−7,600,000
Agricultural Cooperatives Service		4,500,000	+4,500,000
World food and agricultural outlook and situation board	2,095,000	1,731,000	−364,000
Agricultural Marketing Service:			
Marketing Services	50,109,000	49,109,000	−1,000,000
Transportation office	2,190,000	2,000,000	−190,000
Payments to States and possessions		1,600,000	+1,600,000
Total, Agricultural Marketing Service	52,299,000	52,709,000	+410,000
Total, Production, Processing and Marketing	1,695,604,633	1,733,879,000	+38,274,367
FARM INCOME STABILIZATION			
Agricultural Stabilization and Conservation Service:			
Salaries and expenses	196,571,000	195,671,000	−900,000
(Transfer from Commodity Credit Corporation)	*(159,789,000)*	*(159,789,000)*	
Dairy and beekeeper indemnity programs	200,000	1,700,000	+1,500,000
Total, Agricultural Stabilization and Conservation Service	196,771,000	197,371,000	+600,000
Federal Crop Insurance Corporation:			
Administrative and operating expenses	11,858,000	29,558,000	+17,700,000
Federal Crop Insurance Corporation Fund	*(18,363,000)*		*(−18,363,000)*
Total, Federal Crop Insurance Corporation	*(30,221,000)*	*(29,558,000)*	*(−663,000)*

See footnotes at end of table, pp. 2011-2012.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-528, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Commodity Credit Corporation:			
Reimbursement for net realized losses	$3,299,887,696	$3,299,887,000	−$696
(Limitation on administrative expenses)	*(53,010,000)*	*(52,750,000)*	*(−260,000)*
Total, Farm Income Stabilization	3,508,516,696	3,526,816,000	+18,299,304
Total, title I, new budget *(obligational)* authority, Agricultural Programs	5,204,121,329	5,260,695,000	+56,573,671
(By transfer)	*(169,195,000)*	*(169,789,000)*	*(+594,000)*
(Limitation on obligations)	*(71,373,000)*	*(52,750,000)*	*(−18,623,000)*
TITLE II—RURAL DEVELOPMENT PROGRAMS			
RURAL DEVELOPMENT ASSISTANCE			
Farmers Home Administration:			
Rural Housing Insurance Fund:			
Direct loans *(Loan authorization)*	*(50,000,000)*	*(24,000,000)*	*(−26,000,000)*
Insured loans *(Loan authorization)*	*(3,672,600,000)*	*(4,075,600,000)*	*(+403,000,000)*
(Payment authorization)	*(5,000,000)*	*(5,000,000)*	
Construction Defects Authorization *(payment authorization)*	*(5,000,000)*	*(2,000,000)*	*(−3,000,000)*
Guaranteed loans *(Loan authorization)*		*(25,000,000)*	*(+25,000,000)*
Rent Supplement Authorization *(Limitation on obligations)*	*(393,000,000)*	*(403,000,000)*	*(+10,000,000)*
Home ownership assistance *(authority to borrow)*	99,000,000		−99,000,000
Miscellaneous offsetting adjustments	[4] −99,000,000	[4] −99,000,000	
Reimbursement for interest and other losses	504,318,000	504,318,000	
Reimbursement for rent supplement payments	110,000,000	110,000,000	
Home ownership assistance payments	1,000,000		−1,000,000
Total, Rural Housing Insurance Fund	615,318,000	515,318,000	−100,000,000
(Loan authorizations)	*(3,722,600,000)*	*(4,124,600,000)*	*(+402,000,000)*
(Payment authorizations)	*(10,000,000)*	*(7,000,000)*	*(−3,000,000)*
(Limitation on obligations)	*(393,000,000)*	*(403,000,000)*	*(+10,000,000)*
Agricultural Credit Insurance Fund:			
Reimbursement for interest and other losses	297,032,000	297,032,000	
Real estate loans:			
Insured *(Loan authorization)*	*(893,600,000)*	*(943,600,000)*	*(+50,000,000)*
Guaranteed *(Loan authorization)*	*(56,000,000)*	*(56,000,000)*	
Total, real estate loans *(loan authorization)*	*(949,600,000)*	*(999,600,000)*	*(+50,000,000)*
Operating loans:			
Insured *(Loan authorization)*	*(850,000,000)*	*(850,000,000)*	
Guaranteed *(Loan authorization)*	*(25,000,000)*	*(25,000,000)*	
Total, operating loans *(Loan authorization)*	*(875,000,000)*	*(875,000,000)*	
Emergency disaster loans *(loan authorization, indefinite)*	[5] *(2,000,000,000)*	[5] *(2,000,000,000)*	
Total, Agricultural Credit Insurance Fund	297,032,000	297,032,000	
(Loan authorizations)	*(3,824,600,000)*	*(3,874,600,000)*	*(+50,000,000)*

See footnotes at end of table, pp. 2011-2012.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-528, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Rural Development Insurance Fund:			
Reimbursement for losses	$143,282,000	$143,282,000	
Water and sewer facility loans *(Loan authorization)*	*(400,000,000)*	*(750,000,000)*	*(+$350,000,000)*
Industrial development loans:			
Insured *(Loan authorization)*	*(10,000,000)*		*(−10,000,000)*
Guaranteed *(Loan authorization)*	*(741,000,000)*	*(741,000,000)*	
Community facility loans *(Loan authorization)*	*(240,000,000)*	*(260,000,000)*	*(+20,000,000)*
Total, Rural Development Insurance Fund	143,282,000	143,282,000	
(Loan authorizations)	*(1,391,000,000)*	*(1,751,000,000)*	*(+360,000,000)*
Rural water and waste disposal grants	100,000,000	200,000,000	+100,000,000
Very low-income housing repair grants	25,000,000	25,000,000	
Rural housing for domestic farm labor	25,000,000	25,000,000	
Self-help housing land development fund	4,000,000	1,000,000	−3,000,000
(Limitation on obligations)	*(2,000,000)*	*(2,000,000)*	
Rural community fire protection grants		3,500,000	+3,500,000
Rural development planning grants	5,000,000	5,000,000	
Rural housing supervisory assistance grants	2,000,000	1,500,000	−500,000
Rural development grants		5,000,000	+5,000,000
Salaries and expenses	243,684,000	244,984,000	+1,300,000
(Transfer from loan accounts)	*(3,500,000)*	*(3,500,000)*	
Total, Farmers Home Administration	1,460,316,000	1,466,616,000	+6,300,000
Rural Electrification Administration:			
Rural electrification & telephone revolving fund:			
Electric loans *(Loan authorization)*	*(850,000,000)*	*(850,000,000)*	
Telephone loans *(Loan authorization)*	*(250,000,000)*	*(250,000,000)*	
Total, loans	[6]*(1,100,000,000)*	[6]*(1,100,000,000)*	
Rural Telephone Bank	[6]*(22,500,000)*	[6]*(22,500,000)*	
(Limitation on obligations)	[6]***(220,000,000)***	[6]***(220,000,000)***	
Rural communication development fund *(Loan authorization)*		[6]***(34,000,000)***	[6]***(+34,000,000)***
Salaries and expenses	27,719,000	27,719,000	
Total, Rural Electrification Administration	27,719,000	27,719,000	
Total, Rural Development Assistance	1,488,035,000	1,494,335,000	+6,300,000
(By transfer)	*(3,500,000)*	*(3,500,000)*	
(Loan authorizations)	*(8,938,200,000)*	*(9,784,200,000)*	*(+846,000,000)*
CONSERVATION			
Soil Conservation Service:			
Conservation operations	283,801,000	293,001,000	+9,200,000
River basin surveys and investigations	17,442,000	17,442,000	
Watershed planning	6,660,000	10,000,000	+3,340,000
Watershed and flood prevention operations	128,464,000	192,524,000	+64,060,000
(Loan authorization)	*(20,000,000)*	*(26,000,000)*	*(+6,000,000)*
Resource conservation and development	34,046,000	34,046,000	
(Loan authorization)	*(4,000,000)*	*(4,000,000)*	
Great Plains conservation program	20,122,000	20,000,000	−122,000
Total, Soil Conservation Service	490,535,000	567,013,000	+76,478,000

See footnotes at end of table, pp. 2011-2012.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-528, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Agricultural Stabilization and Conservation Service:			
Agricultural Conservation Program	$160,000,000	$190,000,000	+$30,000,000
Rural clean water program	20,000,000	20,000,000	
Forestry incentives program	15,000,000	12,500,000	−2,500,000
Water Bank program	10,000,000	10,000,000	
Emergency conservation program	10,000,000	10,000,000	
Total, Agricultural Stabilization and Conservation Service	215,000,000	242,500,000	+27,500,000
Total, Conservation	705,535,000	809,513,000	+103,978,000
(Loan authorizations)	*(24,000,000)*	*(30,000,000)*	*(+6,000,000)*
Total, title II, Rural Development Programs:			
New budget *(obligational)* authority	2,193,570,000	2,303,848,000	+110,278,000
(By transfer)	*(3,500,000)*	*(3,500,000)*	
(Loan authorizations)	*(8,962,200,000)*	*(9,814,200,000)*	*(+852,000,000)*
(Limitation on obligations)	*(615,000,000)*	*(625,000,000)*	*(+10,000,000)*
(Payment authorizations)	*(10,000,000)*	*(7,000,000)*	*(−3,000,000)*
TITLE III—DOMESTIC FOOD PROGRAMS			
Food and Nutrition Service:			
Child nutrition programs	1,759,123,000	1,759,123,000	
(By transfer)	*(1,879,653,000)*	*(1,879,653,000)*	
Rescission		−285,000,000	−285,000,000
Total, Child nutrition programs *(net)*	1,759,123,000	1,474,123,000	−285,000,000
Special milk program	176,200,000	118,800,000	−57,400,000
Special supplemental food programs *(WIC)*	924,540,000	927,040,000	+2,500,000
Food stamp program	9,903,276,000	9,739,276,000	−164,000,000
Food donations programs:			
Needy family program	53,750,000	53,750,000	
Elderly feeding program	74,910,000	74,910,000	
Total, Food donations programs	128,660,000	128,660,000	
Food Program Administration	85,977,000	84,000,000	−1,977,000
Total, title III, new budget *(obligational)* authority, Domestic Food Programs *(net)*	12,977,776,000	12,471,899,000	−505,877,000
Appropriations	12,977,776,000	12,756,899,000	−220,877,000
Rescissions		−285,000,000	−285,000,000
(By transfer)	*(1,879,653,000)*	*(1,879,653,000)*	
TITLE IV—INTERNATIONAL PROGRAMS			
Foreign Agricultural Service	61,025,000	60,535,000	−490,000
Office of International Cooperation and Development	6,832,000	3,500,000	−3,332,000
Public Law 480:			
Title I and III—Credit sales	406,330,000	406,330,000	
Title II—Commodities for disposition abroad	822,600,000	822,600,000	
Total, Public Law 480	1,228,930,000	1,228,930,000	
Total, title IV, new budget *(obligational)* authority, International Programs	1,296,787,000	1,292,965,000	−3,822,000

See footnotes at end of table, pp. 2011-2012.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-528, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE V—RELATED AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses	$322,670,000	$321,035,000	−$1,635,000
Buildings and facilities	29,663,000	28,253,000	−1,410,000
Total, Food and Drug Administration	352,333,000	349,288,000	−3,045,000
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission	19,039,000	17,966,000	−1,073,000
Farm Credit Administration *(limitation on administrative expenses)*	*(13,444,000)*	*(13,444,000)*	
Total, title V, new budget *(obligational)* authority, Related Agencies	371,372,000	367,254,000	−4,118,000
(Limitation on obligations)	*(13,444,000)*	*(13,444,000)*	
RECAPITULATION			
Title I—Agricultural programs	5,204,121,329	5,260,695,000	+56,573,671
Title II—Rural development programs	2,193,570,000	2,303,848,000	+110,278,000
Title III—Domestic food programs *(net)*	12,977,776,000	12,471,899,000	−505,877,000
Title IV—International programs	1,296,787,000	1,292,965,000	−3,822,000
Title V—Related agencies	371,372,000	367,254,000	−4,118,000
Total, new budget *(obligational)* authority *(net)*	22,043,626,329	21,696,661,000	−346,965,329
Consisting of:			
Appropriations	22,043,626,329	21,981,661,000	−61,965,329
Rescissions		−285,000,000	−285,000,000
(Limitation on obligations)	*(699,817,000)*	*(691,194,000)*	*(−8,623,000)*
(By transfer)	*(2,052,348,000)*	*(2,052,942,000)*	*(+594,000)*
(Loan authorizations)	*(8,362,200,000)*	*(9,814,200,000)*	*(+852,000,000)*
(Payment authorizations)	*(10,000,000)*	*(7,000,000)*	*(−3,000,000)*

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[1] Includes the following budget amendments:

H. Doc. 96-267:	
Department of Agriculture:	
International Programs:	
Public Law 480:	
Titles I and II—Credit sales	$25,000,000
Title II—Commodities for disposition abroad	75,000,000
Total, H. Doc. 96-267	100,000,000
H. Doc. 96-294:	
Department of Agriculture:	
Office of the Secretary	−62,000
Departmental Administration	−79,000
Governmental and Public Affairs	−202,000
Office of the Inspector General	−457,000
Office of the General Counsel	−140,000
Federal Grain Inspection Service	−311,000
Science and Education Administration:	
Agricultural research	−2,916,000
Scientific activities overseas (special foreign currency program)	−108,000
Cooperative research	−2,669,000
Extension activities	−16,117,000
Technical information systems	−103,000
Animal and Plant Health Inspection Service	−2,588,000
Food Safety and Quality Service	−3,575,000
Economics and Statistics Service	−1,172,000
World food and agricultural outlook and situation board	−15,000
Agricultural Marketing Service:	
Marketing Services	−$601,000
Transportation office	−15,000
Agricultural Stabilization and Conservation Service	−1,371,000
Federal Crop Insurance Corporation:	
Administrative and operating expenses	−142,000
Federal Crop Insurance Corporation Fund: *(Limitation on administrative expenses)*	*(−220,000)*
Commodity Credit Corporation: *(Limitation on administrative expenses)*	*(−590,000)*
Farmers Home Administration:	
Rural Housing Insurance Fund: *(Loan authorization)*	*(−275,000,000)*
Rural Development Insurance Fund: *(Loan authorization)*	*(−485,000,000)*
Rural water and waste disposal grants	−184,000,000
Rural development grants	−10,000,000
Salaries and expenses	−2,993,000
Rural Electrification Administration:	
Rural communication development fund: *(Loan authorization)*	*(−34,154,000)*
Salaries and expenses	−332,000
Soil Conservation Service:	
Watershed and flood prevention operations	−43,696,000
Resource conservation and development	−547,000
Great Plains conservation program	−469,000
Agricultural Stabilization and Conservation service: Agricultural Conservation Program	−30,000,000

Food and Nutrition Service:	
Child nutrition programs	−$71,800,000
Special milk program	−10,000,000
Food stamp program	−164,000,000
Food donations programs	−790,000
Food Program Administration	−1,031,000
Foreign Agricultural Service	−735,000
Office of International Cooperation and Development	−36,000
Department of Health and Human Services:	
Food and Drug Administration	−10,129,000
Independent Agencies:	
Commodity Futures Trading Commission	−242,000
Total, H. Doc. 96-294:	
New budget (obligational) authority (net)	−563,443,000
(Limitation on expenses)	*(−810,000)*
(Loan authorization)	*(−794,154,000)*
Total, budget amendments:	
New budget (obligational) authority (net)	−$663,443,000
(Limitation on expenses)	*(−810,000)*
(Loan authorization)	*(−794,154,000)*

[2] Funds for Governmental and Public Affairs were included under Departmental Administration in the 1981 budget request. These are included as separate items in the bill.

[3] Funds for Animal and Plant Health Inspection Service salaries and expenses and for buildings and facilities were included in one line item in the 1981 budget request, but are included as separate items in the bill.

[4] Not reflected in totals for this account.

[5] The budget request and bill provide no limitation for emergency loans. Funds are available in amounts necessary to meet the needs resulting from natural disasters.

[6] These amounts are excluded by law (Public Law 93-32) from the budget totals.

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VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1981, PUBLIC LAW 96-527, APPROVED DECEMBER 15, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—MILITARY PERSONNEL			
Military personnel, Army	$10,866,868,000	$11,060,468,000	+$193,600,000
Military personnel, Navy	7,533,294,000	7,857,423,000	+324,129,000
Military personnel, Marine Corps	2,260,051,000	2,350,086,000	+90,035,000
Military personnel, Air Force	8,728,209,000	8,976,309,000	+248,100,000
Reserve personnel, Army	760,200,000	789,150,000	+28,950,000
Reserve personnel, Navy	262,174,000	302,003,000	+39,829,000
Reserve personnel, Marine Corps	95,224,000	102,767,000	+7,543,000
Reserve personnel, Air Force	244,100,000	258,974,000	+14,874,000
National Guard personnel, Army	1,056,200,000	1,035,997,000	−20,203,000
National Guard personnel, Air Force	322,800,000	341,172,000	+18,372,000
Total, title I, new budget *(obligational)* authority, Military personnel	32,129,120,000	33,074,349,000	+945,229,000
TITLE II—RETIRED MILITARY PERSONNEL			
Retired pay, Defense	13,987,800,000	13,887,800,000	−100,000,000
TITLE III—OPERATION AND MAINTENANCE			
Operation and maintenance, Army	12,374,564,000	12,302,784,000	−71,780,000
(Transfer from other accounts)	*(4,700,000)*	*(5,000,000)*	*(+300,000)*
Operation and maintenance, Navy	16,635,952,000	16,735,394,000	+99,442,000
(Transfer from other accounts)	*(128,500,000)*	*(135,500,000)*	*(+7,000,000)*
Navy stock fund	309,000	309,000	
Operation and maintenance, Marine Corps	952,900,000	994,200,000	+41,300,000
(Transfer from other accounts)	*(8,700,000)*	*(9,700,000)*	*(+1,000,000)*
Marine Corps stock fund	4,108,000	4,108,000	
Operation and maintenance, Air Force	13,135,426,000	13,555,046,000	+419,620,000
(Transfer from other accounts)	*(111,500,000)*	*(56,000,000)*	*(−55,500,000)*
Air Force stock fund	28,300,000	28,300,000	
Operation and maintenance, Defense agencies	4,047,855,000	4,056,793,000	+8,938,000
(Transfer from other accounts)		*(20,000,000)*	*(+20,000,000)*
Defense stock fund	35,000,000	35,000,000	
Operation and maintenance, Army Reserve	481,093,000	488,393,000	+7,300,000
Operation and maintenance, Navy Reserve	502,545,000	531,435,000	+28,890,000
Operation and maintenance, Marine Corps Reserve	28,394,000	28,854,000	+460,000
Operation and maintenance, Air Force Reserve	548,150,000	558,680,000	+10,530,000
Operation and maintenance, Army National Guard	873,550,000	890,820,000	+17,270,000
Operation and maintenance, Air National Guard	1,390,387,000	1,419,607,000	+29,220,000
National Board for the Promotion of Rifle Practice, Army	425,000	825,000	+400,000
Claims, Defense	146,800,000	135,850,000	−10,950,000
Court of Military Appeals, Defense	2,197,000	2,197,000	
Liquidation of obligations, 1976	68,000	68,000	
Total, title III, Operation and maintenance:			
New budget *(obligational)* authority	51,188,023,000	51,768,663,000	+580,640,000
(Transfer from other accounts)	*(253,400,000)*	*(226,200,000)*	*(−27,200,000)*

See footnotes at end of table, pp. 2015–2016.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1981, PUBLIC LAW 96-527, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—PROCUREMENT			
Aircraft procurement, Army	$933,400,000	$1,076,400,000	+$143,000,000
Missile procurement, Army	1,514,400,000	1,519,800,000	+5,400,000
Procurement of weapons and tracked combat vehicles, Army	2,519,000,000	2,582,200,000	+63,200,000
Procurement of ammunition, Army	1,515,100,000	1,531,000,000	+15,900,000
Other procurement, Army	2,114,058,000	2,223,658,000	+109,600,000
Aircraft procurement, Navy	5,015,300,000	6,110,707,000	+1,095,407,000
Weapons procurement, Navy	2,253,500,000	2,766,029,000	+512,529,000
Shipbuilding and conversion, Navy	6,179,200,000	7,455,700,000	+1,276,500,000
(Transfer from other accounts)		*(27,900,000)*	*(+27,900,000)*
Other procurement, Navy	3,055,547,000	3,037,657,000	−17,890,000
Procurement, Marine Corps	469,700,000	486,813,000	+17,113,000
Aircraft procurement, Air Force	8,654,143,000	9,674,143,000	+1,020,000,000
Missile procurement, Air Force	3,077,584,000	3,140,917,000	+63,333,000
Other procurement, Air Force	3,03Y,887,000	2,999,372,000	−33,515,000
Procurement, Defense agencies	305,523,000	305,028,000	−495,000
Total, title IV, Procurement:			
New budget *(obligational)* authority	40,639,342,000	44,909,424,000	+4,270,082,000
(Transfer from other accounts)		*(27,900,000)*	*(+27,900,000)*
TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION			
Research, development, test, and evaluation, Army	3,234,483,000	3,086,757,000	−147,726,000
Research, development, test, and evaluation, Navy	4,862,879,000	4,861,160,000	−1,719,000
Reappropriation, by transfer		4,086,000	+4,086,000
(Transfer from other accounts)		*(1,966,000)*	*(+1,966,000)*
Research, development, test, and evaluation, Air Force	7,033,393,000	6,774,011,000	−259,382,000
Research, development, test, and evaluation, Defense agencies	1,302,700,000	1,254,602,000	−48,098,000
Director of Test and Evaluation, Defense	42,100,000	42,100,000	
Total, title V, Research, development, test, and evaluation:			
New budget *(obligational)* authority	16,475,555,000	16,022,716,000	−452,839,000
(Transfer from other accounts)		*(1,966,000)*	*(+1,966,000)*
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM			
Special foreign currency program	2,760,000	2,760,000	
TITLE VII—GENERAL PROVISIONS			
(Additional transfer authority, sec. 734)	*(750,000,000)*	*(750,000,000)*	
TITLE VIII—RELATED AGENCIES			
Intelligence Community Staff	18,524,000	17,824,000	−700,000
CIA Retirement and Disability System Fund	55,300,000	55,300,000	
Total, title VIII, new budget *(obligational)* authority, Related agencies	73,824,000	73,124,000	−700,000

See footnotes at end of table, pp. 2015–2016.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1981, PUBLIC LAW 96-527, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION			
Title I—Military personnel	$32,129,120,000	$33,074,349,000	+$945,229,000
Title II—Retired military personnel	13,987,800,000	13,887,800,000	−100,000,000
Title III—Operation and maintenance	51,188,023,000	51,768,663,000	+580,640,000
(Transfer from other accounts)	*(253,400,000)*	*(226,200,000)*	*(−27,200,000)*
Title IV—Procurement	40,639,342,000	44,909,424,000	+4,270,082,000
(Transfer from other accounts)		*(27,900,000)*	*(+27,900,000)*
Title V—Research, development, test, and evaluation	16,475,555,000	16,022,716,000	−452,839,000
(Transfer from other accounts)		*(1,966,000)*	*(+1,966,000)*
Title VI—Special foreign currency program	2,760,000	2,760,000	
Title VII—General provisions *(additional transfer authority, sec. 734)*	*(750,000,000)*	*(750,000,000)*	
Title VIII—Related agencies	73,824,000	73,124,000	−700,000
Total, Department of Defense *(NOA)*	154,496,424,000	159,738,836,000	+5,242,412,000
(Transfer from other accounts)	*(253,400,000)*	*(256,066,000)*	*(+2,666,000)*
Total funding available	154,749,824,000	159,994,902,000	+5,245,078,000
(Transfer authority)	*(750,000,000)*	*(750,000,000)*	
Distribution by organizational component:			
Army	38,243,341,000	38,588,252,000	+344,911,000
(Transfer from other accounts)	*(4,700,000)*	*(5,000,000)*	*(+300,000)*
Navy	50,111,077,000	53,628,731,000	+3,517,654,000
(Transfer from other accounts)	*(137,200,000)*	*(195,066,000)*	*(+57,866,000)*
Air Force	46,195,379,000	47,726,531,000	+1,531,152,000
(Transfer from other accounts)	*(111,500,000)*	*(56,000,000)*	*(−55,500,000)*
Defense agencies/OSD	5,885,003,000	5,834,398,000	−50,605,000
Retired military personnel	13,987,800,000	13,887,800,000	−100,000,000
Related agencies	73,824,000	73,124,000	−700,000
Total, Department of Defense *(NOA)*	154,496,424,000	159,738,836,000	+5,242,412,000
(Transfer from other accounts)	*(253,400,000)*	*(256,066,000)*	*(+2,666,000)*
Total funding available	154,749,824,000	159,994,902,000	+5,245,078,000
(Transfer authority)	*(750,000,000)*	*(750,000,000)*	

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[1] Includes the following budget amendments:

H. Doc. 96-294:	
Military personnel, Army	$35,968,000
Military personnel, Navy	24,094,000
Military personnel, Marine Corps	2,751,000
Military personnel, Air Force	27,709,000
Reserve personnel, Navy	974,000
Reserve personnel, Marine Corps	324,000
Retired pay, Defense	288,000,000
Operation and maintenance, Army	237,064,000
(By transfer)	*(4,700,000)*
Operation and maintenance, Navy	1,003,952,000
(By transfer)	*(128,500,000)*
Operation and maintenance, Marine Corps	15,700,000
(By transfer)	*(8,700,000)*
Operations and maintenance, Air Force	997,326,000
(By transfer)	*(111,500,000)*
Operation and maintenance, Defense agencies	−18,445,000
Operation and maintenance, Army Reserve	11,893,000
Operation and maintenance, Navy Reserve	58,445,000
Operation and maintenance, Marine Corps Reserve	916,000
Operation and maintenance, Air Force Reserve	62,150,000
Operation and maintenance, Army National Guard	26 050,000
Operation and maintenance, Air National Guard	160,987,000
Aircraft procurement, Army	8,100,000
Missile procurement, Army	13,100,000
Procurement of weapons and tracked combat vehicles, Army	−109,900,000
Procurement of ammunition, Army	$1,600,000
Other procurement, Army	−15,700,000
Aircraft procurement, Navy	49,000,000
Weapons procurement, Navy	−65,100,000
Shipbuilding and conversion, Navy	60,800,000
Other procurement, Navy	−25,900,000
Procurement, Marine Corps	2,100,000
Aircraft procurement, Air Force	99,100,000
Missile procurement, Air Force	35,300,000
Other procurement, Air Force	24,200,000
Procurement, Defense agencies	3,000,000
Research, development, test, and evaluation, Army	1,983,000
Research, development, test, and evaluation, Navy	26,779,000
Research, development, test, and evaluation, Air Force	−51,907,000
Research, development, test, and evaluation, Defense agencies	13,200,000
Intelligence community staff	−176,000
Total, H. Doc. 96-294:	
New obligational authority (net)	3,005,437,000
(By transfer)	*(253,400,000)*
H. Doc. 96-316:	
Other procurement, Air Force	36,000,000
Total, budget amendments:	
New obligational authority (net)	3,041,437,000
(By transfer)	*(253,400,000)*

The following budget amendments were submitted too late for consideration.

S. Doc. 96-69:	
Military personnel, Army	$5,000,000
Reserve personnel, Navy	2,483,000
National Guard personnel, Air Force	1,890,000
Operation and maintenance, Army	131,644,000
Operation and maintenance, Navy	261,200,000
Operation and maintenance, Marine Corps	82,742,000
Operation and maintenance, Air Force	32,800,000
Operation and maintenance, Air National Guard	4,060,000
Other procurement, Army	$207,775,000
Other procurement, Navy	146,344,000
Procurement, Marine Corps	148,921,000
Other procurement, Air Force	224,989,000
Procurement, Defense Agencies	700,000
Army Stock Fund	103,500,000
Navy Stock Fund	1,729,000
Air Force Stock Fund	29,204,000
Total, S. Doc. 96-69	1,384,981,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1981, PUBLIC LAW 96-530, APPROVED DECEMBER 15, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
DISTRICT OF COLUMBIA			
FEDERAL FUNDS			
Federal payment to the District of Columbia	$301,000,000	$295,400,000	−$5,600,000
Payment in lieu of reimbursement for water and sewer services to Federal facilities	8,100,000	8,100,000	
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	
Inaugural expenses	1,330,100	1,330,100	
Demonstration expenses	3,315,000	3,315,000	
Loans to the District of Columbia for capital outlay	166,057,000	130,567,600	−35,489,400
(Limitation)	*(200,000,000)*	*(200,000,000)*	
Total, Federal funds to District of Columbia	531,872,100	490,782,700	−41,089,400
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	*(84,619,900)*	*(84,728,900)*	*(+109,000)*
Economic development and regulation	*(29,451,400)*	*(29,111,800)*	*(−339,600)*
Public safety and justice	*(336,980,200)*	*(352,705,600)*	*(+15,725,400)*
(By transfer)	*(1,146,800)*		*(−1,146,800)*
Public education system	*(390,482,800)*	*(393,956,500)*	*(+3,473,700)*
Human support services	*(382,017,000)*	*(381,742,000)*	*(−275,000)*
Transportation services and assistance	*(147,150,800)*	*(147,919,000)*	*(+768,200)*
Environmental services and supply	*(41,960,400)*	*(43,126,000)*	*(+1,165,600)*
Personal services	*(25,305,300)*		*(−25,305,300)*
Inaugural expenses	*(1,330,100)*	*(1,330,100)*	
Demonstration expenses	*(3,315,000)*	*(3,315,000)*	
Water and sewer enterprise fund	*(81,116,200)*	*(82,190,200)*	*(+1,074,000)*
Total, operating expenses	*(1,523,729,100)*	*(1,520,125,100)*	*(−3,604,000)*
(By transfer)	*(1,146,800)*		*(−1,146,800)*
CAPITAL OUTLAY			
Capital outlay	*(256,397,800)*	*(220,908,400)*	*(−35,489,400)*
Total, District of Columbia funds	*(1,780,126,900)*	*(1,741,033,500)*	*(−39,093,400)*
(By transfer)	*(1,146,800)*		*(−1,146,800)*
RECAPITULATION			
Grand total, new budget *(obligational)* authority	531,872,100	490,782,700	−41,089,400
Consisting of:			
Federal funds to the District of Columbia	531,872,100	490,782,700	−41,089,400
(Limitation)	*(200,000,000)*	*(200,000,000)*	
District of Columbia funds	*(1,780,126,900)*	*(1,741,033,500)*	*(−39,093,400)*
(By transfer)	*(1,146,800)*		*(−1,146,800)*

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[1] Includes the following budget amendments:

H. Doc. 96-364:	
Federal funds:	
Inaugural expenses	$1,330,100
Demonstration expenses	3,315,000
Total, Federal funds	4,645,100
District of Columbia funds:	
Governmental direction and support	*(7,745,400)*
Economic development and regulation	*(3,484,500)*
Public safety and justice	*(17,390,100)*
Public education system	*(47,137,700)*
Human support services	*(4,225,000)*
Transportation services and assistance	*(35,410,400)*
Environmental services and supply	*(−$41,938,700)*
Personal services	*(−3,494,700)*
Inaugural expenses	*(1,330,100)*
Demonstration expenses	[*]*(3,315,000)*
Water and sewer enterprise fund	*(81,116,200)*
Repayment of loans and interest	*(−133,931,800)*
Capital outlay	*(66,883,100)*
Total, District of Columbia funds (net)	*(88,672,300)*
Total, H. Doc. 96-364:	
Federal funds	4,645,100
District of Columbia funds (net)	*(88,672,300)*

[*] This account inadvertently omitted from H. Doc. 96-364.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1981, PUBLIC LAW 96-367, APPROVED OCTOBER 1, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF ENERGY			
OPERATING EXPENSES			
Energy supply, research and development activities	$2,249,904,000	$2,268,754,000	+$18,850,000
(Limitation on obligation)	*(10,000,000)*	*(10,000,000)*	....
Uranium supply and enrichment activities	957,040,000	1,009,040,000	+52,000,000
Less revenues applied	−929,585,000	−979,585,000	−50,000,000
Reclassification of revenues	−61,515,000	....	+61,515,000
General science and research activities	376,695,000	378,015,000	+1,320,000
Atomic energy defense activities	2,895,123,000	2,890,623,000	−4,500,000
Departmental administration:			
Office of the Secretary	4,892,000	4,892,000	....
General administration	411,931,000	390,324,000	−21,607,000
Less revenues applied	−131,267,000	−184,267,000	−53,000,000
PLANT AND CAPITAL EQUIPMENT			
Energy supply, research and development activities	409,547,000	383,287,000	−26,260,000
Uranium supply and enrichment activities	299,245,000	276,760,000	−22,485,000
Less revenues applied	−297,945,000	−274,460,000	+23,485,000
General science and research activities	138,200,000	126,400,000	−11,800,000
Atomic energy defense activities	619,905,000	600,005,000	−19,900,000
Departmental administration	67,165,000	38,065,000	−29,100,000
POWER MARKETING ADMINISTRATIONS			
Operation and maintenance, Alaska Power Administration	3,069,000	3,069,000	....
Bonneville Power Administration Fund *(Limitation on obligations)*	*(2,400,000)*	*(2,400,000)*	....
Operation and maintenance, Southeastern Power Administration	1,552,000	1,552,000	....
Operation and maintenance, Southwestern Power Administration	28,208,000	28,208,000	....
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	138,502,000	138,502,000	....
Colorado River Basins Power Marketing Fund, Western Area Power Administration	3,548,000	3,548,000	....
Emergency fund, Western Area Power Administration	200,000	200,000	....
Federal Energy Regulatory Commission	76,374,000	74,374,000	−2,000,000
Geothermal Resources Development Fund	1,284,000	1,284,000	....
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	....
Total, title I, new budget *(obligational)* authority, Department of Energy	7,262,072,000	7,178,590,000	−83,482,000
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	....
(Limitation on obligations)	*(12,400,000)*	*(12,400,000)*	....

See footnotes at end of table, p. 2020.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1981, PUBLIC LAW 96-367, APPROVED OCTOBER 1, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
General investigations	$127,518,000	$134,013,000	+$6,495,000
Construction, general	1,522,726,000	1,585,742,000	+63,016,000
Flood control, Mississippi River and tributaries	223,536,000	232,519,000	+8,983,000
Operation and maintenance, general	878,379,000	902,605,000	+24,226,000
Revolving fund	34,725,000	43,225,000	+8,500,000
General expenses	81,030,000	81,030,000	
Special recreation use fees	5,000,000	5,000,000	
Administrative provisions *(limitaion on capital expenditures)*	*(150,000,000)*	*(150,000,000)*	
Total, title II, new budget *(obligational)* authority, Department of Defense—Civil	2,872,914,000	2,984,134,000	+111,220,000
(Limitation on capital expenditures)	*(150,000,000)*	*(150,000,000)*	
TITLE III—DEPARTMENT OF THE INTERIOR			
WATER AND POWER RESOURCES SERVICE			
General investigations	37,825,000	38,629,000	+804,000
Construction program	590,532,000	570,641,000	−19,891,000
Operation and maintenance	114,117,000	101,117,000	−13,000,000
Loan program	26,128,000	22,924,000	−3,204,000
(Limitation on obligation)	*(38,000,000)*	*(38,000,000)*	
General administrative expenses	38,150,000	38,150,000	
Total, title III, new budget *(obligational)* authority, Department of the Interior	806,752,000	771,461,000	−35,291,000
(Limitation on obligations)	*(38,000,000)*	*(38,000,000)*	
TITLE IV—INDEPENDENT AGENCIES			
Appalachian Regional Commission: Salaries and Expenses	3,192,000	3,192,000	
Appalachian regional development programs *(Funds appropriated to the President)*	354,460,000	339,300,000	−15,160,000
Delaware River Basin Commission:			
Salaries and expenses	116,000	116,000	
Contribution to Delaware River Basin Commission	269,000	269,000	
Total, Delaware River Basin Commission	385,000	385,000	
Interstate Commission on the Potomac River Basin:			
Contribution to Interstate Commission on the Potomac River Basin	55,000	55,000	
Nuclear Regulatory Commission: Salaries and Expenses	466,235,000	447,520,000	−18,715,000
Nuclear Safety Oversight Commission	1,500,000	1,500,000	
Energy Mobilization Board	9,500,000		−9,500,000
Susquehanna River Basin Commission:			
Salaries and expenses	112,000	112,000	
Contribution to Susquehanna River Basin Commission	200,000	200,000	
Total, Susquehanna River Basin Commission	312,000	312,000	

See footnotes at end of table, p. 2020.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1981, PUBLIC LAW 96-367, APPROVED OCTOBER 1, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Tennessee Valley Authority:			
Payment to Tennessee Valley Authority Fund	$132,500,000	$269,563,000	+$137,063,000
Columbia Dam and Reservoir		18,000,000	+18,000,000
Total, Tennessee Valley Authority	132,500,000	287,563,000	+155,063,000
Water Resources Council: Water resources planning	36,252,000	24,777,000	−11,475,000
Total, title IV, new budget *(obligational)* authority, independent agencies	1,004,391,000	1,104,604,000	+100,213,000
TITLE V—GENERAL PROVISIONS			
Sec 504—House of Representatives, Payments to Widows of Deceased Members		60,663	+60,663
RE CAPITULATION			
Total, titles I, II, III, IV and V:			
New budget *(obligational) authority*	11,946,129,000	12,038,849,663	+92,720,663
(Limitation on obligations)	*(50,400,000)*	*(50,400,000)*	
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
(Limitation on capital expenditures)	*(150,000,000)*	*(150,000,000)*	

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[1] Includes the following budget amendments:

H. Doc. 96-294:	
Department of Energy:	
Operating expenses:	
Energy supply, research and development activities	−$76,000,000
Uranium supply and enrichment activities	−181,485,000
Atomic energy defense activities	−18,700,000
Plant and capital equipment:	
Energy supply, research and development activities	−14,100,000
General science and research activities	−8,000,000
Departmental administration	−9,000,000
Total, Department of Energy	−307,285,000
Department of Defense—Civil:	
Corps of Engineers—Civil:	
General investigations	−$13,945,000
Construction, general	−53,955,000
Flood control, Mississippi River and tributaries	−5,450,000
Operation and maintenance, general	−72,350,000
Revolving fund	−17,800,000
General expenses	−1,500,000
Total, Department of Defense—Civil	−165,000,000
Independent agencies:	
Appalachian Regional Commission: Salaries and expenses	−47,000
Appalachian regional development programs (Funds Appropriated to the President)	−14,340,000
Nuclear Regulatory Commission: Salaries and expenses	−2,255,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	−$13,000,000
Water Resources Council: Water resources planning	−9,074,000
Total, Independent agencies	−38,716,000
Total, H. Doc. 96-294	−511,001,000
S. Doc. 96-49:	
Department of Energy:	
Operating expenses:	
Energy supply, research and development activities	−1,500,000
Independent agencies:	
Nuclear Safety Oversight Commission	1,500,000
Total, S. Doc. 96-49 (net)	
S. Doc. 96-53:	
Department of Energy:	
Operating expenses:	
Energy supply, research and development activities	−18,000,000
Atomic energy defense activities	119,100,000
Plant and capital equipment:	
Energy supply, research and development activities	18,000,000
Atomic energy defense activities	−28,600,000
Total, Department of Energy (net)	90,500,000
Independent agencies:	
Energy Mobilization Board	9,500,000
Total, S. Doc. 96-53 (net)	100,000,000
Total, budget amendments (net)	−411,001,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1981
(H.R.7854)

[NOTE.—The Foreign Assistance and Related Programs Appropriation Bill, 1981 (H.R. 7854) was not approved by Congress. The bill was reported by the Committee on Appropriations of the House of Representatives (House Report 96-1207), but no action was taken by the House of Representatives on the bill, and no bill was reported or acted upon in the Senate. Funding for activities normally included in the regular annual Foreign Assistance Appropriation Bill is provided through two continuing resolutions: Public Law 96-369, Sec. 101(b) (see pp. 369-377, this volume); and Public Law 96-536, Sec. 101(b) (see pp. 379-386, this volume). These resolutions refer to the conference report (House Report 96-1536 as reported and agreed to December 13, 1980) accompanying H.J. Res. 637 as a basis for fiscal year 1981 appropriations. That conference report uses the conference report (House Report 96-787) on the Foreign Assistance and Related Programs Appropriation Bill, 1980 (H.R. 4473) as a basis for fiscal year 1981 appropriations and details specific changes to those funding levels. Funding for the Export-Import Bank was provided through Public Law 96-334 (see p. 89, this volume); and funding for the International Monetary Fund was provided through Public Law 96-544 (see pp. 367-368, this volume). The foregoing appropriations were adjusted in the Supplemental Appropriations and Rescission Act, 1981, Public Law 97-12, Chapter V (see volume for 97th Cong., 1st sess.).]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
MULTILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL FINANCIAL INSTITUTIONS			
Contribution to the Inter-American Development Bank:			
Fund for special operations	$325,277,000	$200,000,000	−$125,277,000
Current replenishment	*(175,000,000)*	*(175,000,000)*	
Prior replenishment	*(150,277,000)*	*(25,000,000)*	*(−125,277,000)*
Inter-regional paid-in capital	58,929,868	51,547,047	−7,382,821
Callable capital *(limitation)*	*(726,954,498)*	*(560,754,950)*	*(−166,199,548)*
Total, contribution to the Inter-American Development Bank	38[illegible]06,868	251,547,047	−132,659,821
Contribution to the International Bank for Reconstruction and Development:			
Paid-in capital	86,278,050	32,788,555	−53,489,495
Callable capital *(limitation)*	*(776,502,449)*	*(259,096,987)*	*(−517,405,462)*
Total, contribution to the International Bank for Reconstruction and Development	86,278,050	32,788,555	−53,489,495
Contribution to the International Finance Corporation	14,447,900	33,447,900	+19,000,000
Contribution to the International Development Association	1,100,000,000	20,000,000	−1,080,000,000
IDA IV	*(20,000,000)*	*(20,000,000)*	
IDA V			
IDA VI	*(1,080,000,000)*		*(−1,080,000,000)*
Total, World Bank Group	1,200,725,950	86,236,455	−1,114,489,495
Contribution to the Asian Development Bank:			
Paid-in capital	29,788,631	24,827,683	−4,960,948
Development fund	171,250,000	114,785,313	−56,464,687
Current replenishment	*(111,250,000)*	*(111,250,000)*	
Prior replenishment	*(60,000,000)*	*(3,535,313)*	*(−56,464,687)*
Callable capital *(limitation)*	*(268,256,049)*	*(223,387,386)*	*(−44,868,663)*
Total, contribution to the Asian Development Bank	201,038,631	139,612,996	−61,425,635
Contribution to the African Development Fund	58,333,334	41,666,667	−16,666,667

See footnotes at end of table, p. 2024.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1981 (H.R.7854)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriation Bill, 1981 (H.R. 7854) was not approved by Congress. The bill was reported by the Committee on Appropriations of the House of Representatives (House Report 96-1207), but no action was taken by the House of Representatives on the bill, and no bill was reported or acted upon in the Senate. Funding for activities normally included in the regular annual Foreign Assistance Appropriation Bill is provided through two continuing resolutions: Public Law 96-369, Sec. 101(b) (see pp. 369-377, this volume); and Public Law 96-536, Sec. 101(b) (see pp. 379-386, this volume). These resolutions refer to the conference report (House Report 96-1536 as reported and agreed to December 13, 1980) accompanying H.J. Res. 637 as a basis for fiscal year 1981 appropriations. That conference report uses the conference report (House Report 96-787) on the Foreign Assistance and Related Programs Appropriation Bill, 1980 (H.R. 4473) as a basis for fiscal year 1981 appropriations and details specific changes to those funding levels. Funding for the Export-Import Bank was provided through Public Law 96-334 (see p. 89, this volume); and funding for the International Monetary Fund was provided through Public Law 96-544 (see pp. 367-368, this volume). The foregoing appropriations were adjusted in the Supplemental Appropriations and Rescission Act, 1981, Public Law 97-12, Chapter V (see volume for 97th Cong., 1st sess.).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL MONETARY FUND			
United States Quota, IMF	[2] *($5,537,839,000)*	[2] *($5,537,839,000)*	
Contribution to the African Development Bank	17,986,679		−$17,986,679
Callable capital *(limitation)*	*(53,960,035)*	*(53,960,035)*	
Total, International financial institutions:			
New budget *(obligational)* authority	1,862,291,462	519,063,165	−1,343,228,297
Callable capital *(limitation)*	*(1,825,673,031)*	*(1,097,199,358)*	*(−728,473,673)*
DEPARTMENT OF STATE			
International organizations and programs	232,050,000	262,380,000	+30,330,000
Total, title I, new budget *(obligational)* authority, Economic assistance—multilateral	2,094,341,462	781,443,165	−1,312,898,297
TITLE II			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL DEVELOPMENT COOPERATION AGENCY			
Operating expenses	4,700,000	[3] *(2,950,000)*	−4,700,000
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Agriculture, rural development, and nutrition development assistance	729,273,000	635,000,000	−94,273,000
Population planning, development assistance	238,015,000	190,000,000	−48,015,000
Health, development assistance	159,213,000	135,000,000	−24,213,000
Education and human resources development, development assistance	122,069,000	101,000,000	−21,069,000
Technical assistance, energy, research, reconstruction and selected development problems, development assistance	160,632,000	111,888,500	−48,743,500
Total, development assistance	1,409,202,000	1,172,888,500	−236,313,500
Loans	*(474,480,000)*	*(387,000,000)*	*(−87,480,000)*
Grants	*(934,722,000)*	*(785,888,500)*	*(−148,833,500)*
Programs of Scientific and Technological Cooperation	85,000,000	12,000,000	−73,000,000
American schools and hospitals abroad	7,500,000	20,000,000	+12,500,000
(Foreign currency)	*(14,300,000)*		*(−14,300,000)*
International disaster assistance	75,000,000	73,000,000	−2,000,000
African refugee assistance		14,250,000	+14,250,000
African development foundation		[4] *(2,000,000)*	*(+2,000,000)*
Sahel development program	113,442,000	92,500,000	−20,942,000
Payment to the Foreign Service Retirement and Disability Fund	25,296,000	25,676,000	+380,000

See footnotes at end of table, p. 2024.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1981 (H.R.7854)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriation Bill, 1981 (H.R. 7854) was not approved by Congress. The bill was reported by the Committee on Appropriations of the House of Representatives (House Report 96-1207), but no action was taken by the House of Representatives on the bill, and no bill was reported or acted upon in the Senate. Funding for activities normally included in the regular annual Foreign Assistance Appropriation Bill is provided through two continuing resolutions: Public Law 96-369, Sec. 101(b) (see pp. 369-377, this volume); and Public Law 96-536, Sec. 101(b) (see pp. 379-386, this volume). These resolutions refer to the conference report (House Report 96-1536 as reported and agreed to December 13, 1980) accompanying H.J. Res. 637 as a basis for fiscal year 1981 appropriations. That conference report uses the conference report (House Report 96-787) on the Foreign Assistance and Related Programs Appropriation Bill, 1980 (H.R. 4473) as a basis for fiscal year 1981 appropriations and details specific changes to those funding levels. Funding for the Export-Import Bank was provided through Public Law 96-334 (see p. 89, this volume); and funding for the International Monetary Fund was provided through Public Law 96-544 (see pp. 367-368, this volume). The foregoing appropriations were adjusted in the Supplemental Appropriations and Rescission Act, 1981, Public Law 97-12, Chapter V (see volume for 97th Cong., 1st sess.).]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (-), appropriations compared with estimates
Overseas training *(foreign currency program)*	*($20,650,000)*	*($20,700,000)*	*(+$50,000)*
Economic support fund	[5] 1,950,500,000	[5] 2,024,500,000	+74,000,000
Peacekeeping operations	25,000,000	25,000,000	
AID operating expenses	*(289,100,000)*	*(280,000,000)*	*(-9,100,000)*
Total, Agency for International Development	3,690,940,000	3,459,814,500	-231,125,500
DEPARTMENT OF STATE			
International narcotics control	38,573,000	48,758,000	+10,185,000
INTER-AMERICAN FOUNDATION			
Appropriations	15,825,000	15,964,000	+139,000
Limitation on obligations		*(1,036,000)*	*(+1,036,000)*
Total, Funds Appropriated to the President	3,750,038,000	3,524,536,500	-225,501,500
ACTION—INTERNATIONAL PROGRAMS			
Peace Corps	114,656,000	105,000,000	-9,656,000
DEPARTMENT OF STATE			
Migration and refugee assistance	517,298,000	456,241,000	-61,057,000
United States Emergency Refugee and Migration Assistance Fund	15,000,000	35,000,000	+20,000,000
Special assistance to Cuban and Haitian entrants	(8)		
Total, Department of State	532,298,000	491,241,000	-41,057,000
Total, title II, Economic assistance—bilateral: New budget *(obligational)* authority	4,396,992,000	4,120,777,500	-276,214,500
TITLE III			
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Military assistance	105,500,000	110,200,000	+4,700,000
International military education and training	32,500,000	28,400,000	-4,100,000
Foreign military credit sales	734,000,000	500,000,000	-234,000,000
Foreign military credit sales *(limitation on obligations)*		*(3,046,187,000)*	*(+3,046,187,000)*
Total, title III, Military assistance: New budget *(obligational)* authority	872,000,000	638,600,000	-233,400,000

See footnotes at end of table, p. 2024.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1981 (H.R.7854)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriation Bill, 1981 (H.R. 7854) was not approved by Congress. The bill was reported by the Committee on Appropriations of the House of Representatives (House Report 96-1207), but no action was taken by the House of Representatives on the bill, and no bill was reported or acted upon in the Senate. Funding for activities normally included in the regular annual Foreign Assistance Appropriation Bill is provided through two continuing resolutions: Public Law 96-369, Sec. 101(b) (see pp. 369-377, this volume); and Public Law 96-536, Sec. 101(b) (see pp. 379-386, this volume). These resolutions refer to the conference report (House Report 96-1536 as reported and agreed to December 13, 1980) accompanying H.J. Res. 637 as a basis for fiscal year 1981 appropriations. That conference report uses the conference report (House Report 96-787) on the Foreign Assistance and Related Programs Appropriation Bill, 1980 (H.R. 4473) as a basis for fiscal year 1981 appropriations and details specific changes to those funding levels. Funding for the Export-Import Bank was provided through Public Law 96-334 (see p. 89, this volume); and funding for the International Monetary Fund was provided through Public Law 96-544 (see pp. 367-368, this volume). The foregoing appropriations were adjusted in the Supplemental Appropriations and Rescission Act, 1981, Public Law 97-12, Chapter V (see volume for 97th Cong., 1st sess.).]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV			
EXPORT-IMPORT BANK OF THE UNITED STATES			
(Limitation on program activity)		*($6,458,241,000)*	*(+$6,458,241,000)*
(Limitation on direct loans)	*($4,754,000,000)*	*(5,900,000,000)*	*(+1,146,000,000)*
(Limitation on guarantee commitments)	*(7,559,000,000)*	*(7,559,000,000)*	
(Limitation on administrative expenses)	*(15,064,000)*	*(14,495,000)*	*(−569,000)*
Total, Export-Import Bank of the United States, *(limitations on use of corporate funds)*	*(12,328,064,000)*	*(19,931,736,000)*	*(+7,603,672,000)*
RECAPITULATION			
Grand total, all titles:			
New budget *(obligational)* authority	7,363,333,462	5,540,820,665	−1,822,512,797
(Foreign currencies)	*(34,950,000)*	*(20,700,000)*	*(−14,250,000)*
(Limitation on obligations)		*(3,047,223,000)*	*(+3,047,223,000)*
(Limitation on use of corporate funds)	*(12,328,064,000)*	*(19,931,736,000)*	*(+7,603,672,000)*
(Limitation on callable capital)	*(1,825,673,031)*	*(1,097,199,358)*	*(−728,473,673)*

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[1] Includes the following budget amendments:

H. Doc. 96-294:	
Funds Appropriated to the President:	
International Development Assistance:	
Contribution to the Inter-American Development Bank	$18,023,000
Contribution to the International Bank for Reconstruction and Development	49,777,715
Contribution to the International Development Association	20,000,000
Contribution to the Asian Development Bank	807,731
International organizations and programs	−12,000,000
Development assistance programs	−5,000,000
Institute for Scientific and Technology Cooperation	−10,000,000
American Schools and Hospitals Abroad	−7,500,000
Economic support fund	−50,000,000
Inter-American Foundation	−1,175,000
International Narcotics Control Assistance:	
International narcotics control	−40,000
Peace Corps: Operating expenses	−4,144,000
Department of State:	
Other: Migration and refugee assistance	−35,000,000
International Security Assistance:	
Military Assistance	−600,000
Foreign Military Credit Sales	20,000,000
Export-Import Bank of the United States:	
Limitation on guaranteed loans	*(−1,334,000,000)*
Limitation on administrative expenses	*(−335,000)*
Total H. Doc. 96-294 (net)	$−16,850,554
H. Doc. 96-330:	
Funds Appropriated to the President:	
International Monetary Fund:	
United States Quota	*(5,537,839,000)*
H. Doc. 96-345:	
Funds Appropriated to the President:	
International Development Assistance:	
Contribution to the Inter-American Development Bank	32,659,821
Callable capital *(limitation)*	*(16,199,548)*
Contribution to the International Bank for Reconstruction and Development	
Paid-in capital	$16,500,335
Callable capital *(limitation)*	*(148,503,011)*
Contribution to the International Finance Corporation	14,447,900
Contribution to the Asian Development Bank	63,785,206
Callable capital *(limitation)*	*(34,223,224)*
Contribution to the African development Bank	16,666,667
Department of State:	
Other: Special assistance to Cuban and Haitian entrants	65,000,000
Funds Appropriated to the President:	
International Security Assistance:	
Military Assistance	1,100,000
Total H. Doc. 96-345	$210,159,929
H. Doc. 96-382:	
Department of State:	
Other: Special assistance to Cuban and Haitian entrants	−65,000,000
H. Doc. 96-395:	
Funds Appropriated to the President:	
International Development Assistance:	
International disaster assistance	50,000,000
Total budget amendments (net)	$178,309,375

[2] IMF funding was requested in H. Doc. 96-330 at a level of $5,537,839,000. These funds were also requested and appropriated through Public Law 96-544. Consequently, this request and appropriation is shown in the table for informational purposes only.

[3] IDCA operating expenses were appropriated within the AID operating expenses account in 1981; however, the amount is shown for informational purposes in the IDCA account line as well.

[4] Included in the $92,500,000 appropriated for the Sahel development foundation as provided in section 101(b) of Public Law 96-536, Further Continuing Resolution, 1981.

[5] Economic Support Fund appropriations includes $80,000,000 which was funded through PL 96-304, Title 1, Chapter VI as an advance appropriation for 1981 included in a 1980 continuing resolution.

[6] Estimate subsequently withdrawn by H. Doc. 96-382.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-526, APPROVED DECEMBER 15, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing *(contract authority)*	[2]$33,196,631,000	$30,877,500,000	−$2,319,131,000
(Increased limitation for annual contract authority)	*(1,553,661,000)*	*(1,417,400,000)*	*(−136,261,000)*
Homeownership assistance *(contract authority by transfer)*		*(2,100,000,000)*	*(+2,100,000,000)*
(Increased limitation for annual contract authority)		*(70,000,000)*	*(+70,000,000)*
Rent supplement *(rescission of contract authority, indefinite)*	*(−1,050,000,000)*	−1,050,000,000	[3]−1,050,000,000
(Limitation on annual contract authority, indefinite)	*(−30,000,000)*	[4]*(−30,000,000)*	
Housing payments *(appropriation to liquidate contract authority)*	*(7,127,000,000)*	*(7,127,000,000)*	
Housing for the elderly or handicapped fund *(authority to borrow)*	780,070,000	[4]805,070,000	+25,000,000
(Limitation on loans)	*(830,000,000)*	*(855,000,000)*	*(+25,000,000)*
(Limitation on loans, prior authority)	*(65,000,000)*	*(65,000,000)*	
Payments for operation of low-income housing projects	975,800,000	970,800,000	−5,000,000
Troubled projects operating subsidy	31,100,000	18,050,000	−13,050,000
Federal Housing Administration Fund	268,640,000	268,640,000	
(Limitation on commitments)	*(34,154,732,000)*	*(34,154,732,000)*	
Nonprofit sponsor assistance *(limitation on loans)*	*(2,300,000)*	*(2,300,000)*	
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Special assistance functions fund: *(Limitation on loans)*	*(1,800,000,000)*	*(1,800,000,000)*	
Payment of participation sales insufficiencies	4,967,000	4,967,000	
Mortgage assistance grant program	30,000,000		−30,000,000
Guarantees of mortgage-backed securities *(limitation on commitments)*	*(53,000,000,000)*	*(53,000,000,000)*	
Total, Government National Mortgage Association	34,967,000	4,967,000	−30,000,000
SOLAR ENERGY AND ENERGY CONSERVATION BANK			
Assistance for solar and conservation improvements *(By transfer)*	*(147,500,000)*	*(125,000,000)*	*(−22,500,000)*
Total, Housing Programs *(net)*	35,287,208,000	31,895,027,000	−3,392,181,000
COMMUNITY PLANNING AND DEVELOPMENT			
Community development grants	3,950,000,000	3,770,000,000	−180,000,000
(Limitation on commitments)	*(250,000,000)*	*(250,000,000)*	
Urban development action grants	675,000,000	675,000,000	
Congregate Services Program		10,000,000	+10,000,000
Comprehensive planning grants	40,000,000	33,750,000	−6,250,000
Rehabilitation loan fund	124,000,000	134,000,000	+10,000,000
(Limitation on loans)	*(176,000,000)*	*(186,000,000)*	*(+10,000,000)*
(Limitation on loans, prior authority)	*(15,000,000)*	*(15,000,000)*	
Total, Community Planning and Development	4,789,000,000	4,622,750,000	−166,250,000

See footnotes at end of table, p. 2030.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-526, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION			
Housing counseling assistance	$10,000,000	$10,000,000	
Neighborhood self-help development program	10,000,000	9,000,000	−$1,000,000
Total, Neighborhoods, Voluntary Associations and Consumer Protection	20,000,000	19,000,000	−1,000,000
POLICY DEVELOPMENT AND RESEARCH			
Research and technology	52,100,000	44,650,000	−7,450,000
FAIR HOUSING AND EQUAL OPPORTUNITY			
Fair Housing Assistance	5,700,000	5,700,000	
MANAGEMENT AND ADMINISTRATION			
Salaries and expenses	337,943,000	323,096,000	−14,847,000
(Limitation on corporate funds to be expended)	*(249,513,000)*	*(249,513,000)*	
Total, title I, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*	**40,491,951,000**	36,910,223,000	−3,581,728,000
Appropriations	6,515,250,000	6,277,653,000	−237,597,000
Contract authority	33,196,631,000	30,877,500,000	−2,319,131,000
Rescission of contract authority, indefinite	*(−1,050,000,000)*	−1,050,000,000	−1,050,000,000
Authority to borrow	780,070,000	[4]805,070,000	+25,000,000
(Appropriation to liquidate contract authority)	*(7,127,000,000)*	*(7,127,000,000)*	
(Increased limitation for annual contract authority)	*(1,553,661,000)*	*(1,487,400,000)*	*(−66,261,000)*
(Limitation on annual contract authority, indefinite)	*(−30,000,000)*	*(−30,000,000)*	
(Contract authority by transfer)		*(2,100,000,000)*	*(+2,100,000,000)*
(Limitation on commitments)	*(87,404,732,000)*	*(87,404,732,000)*	
(Limitation on loans)	*(2,808 300,000)*	*(2,843,300,000)*	*(+35,000,000)*
(Limitation on loans, prior authority)	*(80,000,000)*	*(80,000,000)*	
(Limitation on corporate funds to be expended)	*(249,513,000)*	*(249,513,000)*	
TITLE II			
INDEPENDENT AGENCIES			
AMERICAN BATTLE MONUMENTS COMMISSION			
Salaries and expenses	8,897,000	8,967,000	+70,000
CONSUMER PRODUCT SAFETY COMMISSION			
Salaries and expenses	43,489,000	43,000,000	−489,000
DEPARTMENT OF DEFENSE—CIVIL			
CEMETERIAL EXPENSES, ARMY			
Salaries and expenses	5,135,000	5,135,000	

See footnotes at end of table, p. 2030.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-526, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
ENVIRONMENTAL PROTECTION AGENCY			
Salaries and expenses	$567,932,000	$547,558,000	−$20,374,000
Research and development	270,383,000	253,520,000	−16,863,000
Abatement, control and compliance	565,183,000	545,183,000	−18,000,000
Buildings and facilities	5,815,000	4,115,000	−1,700,000
Construction grants:			
Appropriation	3,700,000,000	3,400,000,000	−300,000,000
(Appropriation to liquidate contract authority)	*(1,700,000,000)*	*(1,700,000,000)*	
Scientific activities overseas *(special foreign currency program)*	1,000,000		−1,000,000
United States Regulatory Council	3,338,000	2,500,000	−838,000
Total, Environmental Protection Agency	5,111,651,000	4,752,876,000	−358,775,000
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality	3,400,000	3,250,000	−150,000
Office of Science and Technology Policy	2,921,000	2,712,000	−209,000
Total, Executive Office of the President	6,321,000	5,962,000	−359,000
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Funds appropriated to the President, disaster relief	375,570,000	375,570,000	
Emergency planning, preparedness and mobilization	159,017,000	159,017,000	
Hazard mitigation and disaster assistance	113,151,000	109,350,000	−3,801,000
National flood insurance fund	603,000,000	575,000,000	−28,000,000
Total, Federal Emergency Management Agency	1,250,738,000	1,218,937,000	−31,801,000
GENERAL SERVICES ADMINISTRATION			
Consumer Information Center	1,421,000	1,409,000	−12,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Office of Consumer Affairs	2,457,000	2,200,000	−257,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development	[2] 4,364,500,000	4,396,200,000	+31,700,000
Construction of facilities	120,000,000	115,000,000	−5,000,000
Research and program management	1,033,154,000	1,030,000,000	−3,154,000
Total, National Aeronautics and Space Administration	5,517,654,000	5,541,200,000	+23,546,000
NATIONAL COMMISSION ON AIR QUALITY			
Salaries and expenses	2,476,000	2,000,000	−476,000
NATIONAL CONSUMER COOPERATIVE BANK			
Salaries and expenses	10,241,000	8,700,000	−1,541,000
Self-help development	33,393,000	27,000,000	−6,393,000
(Limitation on loans)	*(41,108,000)*	*(41,108,000)*	
National Consumer Cooperative Bank Fund:			
(Limitation on loans)	[3] *(98,770,000)*	*(169,050,000)*	*(+70,280,000)*
(Limitation on commitments)	*(5,000,000)*	*(5,000,000)*	
Total, National Consumer Cooperative Bank	43,634,000	35,700,000	−7,934,000

See footnotes at end of table, p. 2030.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-526, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL CREDIT UNION ADMINISTRATION			
Central liquidity facility:			
(Limitation on borrowing authority)	*($600,000,000)*	*($600,000,000)*	
(Limitation on administrative expenses)	*(1,936,000)*	*(1,936,000)*	
(Limitation on loans)	*(4,400,000,000)*	*(4,400,000,000)*	
NATIONAL INSTITUTE OF BUILDING SCIENCES			
Salaries and expenses	625,000	625,000	
NATIONAL SCIENCE FOUNDATION			
Research and related activities	992,800,000	987,900,000	−$4,900,000
Science education activities	75,700,000	83,200,000	+7,500,000
Scientific activities overseas *(special foreign currency program)*	5,500,000	5,000,000	−500,000
Total, National Science Foundation	1,074,000,000	1,076,100,000	+2,100,000
NEIGHBORHOOD REINVESTMENT CORPORATION			
Salaries and expenses	13,426,000	12,713,000	−713,000
SELECTIVE SERVICE SYSTEM			
Salaries and expenses	35,482,000	27,137,000	−8,345,000
DEPARTMENT OF THE TREASURY			
Payments to State and local government fiscal assistance trust fund	4,569,949,000	4,569,949,000	
Office of Revenue Sharing, salaries and expenses	6,618,000	6,518,000	−100,000
Local government transitional assistance program	[5]*(500,000,000)*		*(−500,000,000)*
New York City loan guarantee program, administrative expenses	1,072,000	922,000	−150,000
(Limitation on commitments)	*(900,000,000)*	*(900,000,000)*	
Investment in National Consumer Cooperative Bank	89,000,000	89,000,000	
Total, Department of the Treasury	4,666,639,000	4,666,389,000	−250,000
VETERANS ADMINISTRATION			
Compensation and pensions	11,602,000,000	11,602,000,000	
Readjustment benefits	1,822,308,000	1,822,308,000	
Veterans insurance and indemnities	1,360,000	1,360,000	
Medical care	5,958,582,000	6,020,013,000	+61,431,000
Medical and prosthetic research	129,496,000	132,153,000	+2,657,000
Medical administration and miscellaneous operating expenses	55,707,000	51,218,000	−4,489,000
General operating expenses	611,631,000	627,592,000	+15,961,000
Construction, major projects	519,354,000	423,774,000	−95,580,000
Construction, minor projects	140,454,000	108,908,000	−31,546,000
Grants for construction of State extended care facilities	15,000,000	15,000,000	
Grants for construction of State veterans cemeteries	5,000,000	5,000,000	

See footnotes at end of table, p. 2030.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-526, APPROVED DECEMBER 15, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Grants to the Republic of the Philippines	$1,200,000	$1,200,000	
Direct loan revolving fund *(limitation on loans)*	*(1,000,000)*	*(1,000,000)*	
Total, Veterans Administration	20,862,092,000	20,810,526,000	−$51,566,000
Total, title II, Independent Agencies:			
New budget *(obligational)* authority	38,646,137,000	38,210,876,000	−435,261,000
(Appropriation to liquidate contract authority)	*(1,700,000,000)*	*(1,700,000,000)*	
(Limitation on borrowing authority)	*(600,000,000)*	*(600,000,000)*	
(Limitation on commitments)	*(905,000,000)*	*(905,000,000)*	
(Limitation on loans)	*(4,540,878,000)*	*(4,611,158,000)*	*(+70,280,000)*
(Limitation on corporate funds to be expended)	*(1,936,000)*	*(1,936,000)*	
TITLE III			
CORPORATIONS			
Federal Home Loan Bank Board:			
(Limitation on administrative expenses)	*(21,030,000)*	*(20,030,000)*	*(−1,000,000)*
(Limitation on non-administrative expenses)	*(34,105,000)*	*(33,105,000)*	*(−1,000,000)*
Federal Savings and Loan Insurance Corporation *(limitation on administrative expenses)*	*(1,115,000)*	*(1,000,000)*	*(−115,000)*
Total, title III, Corporations	*(56,250,000)*	*(54,135,000)*	*(−2,115,000)*
TITLE IV			
GENERAL PROVISIONS			
Reduction per Sec. 412		−994,812,000	−994,812,000
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority *(net)*	79,138,088,000	74,126,287,000	−5,011,801,000
Appropriations	45,161,387,000	44,488,529,000	−672,858,000
Contract authority	33,196,631,000	30,877,500,000	−2,319,131,000
Contract authority, indefinite	*(−1,050,000,000)*	−1,050,000,000	[3]−1,050,000,000
Authority to borrow	780,070,000	[4] 805,070,000	+25,000,000
Reduction per section 412		[6]−994,812,000	−994,812,000
(Appropriations to liquidate contract authority)	*(8,827,000,000)*	*(8,827,000,000)*	
(Increased limitation for annual contract authority)	*(1,553,661,000)*	*(1,487,400,000)*	*(−66,261,000)*
(Limitation on annual contract authority, indefinite)	*(−30,000,000)*	*(−30,000,000)*	
(Contract authority by transfer)		*(2,100,000,000)*	*(+2,100,000,000)*
(Limitation on borrowing authority)	*(600,000,000)*	*(600,000,000)*	
(Limitation on commitments)	*(88,309,732,000)*	*(88,309,732,000)*	
(Limitation on loans)	*(7,349,178,000)*	*(7,454,458,000)*	*(+105,280,000)*
(Limitation on loans, prior authority)	*(80,000,000)*	*(80,000,000)*	
(Limitation on corporate funds to be expended)	*(307,699,000)*	*(305,584,000)*	*(−2,115,000)*

See footnotes at end of table, p. 2030.

[1] Includes the following budget amendments:

H. Doc. 96-267:	
Selective Service System:	
Salaries and expenses	$24,500,000
H. Doc. 96-294:	
Department of Housing and Urban Development:	
Troubled projects operating subsidy	−10,000,000
Federal Housing Administration Fund *(limitation on commitments)*	*(34,154,732,000)*
Government National Mortgage Association *(limitation on commitments)*	*(53,000,000,000)*
Community development grants *(limitation on loans)*	*(−50,000,000)*
Rehabilitation loan fund	−64,000,000
Neighborhood self-help development program	−5,000,000
Research and technology	−1,900,000
Salaries and expenses	−2,939,000
(Limitation on corporate funds)	*(−2,709,000)*
American Battle Monuments Commission:	
Salaries and expenses	−106,000
Consumer Product Safety Commission:	
Salaries and expenses	−470,000
Department of Defense—Civil:	
Cemeterial expenses, Army	−165,000
Environmental Protection Agency:	
Salaries and expenses	−7,000,000
Executive Office of the President:	
Council on Environmental Quality and Office of Environmental Quality	−36,000
Office of Science and Technology Policy	−27,000
Federal Emergency Management Agency:	
Emergency planning, preparedness and mobilization	−1,104,000
Hazard mitigation and disaster assistance	−749,000
General Services Administration:	
Consumer Information Center	−11,000
National Aeronautics and Space Administration:	
Research and development	−205,000,000
Research and program management	−14,000,000
National Commission on Air Quality:	
Salaries and expenses	−24,000
National Consumer Cooperative Bank:	
Salaries and expenses	−209,000
Self-help development and technical assistance	−15,107,000
National Consumer Cooperative Bank fund *(limitation on loans)*	*(−27,000,000)*
National Science Foundation:	
Research and related activities	−64,000,000
Science education activities	−10,000,000
Department of the Treasury:	
Investment in National Consumer Cooperative Bank	−27,000,000
Payments to State and local government fiscal assistance trust fund	−2,284,975,000
New York City loan guarantee program *(limitation on commitments)*	*(900,000,000)*
Veterans Administration:	
Compensation and pensions	−170,700,000
Medical care	−$196,200,000
Medical and prosthetic research	−5,314,000
Medical administration and miscellaneous operation expenses	−700,000
General operating expenses	−33,544,000
Direct loan revolving fund *(limitation on loans)*	*(1,000,000)*
Total, H. Doc. 96.294:	
New budget (obligational) authority (net)	−3,120,280,000
Limitations on commitments	*(88,054,732,000)*
Limitations on loans (net)	*(−76,000,000)*
Limitations on corporate funds to be expended	*(−2,709,000)*
H. Doc. 96-368:	
Environmental Protection Agency:	
Salaries and expenses	12,390,000
Research and development	5,399,000
Abatement, control and compliance	7,845,000
Buildings and facilities	1,700,000
Total, H. Doc. 96-368	27,334,000
S. Doc. 96-56:	
Department of Housing and Urban Development:	
Payments for operation of low-income housing projects	113,800,000
Total budget amendments:	
New budget (obligational) authority (net)	−2,954,646,000
Limitations on commitments	*(88,054,732,000)*
Limitations on loans (net)	*(−76,000,000)*
Limitations on corporate funds to be expenses	*(−2,709,000)*

[2] Estimates not considered by House.

[3] Reflects actual amount rescinded rather than comparison with request.

[4] Not reflected in the text of this appropriations act (Public Law 96-526). In accordance with the proposal presented in the President's Budget for fiscal year 1981, commitment authority under the "Housing for the Elderly or Handicapped Fund" became subject to the limitations of the Federal credit control system, and the accounting for all direct loan programs changed from a *net* basis to a *gross* basis. Accordingly, the budget authority (authority to borrow) shown for this program reflects the net loan limitation *less* the amounts estimated to be received as net income and loan repayments.

[5] Submitted in H. Doc. 96-294 but not considered due to lack of authorizing legislation.

[6] Reflects total reduction under section 412 as assumed by the House and Senate conferees on this bill; however, the interpretation of section 412 by the President's Office of Management and Budget as reflected in the fiscal year 1981 column of the President's Budget for 1982 shows an increase of $2,416,000 for a total reduction of $997,228,000. The Office of Management and Budget applied the section 412 reductions to the "Solar Energy And Energy Conservation Bank" but *excluded* the "payment of participation sales insufficiencies" account under the Government National Mortgage Association from the section 412 reductions. Of the total reduction of $994,812,000, reductions of $812,639,000 apply to the departments and agencies listed in title I and reductions of $182,173,000 apply to the independent agencies listed in title II.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-514, APPROVED DECEMBER 12, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (-), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE INTERIOR			
LAND AND WATER RESOURCES			
BUREAU OF LAND MANAGEMENT			
Management of lands and resources	$352,500,000	$343,962,000	-$8,538,000
Acquisition, construction, and maintenance	14,568,000	14,768,000	+200,000
Payments in lieu of taxes	81,000,000	103,000,000	+22,000,000
Oregon and California grant lands *(indefinite, appropriation of receipts)*	57,500,000	57,500,000	
Range improvements *(indefinite, appropriation of receipts)*	13,500,000	13,500,000	
Recreation development and operation of recreation facilities *(indefinite, special fund)*	300,000		-300,000
Service charges, deposits, and forfeitures *(indefinite, special fund)*	9,600,000	9,600,000	
Miscellaneous trust funds *(indefinite)*	100,000	100,000	
Total, Bureau of Land Management	529,068,000	542,430,000	+13,362,000
OFFICE OF WATER RESEARCH AND TECHNOLOGY			
Salaries and expenses	32,613,000	30,485,000	-2,128,000
Total, Land and Water Resources	561,681,000	572,915,000	+11,234,000
FISH AND WILDLIFE AND PARKS			
HERITAGE CONSERVATION AND RECREATION SERVICE			
Salaries and expenses	16,010,000	15,980,000	-30,000
Urban park and recreation fund		20,000,000	+20,000,000
Land and Water Conservation Fund *(indefinite)*	233,000,000	378,593,000	+145,593,000
Historic preservation fund	25,000,000	32,500,000	+7,500,000
Total, Heritage Conservation and Recreation Service	274,010,000	447,073,000	+173,063,000
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource management	227,306,000	225,566,000	-1,740,000
National Wildlife Refuge Fund	9,500,000	8,500,000	-1,000,000
Construction and anadromous fish	39,898,000	37,897,000	-2,001,000
Migratory bird conservation account *(definite, repayable advance)*		1,250,000	+1,250,000
Development and operation of recreation facilities *(indefinite, special fund)*	250,000		-250,000
Total, United States Fish and Wildlife Service	276,954,000	273,213,000	-3,741,000
NATIONAL PARK SERVICE			
Operation of the national park system	422,297,000	444,828,000	+22,531,000
Construction	62,015,000	43,367,000	-18,648,000
Planning, development, and operation of recreation facilities *(indefinite, special fund)*	15,007,000		-15,007,000
John F Kennedy Center for the Performing Arts	4,400,000	4,400,000	
Total, National Park Service	503,719,000	492,595,000	-11,124,000
Total, Fish and Wildlife and Parks	1,054,683,000	1,212,881,000	+158,198,000

See footnotes at end of table, pp. 2035-2036.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-514, APPROVED DECEMBER 12, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
ENERGY AND MINERALS			
GEOLOGICAL SURVEY			
Surveys, investigations, and research	$486,611,000	$486,537,000	−$74,000
Exploration of national petroleum reserve in Alaska	46,501,000	107,001,000	+60,500,000
Total, Geological Survey	533,112,000	593,538,000	+60,426,000
BUREAU OF MINES			
Mines and minerals	140,248,000	139,428,000	−820,000
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and technology	100,346,000	92,833,000	−7,513,000
Abandoned mine reclamation fund *(definite, trust fund)*	87,485,000	82,485,000	−5,000,000
Total, Office of Surface Mining Reclamation and Enforcement	187,831,000	175,318,000	−12,513,000
Total, Energy and Minerals	861,191,000	908,284,000	+47,093,000
INDIAN AFFAIRS			
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs	816,190,000	812,739,000	−3,451,000
Construction	71,338,000	100,182,000	+28,844,000
Road construction	48,625,000	48,625,000	
Alaska native fund	30,000,000	30,000,000	
Trust funds *(definite)*	3,000,000	3,000,000	
Trust funds *(indefinite)*	23,000,000	23,000,000	
(Limitation on loan guarantees)	*(15,580,000)*	*(15,580,000)*	
Eastern Indians Land Claims Settlement	81,500,000	81,500,000	
Total, Bureau of Indian Affairs	1,073,653,000	1,099,046,000	+25,393,000
TERRITORIAL AFFAIRS			
Administration of territories	81,384,000	72,284,000	−9,100,000
Trust Territory of the Pacific Islands	93,071,000	94,354,000	+1,283,000
Total, Territorial Affairs	174,455,000	166,638,000	−7,817,000
SECRETARIAL OFFICES			
OFFICE OF THE SOLICITOR			
Salaries and expenses	16,796,000	16,313,000	−483,000
OFFICE OF THE SECRETARY			
Departmental Management	58,137,000	37,619,000	−20,518,000
Construction Management		8,750,000	+8,750,000
Inspector General		8,500,000	+8,500,000
Youth Conservation Corps		60,000,000	+60,000,000

See footnotes at end of table, pp. 2035–2036.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-514, APPROVED DECEMBER 12, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Rural Water Treatment and Distribution System		$1,900,000	+$1,900,000
Total, Office of the Secretary	$58,137,000	116,769,000	+58,632,000
Total, Secretarial Offices	74,933,000	133,082,000	+58,149,000
Total, title I, new budget *(obligational)* authority, Department of the Interior	3,800,596,000	4,092,846,000	+292,250,000
Consisting of:			
Appropriations	3,800,596,000	4,092,846,000	+292,250,000
Definite appropriations	3,448,339,000	3,610,553,000	+162,214,000
Indefinite appropriations	352,257,000	482,293,000	+130,036,000
(Limitation on loan guarantees)	*(15,580,000)*	*(15,580,000)*	
TITLE II—RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest research	124,100,000	122,200,000	−1,900,000
State and private forestry	64,577,000	73,116,000	+8,539,000
National forest system	864,444,000	879,614,000	+15,170,000
Consultant services		[2]−156,000	−156,000
Construction and land acquisition	353,415,000	378,586,000	+25,171,000
Youth conservation corps	39,700,000		−39,700,000
Acquisition of lands for national forests:			
Special acts *(special fund, indefinite)*	754,000	754,000	
Acquisition of lands to complete land exchanges *(special fund, indefinite)*	446,000	446,000	
Rangeland improvements *(special fund, indefinite)*	6,800,000	6,800,000	
Construction and operation of recreation facilities *(indefinite, special fund)*	3,900,000		−3,900,000
Total, Forest Service	1,458,136,000	1,461,360,000	+3,224,000
DEPARTMENT OF ENERGY			
Fossil energy research and development	687,650,000	711,435,000	+23,785,000
Fossil energy construction	445,835,000	423,300,000	−22,535,000
Energy production, demonstration, and distribution	236,337,000	226,062,000	−10,275,000
Energy conservation	1,024,284,000	862,107,000	−162,177,000
Economic regulation	258,971,000	176,867,000	−82,104,000
Strategic petroleum reserve	103,978,000	102,000,000	−1,978,000
Reappropriation	917,000,000		−917,000,000
Energy Information Administration	113,223,000	104,117,000	−9,106,000
Total, Department of Energy	3,787,278,000	2,605,888,000	−1,181,390,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH SERVICES ADMINISTRATION			
Indian health services	591,319,000	594,119,000	+2,800,000
Indian health facilities	60,670,000	84,469,000	+23,799,000
Total, Indian health	651,989,000	678,588,000	+26,599,000

See footnotes at end of table, pp. 2035-2036.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-514, APPROVED DECEMBER 12, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Indian education	$100,950,000	$81,680,000	−$19,270,000
DEPARTMENTAL MANAGEMENT			
Institute of Museum Services	12,900,000	12,857,000	−43,000
Total, Department of Education	113,850,000	94,537,000	−19,313,000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
Salaries and expenses	1,180,000	2,680,000	+1,500,000
SMITHSONIAN INSTITUTION			
Salaries and expenses	119,590,000	117,665,000	−1,925,000
Museum programs and related research *(special foreign currency program)*	4,450,000	3,650,000	−800,000
Construction and improvements, National Zoological Park	3,290,000	3,290,000	
Restoration and renovation of buildings	8,039,000	7,539,000	−500,000
Construction	500,000	5,000,000	+4,500,000
Salaries and expenses, National Gallery of Art	24,464,000	24,314,000	−150,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1,795,000	1,795,000	
Total, Smithsonian Institution	162,128,000	163,253,000	+1,125,000
ARCHITECT OF THE CAPITOL			
Memorial to Hale Boggs		7,000	+7,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
NATIONAL ENDOWMENT FOR THE ARTS			
Salaries and expenses	114,495,000	113,960,000	−535,000
Administrative expenses	12,865,000	11,900,000	−965,000
Matching grants *(indefinite)*	32,700,000	32,700,000	
Total, National Endowment for the Arts	160,060,000	158,560,000	−1,500,000
NATIONAL ENDOWMENT FOR THE HUMANITIES			
Salaries and expenses	106,522,000	106,522,000	
Administrative expenses	12,219,000	11,277,000	−942,000
Matching grants *(indefinite)*	33,500,000	33,500,000	
Total, National Endowment for the Humanities	152,241,000	151,299,000	−942,000
Total, National Foundation on the Arts and the Humanities	312,301,000	309,859,000	−2,442,000
COMMISSION OF FINE ARTS			
Salaries and expenses	290,000	285,000	−5,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	1,603,000	1,523,000	−80,000
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	2,362,000	2,270,000	−92,000

See footnotes at end of table, pp. 2035–2036.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-514, APPROVED DECEMBER 12, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION			
Salaries and expenses	$30,000	$30,000	
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Salaries and expenses	2,716,000	2,443,000	−$273,000
Land acquisition and development fund *(borrowing authority)*	15,000,000	15,000,000	
Public development	14,169,000	14,169,000	
Total, Pennsylvania Avenue Development Corporation	31,885,000	31,612,000	−273,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE			
Permitting and enforcement	25,868,000	21,483,000	−4,385,000
HOLOCAUST MEMORIAL COUNCIL			
Salaries and expenses		722,000	+722,000
Total, title II, new budget *(obligational)* authority, related agencies	6,548,900,000	[3] 5,374,097,000	−1,174,803,000
Consisting of:			
Appropriations	5,616,900,000	**[3] 5,359,097,000**	**−257,803,000**
Definite appropriations	5,538,800,000	**[3] 5,284,897,000**	**−253,903,000**
Indefinite appropriations	78,100,000	74,200,000	−3,900,000
Reappropriation	917,000,000		−917,000,000
Borrowing authority	15,000,000	15,000,000	
RECAPITULATION			
Total, new budget *(obligational)* authority, all titles	10,349,496,000	9,466,943,000	−882,553,000
Consisting of:			
Appropriations	9,417,496,000	**9,451,943,000**	**+34,447,000**
Definite appropriations	*(8,987,139,000)*	*(8,895,450,000)*	*(−91,689,000)*
Indefinite appropriations	*(430,357,000)*	*(556,493,000)*	*(+126,136,000)*
Reappropriation	917,000,000		−917,000,000
Borrowing authority	15,000,000	15,000,000	
(Limitation on loan guarantees)	*(15,580,000)*	*(15,580,000)*	

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[1] Includes budget amendments as follows:

H. Doc. 96-294:	
Department of the Interior:	
Bureau of Land Management:	
Management of lands and resources	−$5,050,000
Acquisition, construction, and maintenance	−2,182,000
Payments-in-lieu of taxes	−30,000,000
Office of Water Research and Technology:	
Salaries and expenses	−800,000
Heritage Conservation and Recreation Service:	
Urban park and recreation fund	−125,000,000
Land and water conservation fund	−347,000,000
Historic preservation fund	−20,000,000
United States Fish and Wildlife Service:	
Resource management	−2,460,000
Construction and anadromous fish	−8,070,000
Migratory bird conservation account	−10,000,000
National Park Service:	
Operation of the national park system	−5,400,000
Construction	−9,381,000
Construction (trust fund)	−21,500,000
Geological Survey:	
Surveys, investigations, and research	−$6,300,000
Bureau of Mines:	
Mines and minerals	−1,290,000
Bureau of Indian Affairs:	
Operation of Indian programs	−7,100,000
Construction	−22,300,000
Road construction	−10,800,000
Office of the Secretary:	
Departmental management	−500,000
Department of Agriculture:	
Forest Service:	
Forest research	−1,442,000
State and private forestry cooperative	−344,000
National forest system	−12,907,000
Construction and land acquisition	−20,000,000
Youth conservation corps	−15,300,000
Department of Energy:	
Fossil energy research and development	−31,000,000
Fossil energy construction	−4,000,000
Energy conservation	−78,000,000
Economic regulation	−6,500,000
Energy information administration	−3,000,000

Department of Health and Human Services:	
Health Services Administration:	
Indian health services	−$10,500,000
Indian health facilities	−16,000,000
Navajo and Hopi Indian Relocation Commission:	
Salaries and expenses	−12,000
Smithsonian Institution:	
Salaries and expenses	−722,000
Restoration and renovation of buildings	−800,000
National Gallery of Art:	
Salaries and expenses	−272,000
Woodrow Wilson International Center for Scholars:	
Salaries and expenses	−12,000
National Endowment for the Arts:	
Salaries and expenses	−7,900,000
National Endowment for the Humanities:	
Salaries and expenses	−12,084,000
Commission of Fine Arts:	
Salaries and expenses	−4,000
Advisory Council on Historic Preservation:	
Salaries and expenses	−22,000
National Capital Planning Commission:	
Salaries and expenses	−32,000
Pennsylvania Avenue Development Corporation:	
Salaries and expenses	−32,000
Land acquisition and development fund	−6,000,000
Federal Inspector for the Alaska Gas Pipeline:	
Permitting and enforcement	−132,000
Total, H. Doc. 96-294	−862,150,000
S. Doc. 96-49:	
Department of Energy:	
Fossil energy research and development	$27,000,000
Energy conservation	35,000,000
Total, S. Doc. 96-49	62,000,000
H. Doc. 96-349:	
Department of the Interior:	
Geological Survey:	
Surveys, investigations and research	11,500,000
S. Doc. 96-53:	
Department of Energy:	
Energy production, demonstration and distribution	57,600,000
S. Doc. 96-55:	
Department of the Interior:	
Territorial Affairs:	
Trust Territory of the Pacific Islands	13,612,000
Department of Energy:	
Economic Regulation	103,000,000
Total, S. Doc. 96-55	116,612,000
S. Doc. 96-60:	
Department of the Interior:	
Bureau of Indian Affairs:	
Eastern Indian Land Claims Settlement Fund	81,500,000
Total, budget amendments (net)	−532,938,000

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[3] Reflects reduction of $156,000 for consultant services shown on page 238 under "General Provisions".

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which **full year, current definite appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.**]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1, 2]	New budget (obligational) **authority appropriated, 1981** [3]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Program administration	$88,762,000	$88,762,000	
(Limitation on trust fund transfer)	*(35,215,000)*	*(35,215,000)*	
Employment and training assistance	[4] 6,556,935,000	[4] 6,530,369,000	−$26,566,000
Community service employment for older Americans	267,100,000	277,100,000	+10,000,000
Federal unemployment benefits and allowances *(indefinite)*	1,260,000,000	[3] 1,260,000,000	
Grants to States for unemployment insurance and employment services	24,500,000	24,500,000	
(Limitation on trust fund transfer)	*(2,132,300,000)*	*(2,132,300,000)*	
Advances to the Unemployment Trust Fund and other funds *(indefinite)*	4,730,000,000	[3] 660,000,000	−4,070,000,000
Total, Employment and Training Administration	12,927,297,000	8,840,731,000	−4,086,556,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION			
Salaries and expenses	59,834,000	59,161,000	−673,000
EMPLOYMENT STANDARDS ADMINISTRATION			
Salaries and expenses	176,312,000	171,057,000	−5,255,000
(Limitation on trust fund transfer)	*(364,000)*	*(364,000)*	
Special benefits *(indefinite)*	404,146,000	[3] 404,146,000	
Black Lung Disability Trust Fund:			
Definite	932,244,000	[3] 922,244,000	−10,000,000
Indefinite, permanent	756,000	756,000	
Subtotal, Black Lung Disability Trust Fund	933,000,000	923,000,000	−10,000,000
Total, Employment Standards Administration	1,513,458,000	1,498,203,000	−15,255,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	209,580,000	207,206,000	−2,374,000
MINE SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	154,180,000	148,398,000	−5,782,000
BUREAU OF LABOR STATISTICS			
Salaries and expenses	106,324,000	106,324,000	
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	116,445,000	113,490,000	−2,955,000
(Limitation on trust fund transfer)	*(2,293,000)*	*(2,293,000)*	
Special foreign currency program	70,000	70,000	
Total, Departmental Management	116,515,000	113,560,000	−2,955,000
Total, title I, Department of Labor:			
New budget *(obligational)* authority	15,087,188,000	10,973,583,000	−4,113,605,000
(Limitation on trust fund transfers)	*(2,170,172,000)*	*(2,170,172,000)*	

See footnotes at end of table, pp. 2042-2043.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)—Continued

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which **full year, current definite appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.**]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1] [2]	New budget (obligational) **authority appropriated, 1981** [6]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH SERVICES ADMINISTRATION			
Health services	[2] $1,319,765,000	[2] $1,312,403,000	−$7,362,000
CENTER FOR DISEASE CONTROL			
Preventive health services	293,441,000	329,441,000	+36,000,000
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	965,105,000	1,001,330,000	+36,225,000
National Heart, Lung, and Blood Institute	532,799,000	560,264,000	+27,465,000
National Institute of Dental Research	69,951,000	71,206,000	+1,255,000
National Institute of Arthritis, Metabolism, and Digestive Diseases	361,211,000	371,993,000	+10,782,000
National Institute of Neurological and Communicative Disorders and Stroke	246,807,000	253,838,000	+7,031,000
National Institute of Allergy and Infectious Diseases	226,412,000	232,355,000	+5,943,000
National Institute of General Medical Sciences	328,139,000	335,676,000	+7,537,000
National Institute of Child Health and Human Development	215,031,000	223,565,000	+8,534,000
National Eye Institute	115,562,000	120,254,000	+4,692,000
National Institute of Environmental Health Sciences	93,769,000	97,269,000	+3,500,000
National Institute on Aging	74,317,000	76,091,000	+1,774,000
Research resources	173,878,000	184,439,000	+10,561,000
John E. Fogarty Center	9,138,000	9,138,000	
National Library of Medicine	44,389,000	44,730,000	+341,000
Buildings and facilities	11,750,000	11,750,000	
Office of the Director	22,189,000	22,549,000	+360,000
Total, National Institutes of Health	3,490,447,000	3,616,447,000	+126,000,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health	[2] 1,063,033,000	[2] 1,047,807,000	−15,226,000
St. Elizabeths Hospital *(indefinite)*	94,273,000	94,273,000	
Construction and renovation, St. Elizabeths Hospital	1,500,000	1,500,000	
Total, Alcohol, Drug Abuse, and Mental Health Administration	1,158,806,000	1,143,580,000	−15,226,000
HEALTH RESOURCES ADMINISTRATION			
Health resources	[2] 456,476,000	[2] 648,021,000	+191,545,000
Medical facilities guarantee and loan fund:			

See footnotes at end of table, pp. 2042-2043.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)—Continued

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which **full year, current definite appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.**]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1, 2]	New budget (obligational) **authority appropriated**, 1981 [2]	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HEALTH			
Salaries and expenses	$192,766,000	$179,966,000	−$12,800,000
Retirement pay and medical benefits for commissioned officers *(indefinite)*	91,958,000	[3] 91,958,000	
Total, Assistant Secretary for Health	284,724,000	271,924,000	−12,800,000
Total, Public Health Service	7,003,659,000	7,321,816,000	+318,157,000
HEALTH CARE FINANCING ADMINISTRATION			
Grants to states for Medicaid *(indefinite)*	15,877,052,000	15,877,052,000	
Appropriation available from subsequent year	4,280,000,000	4,280,000,000	
Appropriation available in prior year	−3,923,000,000	−3,923,000,000	
Total adjusted appropriation including borrowing	16,234,052,000	[3] 16,234,052,000	
Payment to health care trust funds	9,589,120,000	[3] 9,577,120,000	−12,000,000
Program management	132,998,000	123,872,000	−9,126,000
(Limitation on trust fund transfer)	*(899,224,000)*	*(885,140,000)*	*(−14,084,000)*
Total, Health Care Financing Administration	25,956,170,000	25,935,044,000	−21,126,000
(Limitation on trust fund transfer)	*(899,224,000)*	*(885,140,000)*	*(−14,084,000)*
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	673,225,000	[3] 672,225,000	−1,000,000
Special benefits for disabled coal miners	1,097,751,000	1,097,751,000	
Appropriation available in prior year	−37,451,000	−37,451,000	
Total adjusted appropriation including borrowing	1,060,300,000	[3] 1,060,300,000	
Supplemental security income program	7,005,117,000	7,005,117,000	
Appropriation available in prior year	−48,423,000	−48,423,000	
Total adjusted appropriation including borrowing	6,956,694,000	[3] 6,956,694,000	
Assistance payments program	8,145,689,000	8,145,689,000	
Appropriation available from subsequent year	1,913,793,000	1,913,793,000	
Appropriation available in prior year	−2,261,553,000	−2,261,553,000	
Total adjusted appropriation including borrowing	7,797,929,000	[3] 7,797,929,000	
Low-income energy assistance	2,200,000,000	1,850,000,000	−350,000,000
Refugee assistance	693,457,000	690,457,000	−3,000,000
Cuban and Haitian entrants, domestic assistance	90,000,000	90,000,000	
Cuban and Haitian entrants, reception and processing	167,100,000	167,100,000	
Limitation on administrative expenses	*(2,660,850,000)*	*(2,660,850,000)*	
Limitation on research and statistics	*(16,000,000)*		*(−16,000,000)*
Total, Social Security Administration	19,638,705,000	19,284,705,000	−354,000,000
(Limitation on administrative expenses)	*(2,676,850,000)*	*(2,660,850,000)*	*(−16,000,000)*

See footnotes at end of table, pp. 2042-2043.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)—Continued

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which **full year, current definite appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.**]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1, 2]	New budget (obligational) authority appropriated, 1981 [2]	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES			
Grants to states for social and child welfare services	$3,209,650,000	$3,154,650,000	−$55,000,000
Appropriation available from subsequent year	715,000,000	715,000,000	
Appropriation available in prior year	−680,000,000	−680,000,000	
Total adjusted appropriation including borrowing	3,244,650,000	[3]3,189,650,000	−55,000,000
Human development services	1,719,363,000	1,725,533,000	+6,170,000
Work incentives	385,000,000	365,000,000	−20,000,000
Total, Assistant Secretary for Human Development Services	5,349,013,000	5,280,183,000	−68,830,000
DEPARTMENTAL MANAGEMENT			
General departmental management	128,737,000	126,468,000	−2,269,000
(Limitation on trust fund transfer)	*(8,000,000)*	*(8,000,000)*	
Office of the Inspector General	53,045,000	53,045,000	
(Limitation on trust fund transfer)	*(6,000,000)*	*(6,000,000)*	
Appropriation available from subsequent year	6,000,000	6,000,000	
Appropriation available in prior year	−4,500,000	−4,500,000	
Total adjusted appropriation including borrowing	54,545,000	54,545,000	
Office for Civil Rights	20,081,000	17,920,000	−2,161,000
(Limitation on trust fund transfer)	*(2,350,000)*	*(2,350,000)*	
Policy research	22,700,000	22,700,000	
Total, Departmental Management	226,063,000	221,633,000	−4,430,000
Total, title II, Department of Health and Human Services:			
New budget *(obligational)* authority	58,173,610,000	58,043,381,000	−130,229,000
(Trust fund limitations)	*(2,676,850,000)*	*(2,660,850,000)*	*(−16,000,000)*
(Limitation on trust fund transfers)	*(915,574,000)*	*(901,490,000)*	*(−14,084,000)*
TITLE III			
DEPARTMENT OF EDUCATION AND SPECIAL INSTITUTIONS			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Elementary and secondary education	3,839,772,000	3,838,135,000	−1,637,000
School assistance in federally affected areas	414,000,000	790,000,000	+376,000,000
Equal educational opportunities	326,043,000	292,008,000	−34,035,000
Libraries and learning resources	264,488,000	263,655,000	−833,000
Total, Office of Elementary and Secondary Education	4,844,303,000	5,183,798,000	+339,495,000

See footnotes at end of table, pp. 2042–2043.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)—Continued

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which full year, current permanent appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1, 2]	New budget (obligational) **authority appropriated, 1981** [2]	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES			
Education for the handicapped	$1,102,050,000	$1,102,050,000	
Rehabilitation services and handicapped research	961,875,000	965,875,000	+$4,000,000
Total, Office of Special Education and Rehabilitation Services	2,063,925,000	2,067,925,000	+4,000,000
OFFICE OF VOCATIONAL AND ADULT EDUCATION			
Vocational and adult education	861,529,920	925,497,000	+63,967,080
OFFICE OF POSTSECONDARY EDUCATION			
Student loan insurance *(indefinite)*	3,155,750,000	3,356,550,000	+200,800,000
Student loan insurance	1,390,990,000	[3] 1,390,990,000	
Higher and continuing education	390,539,000	407,689,000	+17,150,000
Higher education facilities loan and insurance	1,656,000	1,656,000	
Authority to borrow		25,000,000	+25,000,000
College housing loans	14,271,000	14,271,000	
Total, Office of Postsecondary Education	4,953,206,000	5,196,156,000	+242,950,000
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT			
Educational statistics	11,793,000	9,947,000	−1,846,000
School improvement programs	194,773,000	166,973,000	−27,800,000
Research and related activities	96,050,000	87,614,000	−8,436,000
Total, Office of Educational Research and Improvement	302,616,000	264,534,000	−38,082,000
SPECIAL INSTITUTIONS			
American Printing House for the Blind	4,921,000	4,921,000	
National Technical Institute for the Deaf	20,305,000	20,305,000	
Gallaudet College	49,768,000	49,768,000	
Howard University	133,983,000	133,983,000	
Total, Special Institutions	208,977,000	208,977,000	
OFFICE OF CIVIL RIGHTS			
Salaries and expenses	49,215,000	49,215,000	
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	244,181,000	238,882,000	−5,299,000
(Limitation on trust fund transfer)	*(600,000)*	*(600,000)*	
Educational, research and training activities overseas *(special foreign currency program)*	3,000,000	3,000,000	
Total Departmental Management	247,181,000	241,882,000	−5,299,000
Total, title III, Department of Education and Special Institutions	13,530,952,920	14,137,984,000	+607,031,080
(Limitation on trust fund transfers)	*(600,000)*	*(600,000)*	

See footnotes at end of table, pp. 2042-2043.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7998)—Continued

[NOTE.—H.R. 7998, as enacted into law by reference through the continuing resolutions, was not considered by the Senate. This bill, however, is used as the basis for the continuing resolution through which FY 1981 funding is made available. This table VIII represents the combined action of H.R. 7998, Public Law 96-369, Public Law 96-536, and Public Law 97-12. Only those items in which full year, current definite appropriations are made in Public Law 96-369 or Public Law 96-536 are excluded and carried in separate table VIII's for those acts.]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1, 2]	New budget (obligational) authority appropriated, 1981 [3]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—RELATED AGENCIES			
Action *(domestic programs)*	$169,154,000	$158,047,000	−$11,107,000
Community Services Administration	538,800,000	[5] 541,500,000	+2,700,000
Corporation for Public Broadcasting:			
Advance appropriations for 1983	172,000,000	172,000,000	
Federal Mediation and Conciliation Service	27,140,000	25,919,000	−1,221,000
Federal Mine Safety and Health Review Commission	4,617,000	4,617,000	
National Commission on Libraries and Information Science	691,000	691,000	
National Labor Relations Board	116,635,000	116,635,000	
National Mediation Board	4,780,000	4,780,000	
Occupational Safety and Health Review Commission	7,860,000	7,860,000	
President's Commission on Ethical Problems in Medicine	2,041,000	1,500,000	−541,000
Railroad Retirement Board:			
Payments to Railroad Retirement Trust Fund	350,000,000	350,000,000	
(Limitation on salaries and expenses)	*(36,750,000)*	*(36,750,000)*	
Soldiers' and Airmen's Home:			
Operation and maintenance *(trust funds)*	20,326,000	20,326,000	
Total, title IV, related agencies:			
New budget *(obligational)* authority	1,414,044,000	1,403,875,000	−10,169,000
Advance appropriations for 1983	172,000,000	172,000,000	
(Trust fund limitations)	*(36,750,000)*	*(36,750,000)*	
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority	88,205,794,920	84,558,823,000	−3,646,971,920
Fiscal year 1981	*(88,033,794,920)*	*(84,386,823,000)*	*(−3,646,971,920)*
Fiscal year 1983	*(172,000,000)*	*(172,000,000)*	
(Trust fund limitations)	*(2,713,600,000)*	*(2,697,600,000)*	*(−16,000,000)*
(Limitation on trust fund transfers)	*(3,086,346,000)*	*(3,072,262,000)*	*(−14,084,000)*

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[1] Includes the following budget amendments transmitted subsequent to the submission of the regular FY 1981 budget.

H. Doc. 96–294:	
Department of Health and Human Services:	
Health Services Administration	−$117,515,000
Preventive health services	−97,595,000
National Cancer Institute	−42,696,000
National Heart, Lung and Blood Institute	−15,600,000
National Institute of Dental Research	−500,000
National Institute of Arthritis, Metabolism, and Digestive Diseases	−4,500,000
National Institute of Neurological and Communicative Disorders and Stroke	−3,000,000
National Institute of Allergy and Infectious Diseases	−2,000,000
National Institute of General Medical Sciences	−3,500,000
National Institute of Child Health and Human Development	−2,500,000
National Eye Institute	−1,000,000
National Institute of Environmental Health Sciences	−3,500,000
National Institute of Aging	−1,000,000
Research resources	−10,561,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	−43,000
National Library of Medicine	−341,000
Office of the Director	−360,000
Alcohol, Drug Abuse, and Mental Health	−100,363,000
St. Elizabeths Hospital	−1,933,000
Health resources	−73,216,000
Office of the Assistant Secretary for Health: Salaries and expenses	−22,015,000
Grants to States for Medicaid	−137,495,000
Program management (health research)	−9,562,000
Payments to social security trust funds	−$2,565,000
Supplemental Security Income Program	−79,600,000
Grants to States for social services and child welfare services	−2,500,000
Human Development Services	−59,148,000
General departmental management	−7,635,000
Office of the Inspector General	−1,540,000
Office for Civil Rights	−1,850,000
Policy research	−1,300,000
Total, Department of Health and Human Services	−806,933,000
Department of Labor:	
Program administration	−1,500,000
Employment and training assistance	−579,427,000
Labor-Management Services Administration	−865,000
Employment Standards Administration: Salaries and expenses	−3,030,000
Employment Standards Administration: Special Benefits	−19,953,000
Occupational Safety and Health Administration: Salaries and expenses	−2,320,000
Mine Safety and Health Administration: Salaries and expenses	−2,540,000
Bureau of Labor Statistics: Salaries and expenses	−1,075,000
Departmental Management: Salaries and expenses	−2,010,000
Total, Department of Labor	−612,720,000
Department of Education:	
Elementary and secondary education	−269,400,000
School assistance in Federally affected areas	−105,000,000

Equal educational opportunities	−$32,970,000
Rehabilitation services and handicapped research	−2,000,000
Vocational and adult education	−64,105,000
Student financial assistance	−150,000,000
Student loan insurance	−268,344,000
Research and related activities	−9,000,000
School improvement programs	−15,750,000
Total, Department of Education	−916,569,000
Related Agencies:	
Action, domestic programs	−8,672,000
Community Services Administration	−11,000,000
Corporation for Public Broadcasting	−10,000,000
Federal Mediation and Conciliation Service	−500,000
Federal Mine Safety and Health Review Commission	−63,000
National Commission on Libraries and Information Science	−8,000
National Labor Relations Board	−1,630,000
National Mediation Board	−66,000
Occupational Safety and Health Review Commission	−160,000
President's Commission for the Study of Ethical Problems Medicine	−13,000
Total, Related agencies	−32,112,000
Department of Defense: Soldiers' and Airmen's Home	−269,000
Total H. Doc. 96–294	−2,368,603,000
H. Doc. 96–305:	
Department of Health and Human Services:	
Refugee assistance	606,157,000
Low income energy assistance	2,200,000,000
Total, H. Doc. 96–305	2,806,157,000
H. Doc. 96–308:	
Department of Labor:	
Grants to States for unemployment insurance and employment services	17,000,000
H. Doc. 96–349:	
Department of Labor:	
Advances to unemployment and other trust funds	$1,060,000,000
Department of Health and Human Services:	
Cuban and Haitian entrants, domestic assistance	90,000,000
Cuban and Haitian entrants, reception and processing	167,100,000
Department of Education:	
Elementary and secondary education (Cuban/Haitians)	15,000,000
Total, H. Doc. 96–347	4,332,100,000
S. Doc. 96–51:	
Department of Health and Human Services:	
Grants to States for social and child welfare services	537,150,000
(Technical error overstated this request by $35 million. See also H. Doc. 96–294 for related amendment.)	
Total, budget amendments (net)	5,323,804,000

[2] Consideration of estimates totalling $609,331,000 was deferred at the time of House consideration of H.R. 7998 due to a lack of authorizing legislation. These activities were subsequently authorized at the "current rate" by sec. 101(d) of P.L. 96–536. The related appropriations reflected in this table are from the FY 1981 column of the President's FY 1982 budget H. Doc. 97–1 and total $765,717,000, an increase of $156,386,000. These estimates and appropriations are shown as integral parts of the relevant appropriation on this table. The following accounts are affected: Health Services, Alcohol, Drug Abuse and Mental Health and Health Resources.

[3] These activities are entitlements funded under section 101(e) of P.L. 96–369, P.L. 96–536 and P.L. 97–12. "Such sums" are authorized which converts these accounts to indefinite appropriations (for FY 1981 only). The amount shown as the appropriation is the amount provided in H.R. 7998 as passed the House on August 27, 1980. Final expenditures are expected to be substantially higher. The following is a list of the accounts affected, the budget estimate transmitted by the President, the amount included in H.R. 7998 and the latest estimate as of March 1981.

Account	*Budget Estimate*	*H.R. 7998*	*March 1981 Review*
Federal Unemployment Benefits and Allowances	$1,260,000,000	$1,260,000,000	$3,252,000,000
Advances to Unemployment Trust Funds	4,730,000,000	650,000,000	2,935,000,000
ESA Special Benefits	404,146,000	404,146,000	314,530,000
ESA Black Lung	932,244,000	922,244,000	865,692,000
PHS Retirement Pay & Medical Benefits	91,958,000	91,958,000	91,958,000
Grants to States for Medicaid	15,877,052,000	15,877,052,000	16,581,598,000
Payments to Health Care Trust Funds	9,589,120,000	9,577,120,000	9,577,120,000
Payments to Social Security Trust Funds	673,225,000	672,225,000	672,006,000
Special Benefits, Black Lung	1,097,751,000	1,097,751,000	1,126,479,000
SSI	7,005,117,000	7,005,117,000	7,384,335,000
Assistance Payments	8,145,689,000	8,145,689,000	8,587,502,000
Grants to States, Social Services	3,209,650,000	3,154,650,000	3,154,650,000
Student Loan Insurance	1,390,990,000	1,390,990,000	2,312,479,000

[4] The original House allowance for this item of $6,156,763,000 in H.R. 7998 was increased by $373,606,000 by Section 101(d) of P.L. 96–369 which authorized the current rate for Title III National Programs and the Title VII Private Section Initiatives Program. Additional estimates for this and the related activities under the account "Temporary Employment Assistance" are included under P.L. 96–536.

[5] Increases of $3,700,000 provided in Section 125 of P.L. 96–369 are included in this total.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1981 (H.R. 7593)

[NOTE.—For informational purposes only. This bill was considered and passed by the House of Representatives on July 21, 1980; however, no action was taken by the Senate. Funding of items in the bill, with certain adjustments as noted, is provided for fiscal year 1981 under sec. 101(c) and sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981, which also includes funding for **Senate items traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill (see Public Law 96-535, Further Continuing Appropriations, 1981, pp. 379-386).]**

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
HOUSE OF REPRESENTATIVES			
COMPENSATION AND MILEAGE FOR THE MEMBERS			
Compensation of Members	*($29,254,300)*	*($29,254,300)*	
Mileage of Members	(2)	(2)	
Total, compensation and mileage for the Members	*(29,254,300)*	*(29,254,300)*	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	*(602,700)*	*(602,700)*	
Office of the Majority Floor Leader	*(446,500)*	*(446,500)*	
Office of the Minority Floor Leader	*(546,700)*	*(546,700)*	
Office of the Majority Whip	*(459,600)*	*(459,600)*	
Office of the Minority Whip	*(359,400)*	*(359,400)*	
Total, House leadership offices	*(2,414,900)*	*(2,414,900)*	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	*(9,680,000)*	*(9,680,000)*	
Office of the Sergeant at Arms	*(14,308,500)*	*(14,308,500)*	
Office of the Doorkeeper	*(5,084,800)*	*(5,084,800)*	
Office of the Postmaster	*(1,403,100)*	*(1,403,100)*	
Office of the Chaplain	*(52,800)*	*(52,800)*	
Office of the Parliamentarian	*(292,000)*	*(292,000)*	
Compilation of precedents of the House of Representatives	*(190,000)*	*(190,000)*	
Technical assistant, Office of the Attending Physician	*(34,700)*	*(34,700)*	
House Democratic Steering Committee	*(344,800)*	*(344,800)*	
House Democratic Caucus	*(103,800)*	*(103,800)*	
House Republican Conference	*(448,600)*	*(448,600)*	
Six minority employees	*(316,500)*	*(316,500)*	
L.B.J. Interns and Former Speakers' staff	*(692,900)*	*(692,900)*	
Total, salaries, officers and employees	*(32,952,500)*	*(32,952,500)*	
COMMITTEE EMPLOYEES			
Professional and clerical employees *(standing committees)*	*(27,000,000)*	*(27,000,000)*	
COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)			
Salaries and expenses	*(2,856,000)*	*(2,856,000)*	
COMMITTEE ON THE BUDGET *(Studies)*			
Salaries and expenses	*(245,000)*	*(245,000)*	
OFFICE OF THE LAW REVISION COUNSEL			
Salaries and expenses	*(510,000)*	*(510,000)*	
OFFICE OF THE LEGISLATIVE COUNSEL			
Salaries and expenses	*(2,097,000)*	*(2,097,000)*	

See footnotes at end of table, p. 2048.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1981 (H.R. 7593)—Continued

[NOTE.—For informational purposes only. This bill was considered and passed by the House of Representatives on July 21, 1980; however, no action was taken by the Senate. Funding of items in the bill, with certain adjustments as noted, is provided for fiscal year 1981 under sec. 101(c) and sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981, which also includes funding for **Senate items traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill (see Public Law 96-535, Further Continuing Appropriations, 1981, pp. 379-386).**]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
MEMBERS' CLERK HIRE			
Clerk hire	*($126,808,000)*	*($126,808,000)*	
CONTINGENT EXPENSES OF THE HOUSE			
ALLOWANCES AND EXPENSES			
Official expenses of Members	*(43,049,000)*	*(43,049,000)*	
Supplies, materials, administrative costs and Federal tort claims	*(7,545,000)*	*(7,545,000)*	
Furniture and furnishings	*(2,480,000)*	*(2,000,000)*	*(−$480,000)*
Reporting hearings	*(1,810,000)*	*(1,810,000)*	
Reemployed annuitants reimbursement	*(1,709,000)*	*(1,709,000)*	
Government contributions	*(16,052,000)*	*(16,052,000)*	
Miscellaneous items	*(507,000)*	*(507,000)*	
Total, allowances and expenses	*(73,152,000)*	*(72,672,000)*	*(−480,000)*
SPECIAL AND SELECT COMMITTEES			
Salaries and expenses	*(46,500,000)*	*(41,500,000)*	*(−5,000,000)*
Total, contingent expenses of the House	*(119,652,000)*	*(114,172,000)*	*(−5,480,000)*
Total, House of Representatives	*(343,789,700)*	*(338,309,700)*	*(−5,480,000)*
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	*(2,150,000)*	*(2,150,000)*	
Joint Committee on Printing	*(794,000)*	*(760,000)*	*(−34,000)*
Total, contingent expenses of the Senate	*(2,944,000)*	*(2,910,000)*	*(−34,000)*
JOINT COMMITTEE ON TAXATION			
Salaries and expenses	*(2,670,000)*	*(2,632,000)*	*(−38,000)*
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	*(503,900)*	*(503,900)*	
CAPITOL POLICE			
General expenses	*(834,000)*	*(834,000)*	
Capitol Police Board	*(1,351,600)*	*(915,000)*	*(−436,600)*
Total, Capitol Police	*(2,185,600)*	*(1,749,000)*	*(−436,600)*
EDUCATION OF PAGES			
Education of congressional pages and pages of the Supreme Court	*(258,500)*	*(236,000)*	*(−22,500)*
OFFICIAL MAIL COSTS			
Expenses	*(36,633,000)*	*(36,633,000)*	

See footnotes at end of table, p. 2048.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1981 (H.R. 7593)—Continued

[NOTE.—For informational purposes only. This bill was considered and passed by the House of Representatives on July 21, 1980; however, no action was taken by the Senate. Funding of items in the bill, with certain adjustments as noted, is provided for fiscal year 1981 under sec. 101(c) and sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981, which also includes funding for Senate items traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill (see Public Law 96-535, Further Continuing Appropriations, 1981, pp. 379-386).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
CAPITOL GUIDE SERVICE			
Salaries and expenses	*($664,000)*	*($664,000)*	
STATEMENTS OF APPROPRIATIONS			
Preparation	*(13,000)*	*(13,000)*	
Total, joint items	*(45,872,000)*	*(45,340,900)*	*(−$531,100)*
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	*(14,200,000)*	*(11,000,000)*	*(−3,200,000)*
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	*(13,544,000)*	*(12,386,000)*	*(−1,158,000)*
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	*(3,401,000)*	*(3,221,000)*	*(−180,000)*
Contingent expenses	*(210,000)*	*(210,000)*	
Total, Office of the Architect of the Capitol	*(3,611,000)*	*(3,431,000)*	*(−180,000)*
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	*(8,675,000)*	*(7,326,000)*	*(−1,349,000)*
Capitol grounds	*(2,243,000)*	*(2,147,000)*	*(−96,000)*
House office buildings	*(18,010,000)*	*(16,760,000)*	*(−1,250,000)*
Capitol Power Plant *(operation)*	*(17,629,000)*	*(17,098,000)*	*(−531,000)*
Total, Capitol buildings and grounds	*(46,557,000)*	*(43,331,000)*	*(−3,226,000)*
Total, Architect of the Capitol *(except Library buildings and grounds)*	*(50,168,000)*	*(46,762,000)*	*(−3,406,000)*
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	*(31,589,000)*	*(28,656,000)*	*(−2,933,000)*
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	*(89,978,000)*	*(82,400,000)*	*(−7,578,000)*
Total, title I—Congressional Operations	*(589,140,700)*	*(564,854,600)*	*(−24,286,100)*
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	*(2,092,000)*	*(1,588,000)*	*(−504,000)*

See footnotes at end of table, p. 2048.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1981 (H.R. 7593)—Continued

[NOTE.—For informational purposes only. This bill was considered and passed by the House of Representatives on July 21, 1980; however, no action was taken by the Senate. Funding of items in the bill, with certain adjustments as noted, is provided for fiscal year 1981 under sec. 101(c) and sec. 101(d) of Public Law 96-536, Further Continuing Appropriations, 1981, which also includes funding for Senate items traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill (see Public Law 96-535, Further Continuing Appropriations, 1981, pp. 379-386).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
LIBRARY OF CONGRESS			
Salaries and expenses	*($110,895,000)*	*($102,181,000)*	*(−$8,714,000)*
Copyright Office, salaries and expenses	*(10,612,000)*	*(9,546,000)*	*(−1,066,000)*
Books for the blind and physically handicapped, salaries and expenses	*(35,290,000)*	*(34,337,000)*	*(−953,000)*
Collection and distribution of library materials *(special foreign currency program)*:			
Payments in Treasury-owned foreign currencies	*(3,568,100)*	*(3,568,100)*	
U.S. dollars	*(411,900)*	*(389,900)*	*(−22,000)*
Total, collection and distribution of library materials	*(3,980,000)*	*(3,958,000)*	*(−22,000)*
Furniture and furnishings	*(4,160,000)*	*(1,775,000)*	*(−2,385,000)*
Total, Library of Congress *(except Congressional Research Service)*	*(164,937,000)*	*(151,797,000)*	*(−13,140,000)*
ARCHITECT OF THE CAPITOL			
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	*(11,437,000)*	*(5,183,000)*	*(−6,254,000)*
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	*(490,000)*	*(456,000)*	*(−34,000)*
GOVERNMENT PRINTING OFFICE			
Printing and binding	*(22,145,000)*	*(16,250,009)*	*(−5,895,000)*
Office of Superintendent of Documents, salaries and expenses	*(26,200,000)*	*(23,400,000)*	*(−2,800,000)*
Total, Government Printing Office *(except Congressional printing and binding and acquisition of site and general plans and designs of building)*	*(48,345,000)*	*(39,650,000)*	*(−8,695,000)*
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	*(218,070,000)*	*(210,000,000)*	*(−8,070,000)*
COST-ACCOUNTING STANDARDS BOARD			
Salaries and expenses	*(961,000)*		*(−961,000)*
Total, title II—other agencies	*(446,332,000)*	*(408,674,000)*	*(−37,658,000)*
TITLE III—CAPITAL IMPROVEMENTS			
GOVERNMENT PRINTING OFFICE			
Acquisition of site and general plans and designs of building	*(20,869,000)*		*(−20,869,000)*
RECAPITULATION			
Grand total, titles I, II and III:			
New budget *(obligational)* authority	*(1,056,341,700)*	[3]*(973,528,600)*	*(−82,813,100)*

See footnotes at end of table, p. 2048.

[1] Includes the following amendments:

H. Doc. 96-294:	
House of Representatives:	
House Leadership offices:	
Office of Majority Floor Leader	$24,900
Office of the Minority Floor Leader	24,900
Total, House Leadership Offices	49,800
Salaries, Officers and Employees:	
House Democratic Caucus	12,900
House Republican Conference	12,900
Total, Salaries, Officers and Employees	$25,800
Total, H. Doc. 96-294	75,600

[2] Funding in the amount of $210,000 provided in Public Law 96-536, further continuing appropriations, 1981.

[3] Does not reflect effect of Section 309 of H.R. 7593 which requires that 2 percent of budget authority in this Act for payments not required by law "shall be withheld from obligation and expenditure."

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION ACT, 1981, PUBLIC LAW 96-436, APPROVED OCTOBER 13, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Army	$911,061,000	$857,834,000	−$53,227,000
Military construction, Navy	763,600,000	775,273,000	+11,673,000
Military construction, Air Force	918,800,000	861,125,000	−57,675,000
Military construction, Defense agencies	235,700,000	245,600,000	+9,900,000
Transfer, not to exceed	*(20,000,000)*	*(20,000,000)*	
North Atlantic Treaty Organization Infrastructure	300,000,000	250,000,000	−50,000,000
Military construction, Army National Guard	34,000,000	42,269,000	+8,269,000
Military construction, Air National Guard	83,200,000	83,200,000	
Military construction, Army Reserve	43,200,000	43,200,000	
Military construction, Naval Reserve	24,700,000	33,000,000	+8,300,000
Military construction, Air Force Reserve	21,600,000	21,600,000	
Military construction, Reserve components generally		3,742,000	+3,742,000
Total, military construction	3,335,861,000	3,216,843,000	−119,018,000
Family housing, Defense	2,177,331,000	2,007,893,000	−169,438,000
(By transfer)	*(18,251,000)*	*(18,251,000)*	
Portion applied to debt reduction	−126,056,000	−126,056,000	
Total, family housing	2,051,275,000	1,881,837,000	−169,438,000
Grand total, new budget *(obligational)* authority	5,387,136,000	5,098,680,000	−288,456,000

[1] Includes the following budget amendments:

H. Doc. 96-294:

Military Construction, Army	—$69,239,000
Military Construction, Navy	60,600,000
Military Construction, Air Force	103,500,000
Military Construction, Army National Guard	−1,000,000
Military Construction, Air National Guard	—$7,000,000
Militarv Construction, Army Reserve	−1,000,000
Military Construction, Air Force Reserve	−1,000,000
Family Housing, Defense	97,526,000
Total H. Doc. 96-294 (net)	$182,387,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	$820,953,000	$813,000,000	−$7,953,000
Representation allowances	3,509,000	3,125,000	−384,000
Acquisition, operation, and maintenance of buildings abroad	118,432,000	118,432,000	
Acquisition, operation, and maintenance of buildings abroad *(special foreign currency program)*	37,400,000	8,200,000	−29,200,000
Emergencies in the diplomatic and consular service	5,000,000	5,000,000	
Buying-power maintenance	20,000,000		−20,000,000
Payment to the American Institute in Taiwan	6,282,000	6,282,000	
Payment to the Foreign Service retirement and disability fund	42,346,000	42,346,000	
Total, administration of foreign affairs	1,053,922,000	996,385,000	−57,537,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES			
Contributions to international organizations	508,083,000	481,110,000	−26,973,000
Contributions for international peacekeeping activities	53,550,000	50,000,000	−3,550,000
International conferences and contingencies	7,518,000	7,000,000	−518,000
Total, international organizations and conferences	569,151,000	538,110,000	−31,041,000
INTERNATIONAL COMMISSIONS			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	7,923,000	7,923,000	
Construction	5,752,000	5,752,000	
American sections, international commissions	3,198,000	3,000,000	−198,000
International fisheries commissions	8,286,000	8,038,000	−248,000
Total, international commissions	25,159,000	24,713,000	−446,000
OTHER			
United States-Yugoslavia Bilateral Science and Technology Agreement	1,400,000	1,400,000	
The Asia Foundation		4,100,000	+4,100,000
Total, title I, new budget *(obligational)* authority, Department of State	1,649,632,000	1,564,708,000	−84,924,000
TITLE II—DEPARTMENT OF JUSTICE			
GENERAL ADMINISTRATION			
Salaries and expenses	31,333,000	40,833,000	+9,500,000
UNITED STATES PAROLE COMMISSION			
Salaries and expenses	5,868,000	5,840,000	−28,000

See footnotes at end of table, pp. 2056–2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
LEGAL ACTIVITIES			
Salaries and expenses, general legal activities	$115,459,000	$113,650,000	−$1,809,000
Salaries and expenses, Foreign Claims Settlement Commission	828,000		−828,000
(By transfer)		*(828,000)*	*(+828,000)*
Salaries and expenses, Antitrust Division	46,320,000	44,862,000	−1,458,000
Salaries and expenses, U.S. attorneys and marshals	274,323,000	268,537,000	−5,786,000
Support of U.S. prisoners	22,600,000	22,600,000	
Fees and expenses of witnesses	27,000,000	27,000,000	
Salaries and expenses, Community Relations Service	5,273,000	5,273,000	
Total, legal activities	491,803,000	481,922,000	−9,881,000
(By transfer)		*(828,000)*	*(+828,000)*
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses	629,720,000	629,720,000	
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses	347,700,000	351,000,000	+3,300,000
DRUG ENFORCEMENT ADMINISTRATION			
Salaries and expenses	205,235,000	206,800,000	+1,565,000
FEDERAL PRISON SYSTEM			
Salaries and expenses	338,192,000	334,400,000	−3,792,000
National Institute of Corrections	9,894,000	9,894,000	
Buildings and facilities	10,020,000	10,020,000	
Federal Prison Industries, Incorporated: *(Limitation on administrative and vocational training expenses)*	*(4,736,000)*	*(4,736,000)*	
Total, Federal prison system	358,106,000	354,314,000	−3,792,000
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS			
Law Enforcement Assistance	127,845,000	127,845,000	
(Limitations on obligations)	*(100,000,000)*	*(100,000,000)*	
Research and statistics	49,524,000	19,000,000	−30,524,000
Total, Office of Justice Assistance, Research, and Statistics	177,369,000	146,845,000	−30,524,000
(Limitations on obligations)	*(100,000,000)*	*(100,000,000)*	
Total, title II, Department of Justice:			
New budget *(obligational)* authority	2,247,134,000	2,217,274,000	−29,860,000
(Limitation on obligations)	*(104,736,000)*	*(104,736,000)*	
(By transfer)		*(828,000)*	*(+828,000)*

See footnotes at end of table, pp. 2056-2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—DEPARTMENT OF COMMERCE			
GENERAL ADMINISTRATION			
Salaries and expenses	$37,019,000	$32,925,000	−$4,094,000
BUREAU OF THE CENSUS			
Salaries and expenses	57,368,000	54,600,000	−2,768,000
Periodic censuses and programs	169,650,000	146,450,000	−23,200,000
Total, Bureau of the Census	227,018,000	201,050,000	−25,968,000
ECONOMIC AND STATISTICAL ANALYSIS			
Salaries and expenses	24,986,000	24,600,000	−386,000
ECONOMIC DEVELOPMENT ADMINISTRATION			
Economic development assistance programs	769,250,000	624,650,000	−144,600,000
Salaries and expenses	62,217,000	39,700,000	−22,517,000
Total, Economic Development Administration	831,467,000	664,350,000	−167,117,000
REGIONAL DEVELOPMENT PROGRAM			
Regional development programs	43,838,000	43,838,000	
INTERNATIONAL TRADE ADMINISTRATION			
Operations and administration	116,733,000	107,500,000	−9,233,000
MINORITY BUSINESS DEVELOPMENT AGENCY			
Minority business development	59,671,000	59,600,000	−71,000
UNITED STATES TRAVEL SERVICE			
Salaries and expenses		8,000,000	+8,000,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION			
Operations, research, and facilities	751,751,000	759,367,000	+7,616,000
(By transfer)		*(15,000,000)*	*(+15,000,000)*
Coastal zone management	52,335,000	51,585,000	−750,000
(Limitations on obligations)	*(115,384,000)*	*(115,384,000)*	
Fishing vessel and gear damage compensation fund	3,500,000	3,250,000	−250,000
Fishermen's contingency fund	600,000	500,000	−100,000
Total, National Oceanic and Atmospheric Administration	808,186,000	814,702,000	+6,516,000
(By transfer)		*(15,000,000)*	*(+15,000,000)*
(Limitations on obligations)	*(115,384,000)*	*(115,384,000)*	
PATENT AND TRADEMARK OFFICE			
Salaries and expenses	112,793,000	112,550,000	−243,000
SCIENCE AND TECHNICAL RESEARCH			
Scientific and technical research and services	121,086,000	113,100,000	−7,986,000

See footnotes at end of table, pp. 2056-2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION			
Salaries and expenses	$17,473,000	$17,400,000	−$73,000
Public telecommunications facilities, planning and construction	21,705,000	25,705,000	+4,000,000
Total, National Telecommunications and Information Administration	39,178,000	43,105,000	+3,927,000
MARITIME ADMINISTRATION			
Ship construction	150,000,000	135,000,000	−15,000,000
Operating-differential subsidies *(appropriation to liquidate contract authority)*	*(333,196,000)*	*(333,196,000)*	
Research and development	16,300,000	16,300,000	
Operations and training	65,006,000	65,550,000	+544,000
Total, Maritime Administration	231,306,000	216,850,000	−14,456,000
Total, title III, Department of Commerce:			
New budget *(obligational)* authority	2,653,281,000	2,442,170,000	−211,111,000
(By transfer)		*(15,000,000)*	*(+15,000,000)*
(Liquidation of contract authorization)	*(333,196,000)*	*(333,196,000)*	
(Limitations on obligations)	*(115,384,000)*	*(115,384,000)*	
TITLE IV—THE JUDICIARY			
SUPREME COURT OF THE UNITED STATES			
Salaries and expenses	11,140,000	11,140,000	
Care of the building and grounds	1,526,000	1,526,000	
Total, Supreme Court of the United States	12,666,000	12,666,000	
COURT OF CUSTOMS AND PATENT APPEALS			
Salaries and expenses	1,839,000	1,839,000	
CUSTOMS COURT			
Salaries and expenses	5,036,000	5,036,000	
COURT OF CLAIMS			
Salaries and expenses	5,598,000	5,526,000	−72,000

See footnotes at end of table, pp. 2056-2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries of judges	$54,852,000	$54,500,000	−$352,000
Salaries of supporting personnel	220,288,000	214,181,000	−6,107,000
Defender services	26,000,000	24,000,000	−2,000,000
Fees of jurors and commissioners	36,937,000	36,000,000	−937,000
Travel and miscellaneous expenses	42,434,000	41,827,000	−607,000
Salaries and expenses of magistrates	23,851,000	23,851,000	
Bankruptcy courts, salaries and expenses	65,299,000	62,794,000	−2,505,000
(By transfer)		*(1,200,000)*	*(+1,200,000)*
Services for drug dependent offenders	3,645,000	3,645,000	
Space and facilities	126,564,000	120,000,000	−6,564,000
Total, courts of appeals, district courts, and other judicial services	599,870,000	580,798,000	−19,072,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS			
Salaries and expenses	16,906,000	16,275,000	−631,000
FEDERAL JUDICIAL CENTER			
Salaries and expenses	9,376,000	9,000,000	−376,000
Total, title IV, new budget *(obligational)* authority, the Judiciary	651,291,000	631,140,000	−20,151,000
(By transfer)		*(1,200,000)*	*(+1,200,000)*
TITLE V—RELATED AGENCIES			
ARMS CONTROL AND DISARMAMENT AGENCY			
Arms control and disarmament activities	19,749,000	18,500,000	−1,249,000
BOARD FOR INTERNATIONAL BROADCASTING			
Grants and expenses	103,827,000	99,700,000	−4,127,000
COMMISSION ON CIVIL RIGHTS			
Salaries and expenses	11,988,000	11,853,000	−135,000
COMMISSION ON SECURITY AND COOPERATION IN EUROPE			
Salaries and expenses	450,000	450,000	
COMMISSION ON WARTIME RELOCATION AND INTERMENT OF CIVILIANS			
Salaries and expenses	1,500,000	1,000,000	+1,000,000
DEPARTMENT OF THE TREASURY			
Chrysler Corporation Loan Guarantee Program: Administrative expenses	1,320,000	1,320,000	
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION			
Salaries and expenses	143,037,000	140,000,000	−3,037,000

See footnotes at end of table, pp. 2056–2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL COMMUNICATIONS COMMISSION			
Salaries and expenses *(definite)*	$76,080,000	$76,926,000	+$846,000
(Indefinite)		700,000	+700,000
Total, Federal Communications Commission	76,080,000	77,626,000	+1,546,000
FEDERAL MARITIME COMMISSION			
Salaries and expenses	12,056,000	12,000,000	−56,000
FEDERAL TRADE COMMISSION			
Salaries and expenses	71,631,000	71,000,000	−631,000
INTERNATIONAL COMMUNICATION AGENCY			
Salaries and expenses	419,350,000	419,000,000	−350,000
Salaries and expenses *(special foreign currency)*	10,603,000	10,603,000	
Center for cultural and technical interchange between East and West	15,752,000	15,750,000	−2,000
Acquisition and construction of radio facilities	2,562,000	2,562,000	
Total, International Communication Agency	448,267,000	447,915,000	−352,000
INTERNATIONAL TRADE COMMISSION			
Salaries and expenses	16,981,000	16,715,000	−266,000
JAPAN-UNITED STATES FRIENDSHIP COMMISSION			
Japan-United States Friendship Trust Fund	1,998,000	1,998,000	
(Foreign currency appropriation)	*(1,200,000)*	*(1,200,000)*	
LEGAL SERVICES CORPORATION			
Payment to the Legal Services Corporation	353,000,000	321,300,000	−31,700,000
MARINE MAMMAL COMMISSION			
Salaries and expenses	634,000	734,000	+100,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE			
Salaries and expenses	9,173,000	9,100,000	−73,000
SECURITIES AND EXCHANGE COMMISSION			
Salaries and expenses	76,095,000	76,350,000	+255,000
SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY			
Salaries and expenses	427,000	550,000	+123,000

See footnotes at end of table, pp. 2056-2057.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1981 (H.R. 7584)—Continued

[NOTE.—The following table reflects the amounts included in H.R. 7584 which was vetoed by the President on December 13, 1980. No attempt was made by the Congress to override the President's veto; however, Public Law 96-536, Further Continuing Appropriations, 1981, included provisions making the amounts provided in this bill (and reflected in the following table) available for the fiscal year ending September 30, 1981 (see pp. 379-386, this volume).]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
SMALL BUSINESS ADMINISTRATION			
Salaries and expenses	$222,645,000	$222,645,000	
Business loan and investment fund	678,000,000	609,000,000	−$69,000,000
(Limitations on obligations)	*(283,000,000)*	*(283,000,000)*	
Disaster loan fund	180,000,000		−180,000,000
Authority to borrow		100,000,000	+100,000,000
Lease guarantees revolving fund	4,000,000	4,000,000	
Surety bond guarantees revolving fund	30,000,000	30,000,000	
Total, Small Business Administration	1,114,645,000	965,645,000	−149,000,000
UNITED STATES METRIC BOARD			
Salaries and expenses	3,691,000	2,708,000	−983,000
Total, title V, new budget *(obligational)* authority, related agencies	2,466,549,000	2,276,464,000	−190,085,000
Appropriations *(definite)*	*(2,466,549,000)*	*(2,175,764,000)*	*(−190,085,000)*
Appropriations *(indefinite)*		*(700,000)*	*(+700,000)*
Authority to borrow		*(100,000,000)*	*(+100,000,000)*
(Limitations on obligations)	*(283,000,000)*	*(283,000,000)*	
TITLE VI—GENERAL PROVISIONS[2]			
TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1980			
DEPARTMENT OF JUSTICE			
LEGAL ACTIVITIES			
Salaries and expenses *(reappropriation)*	*(2,600,000)*	*(2,600,000)*	
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses *(indefinite reappropriation)*	*(1,161,800)*	*(1,161,800)*	
THE JUDICIARY			
COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Transfer of funds	*(9,000,000)*	*(9,000,000)*	
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority	9,667,887,000	9,131,756,000	−536,131,000
Appropriations *(definite)*	*(9,667,887,000)*	*(9,031,056,000)*	*(−636,831,000)*
Appropriations *(indefinite)*		*(700,000)*	*(+700,000)*
Authority to borrow		*(100,000,000)*	*(+100,000,000)*
(Limitation on expenses)	*(503,120,000)*	*(503,120,000)*	
(By transfer)		*(17,028,000)*	*(+17,028,000)*
Memoranda:			
(Appropriations to liquidate contract authorizations)	*(333,196,000)*	*(333,196,000)*	
Total appropriations, including appropriations to liquidate contract authorizations	10,001,083,000	9,464,952,000	−536,131,000

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[1] Includes the following budget amendments:

H. Doc. 96-294:	
Department of State:	
Administration of Foreign Affairs:	
Salaries and expenses	$35,800,000
Acquisition, operation, and maintenance of buildings abroad	−17,500,000
Payment to the American Institute in Taiwan	−$300,000
International Organizations and Conferences:	
Contributions to international organizations	50,605,000

International Commissions:	
Salaries and expenses	—$500,000
Total, Department of State (net)	68,105,000
Department of Justice:	
Legal Activities:	
Salaries and expenses, United States Attorneys and Marshalls	–3,872,000
Support of United States prisoners	–400,000
Salaries and expenses, Community Relations service	–45,000
Federal Bureau of Investigation:	
Salaries and expenses	–7,251,000
Immigration and Naturalization Service:	
Salaries and expenses	–2,155,000
Drug Enforcement Administration:	
Salaries and expenses	–3,370,000
Federal Prison System:	
Salaries and expenses	–7,172,000
Buildings and facilities	–446,000
Office of Justice Assistance, Research and Statistics:	
Law enforcement assistance	–393,513,000
Total, Department of Justice	–418,224,000
Department of Commerce:	
General Administration:	
Salaries and expenses	–2,000,000
Bureau of the Census:	
Salaries and expenses	–900,000
Periodic censuses and programs	–1,635,000
Economic Development Administration	
Salaries and expenses	–9,082,000
Economic development assistance programs	–400,000,000
Regional Development Program	
Regional development program	–30,389,000
International Trade Administration	
Operations and administration	–788,000
Minority Business Development Agency	
Minority business development	–3,186,000
National Oceanic and Atmospheric Administration:	
Operations, research, and facilities	–2,100,000
Patent and Trademark Office:	
Salaries and expenses	–409,000
Science and Technical Research:	
Scientific and technical research and services	—5,250,000
National Telecommunications and Information Administration:	
Salaries and expenses	–595,000
Public telecommunications facilities, planning and construction	–2,000,000
Maritime Administration:	
Operating-differential subsidies *(liquidation of contract authority)*	*(–14,501,000)*
Research and development	–2,450,000
Operations and training	–621,000
Total, Department of Commerce	–461,405,000
Related Agencies:	
Arms Control and Disarmament Agency:	
Arms control and disarmament activities	–285,000
Board for International Broadcasting:	
Grants and expenses	–8,000
Commission on Civil Rights:	
Salaries and expenses	–155,000
Equal Employment Opportunity Commission:	
Salaries and expenses	–1,714,000
Federal Communications Commission:	
Salaries and expenses	—$178,000
Federal Trade Commission:	
Salaries and expenses	–927,000
Foreign Claims Settlement Commission:	
Salaries and expenses	–12,000
International Communication Agency:	
Salaries and expenses	–9,834,000
Salaries and expenses *(special foreign currency program)*	–627,000
Center for Cultural and Technical Interchange Between East and West	–300,000
Japan-United States Friendship Commission:	
Japan-United States friendship trust fund	–2,000
Marine Mammal Commission:	
Salaries and expenses	–7,000
Securities and Exchange Commission:	
Salaries and expenses	–1,055,000
Select Commission on Immigration and Refugee Policy:	
Salaries and expenses	–4,000
Small Business Administration:	
Salaries and expenses	–2,000,000
Business loan and investment fund	–4,000,000
United States Metric Board:	
Salaries and expenses	–150,000
Executive Office of the President:	
Office of the United States Trade Representatives:	
Salaries and expenses	–$98,000
Total, Related Agencies	–21,366,000
Total, H. Doc. 96–294:	
New budget (obligational) authority (net)	—832,890,000
(Liquidation of contract authority)	*(–14,501,000)*
H. Doc. 96–368:	
Department of Commerce:	
Bureau of the Census:	
Periodic censuses and programs	$23,200,000
National Oceanic and Atmospheric Administration:	
Operations, research, and facilities	10,000,000
Science and Technical Research: Scientific and technical research and services	2,000,000
Maritime Administration:	
Ship construction	15,000,000
Total, H. Doc. 96–368	50,200,000
S. Doc. 96–59:	
Other Independent Agencies:	
Other Temporary Commissions:	
Commission on Wartime Relocation and Internment of Civilians	1,500,000
S. Doc. 96–60:	
The Judiciary:	
Courts and Appeals, District Courts, and other Judicial Services:	
Salaries and Supporting personnel	3,600,000
Travel and miscellaneous expenses	400,000
Space and facilities	200,000
Total, S. Doc. 96–60	4,200,000
Total, budget amendments:	
New obligational authority (net)	776,990,000
(Liquidation of contract authority)	*(14,501,000)*

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[2] No amounts included under Title VI, "General Provisions"

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-400, APPROVED OCTOBER 9, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF TRANSPORTATION			
OFFICE OF THE SECRETARY			
Salaries and expenses	$36,300,000	$35,680,000	−$620,000
Transportation planning, research, and development	12,000,000	10,788,699	−1,211,301
(Limitation on working capital fund)	[2]	*(56,843,000)*	*(+56,843,000)*
Total, Office of the Secretary	48,300,000	46,468,699	−1,831,301
COAST GUARD			
Operating expenses	1,193,112,000	1,193,112,000	
Appropriation for debt reduction	−233,935	−233,935	
Acquisition, construction, and improvements	324,392,000	333,985,000	+9,593,000
Alteration of bridges	16,200,000	15,850,000	−350,000
Retired pay	232,000,000	232,000,000	
Reserve training	45,007,000	45,007,000	
Research, development, test, and evaluation	25,000,000	25,000,000	
Offshore oil pollution compensation fund:			
Appropriation	12,000,000	12,000,000	
Authority to borrow	2,000,000	2,000,000	
Coast Guard supply fund	1,500,000	1,500,000	
Total, Coast Guard	1,850,977,065	1,860,220,065	+9,243,000
FEDERAL AVIATION ADMINISTRATION			
Operations	2,243,666,000	2,233,520,000	−10,146,000
Facilities, engineering, and development	24,500,000	21,155,000	−3,345,000
Facilities and equipment *(Airport and Airway Trust Fund)*	350,000,000	350,000,000	
Research, engineering and development *(Airport and Airway Trust Fund)*	85,000,000	85,000,000	
Grants-in-aid for airports *(liquidation of contract authorization) (Airport and Airway Trust Fund)*	*(595,000,000)*	*(595,000,000)*	
Operation and maintenance, Metropolitan Washington Airports	28,585,000	28,585,000	
Construction, Metropolitan Washington Airports	18,350,000	16,200,000	−2,150,000
Aircraft purchase loan guarantee program: *(Limitation on new loan guarantees)*	*(400,000,000)*	*(400,000,000)*	
Total, Federal Aviation Administration	2,750,101,000	2,734,460,000	−15,641,000
FEDERAL HIGHWAY ADMINISTRATION			
(Limitation on general operating expenses)	*(194,002,000)*	*(191,282,000)*	*(−2,720,000)*
Motor carrier safety	15,100,000	14,350,000	−750,000
Highway safety research and development	9,000,000	9,000,000	
Highway beautification	7,200,000	6,600,000	−600,000
Highway-related safety grants *(liquidation of contract authorization) (Trust Fund)*	*(17,500,000)*	*(17,500,000)*	
Territorial highways	6,600,000	6,600,000	
National Scenic and Recreational Highways *(liquidation of contract authorization)*	*(16,500,000)*	*(14,000,000)*	*(−2,500,000)*
Access highways to public recreation areas on certainlakes		6,525,000	+6,525,000
Federal-aid highways *(liquidation of contract authorization) (Trust Fund)*	*(7,500,000,000)*	*(7,500,000,000)*	
Carpool and vanpool projects	1,000,000	1,000,000	
Baltimore-Washington Parkway	1,000,000		−1,000,000
Auto-use management	250,000,000		−250,000,000
Total, Federal Highway Administration	289,900,000	44,075,000	−245,825,000

See footnotes at end of table, pp. 2061-2062.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-400, APPROVED OCTOBER 9, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Operations and research	$93,353,000	$85,876,000	−$7,477,000
State and community highway safety:			
Appropriation	61,593,000	38,593,000	−23,000,000
(Liquidation of contract authorization)	*(163,800,000)*	*(163,800,000)*	
Total, National Highway Traffic Safety Administration	154,946,000	124,469,000	−30,477,000
FEDERAL RAILROAD ADMINISTRATION			
Office of the Administrator	8,000,000	7,970,000	−30,000
Railroad safety	27,500,000	27,250,000	−250,000
Railroad research and development	52,500,000	50,000,000	−2,500,000
Rail Service Assistance:			
Rail service assistance	103,840,000	99,423,000	−4,417,000
Railroad restructuring	250,000,000	25,000,000	−225,000,000
(Limitation on new loan guarantees under Emergency Rail Services Act)	*(20,000,000)*	*(20,000,000)*	
(Limitation on direct loans for Minority Business Resource Center)	*(3,000,000)*		*(−3,000,000)*
Northeast corridor improvement program	400,000,000	350,000,000	−50,000,000
Grants to the National Railroad Passenger Corporation	925,000,000	881,000,000	−44,000,000
Advance appropriation for 1982	198,100,000	166,000,000	−32,100,000
(Limitation on new loan guarantees)	*(7,300,000)*		*(−7,300,000)*
Payments to the Alaska Railroad Revolving Fund	10,640,000	10,640,000	
Railroad Rehabilitation and Improvement Financing Funds:			
(Limitation on loan guarantees)	*(770,000,000)*	*(770,000,000)*	
(Limitation on new loan guarantees)	*(270,000,000)*		*(−270,000,000)*
Rail labor assistance	9,000,000	9,000,000	
Total, Federal Railroad Administration	1,984,580,000	1,626,283,000	−358,297,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Administrative expenses	22,600,000	22,200,000	−400,000
Research, development, and demonstrations and university research and training	58,275,000	65,500,000	+7,225,000
Urban discretionary grants	2,402,000,000	2,190,000,000	−212,000,000
Non-urban formula grants	91,000,000	72,500,000	−18,500,000
Urban formula grants	1,570,000,000	1,455,000,000	−115,000,000
(Liquidation of contract authorization)	*(1,500,000,000)*	*(1,500,000,000)*	
Waterborne transportation demonstration projects		10,000,000	+10,000,000
Interstate transfer grants	800,000,000	800,000,000	
Total, Urban Mass Transportation Administration	4,943,875,000	4,615,200,000	−328,675,000
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION			
(Limitation on administrative expenses)	*(1,473,000)*	*(1,460,000)*	*(−13,000)*
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
Research and special programs	31,558,000	31,420,000	−138,000
Cooperative automotive research	12,000,000	12,000,000	
Total, Research and special programs admin	43,558,000	43,420,000	−138,000

See footnotes at end of table, pp. 2061-2062.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-400, APPROVED OCTOBER 9, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF INSPECTOR GENERAL			
Salaries and expenses	$13,657,000	$13,657,000	
(By transfer)	*(8,085,000)*	*(8,085,000)*	
Total, title I, Department of Transportation:			
New budget *(obligational)* authority	12,079,894,065	[3] 11,108,252,764	−$971,641,301
Appropriations, fiscal year, 1981	***(11,879,794,065)***	***(10,940,252,764)***	*(−939,541,301)*
Advance appropriation fiscal year, 1982	*(198,100,000)*	*(166,000,000)*	*(−32,100,000)*
Borrowing authority, 1981	***(2,000,000)***	***(2,000,000)***	
(By transfer)	*(8,085,000)*	*(8,085,000)*	
(Limitations)	*(195,475,000)*	*(192,742,000)*	*(−2,733,000)*
(Limitations on direct loans)	*(3,000,000)*		*(−3,000,000)*
(Limitations on loan guarantees)	*(770,000,000)*	*(770,000,000)*	
(Limitations on new loan guarantees)	*(697,300,000)*	*(420,000,000)*	*(−277,300,000)*
(Limitation on working capital fund)		*(56,843,000)*	*(+56,843,000)*
(Liquidation of contract authorization)	*(9,792,800,000)*	*(9,790,300,000)*	*(−2,500,000)*
(Appropriation for debt reduction)	*(233,935)*	*(233,935)*	
TITLE II—RELATED AGENCIES			
NATIONAL TRANSPORTATION SAFETY BOARD			
Salaries and expenses	17,979,000	18,200,000	+221,000
CIVIL AERONAUTICS BOARD			
Salaries and expenses	28,419,000	28,419,000	
Payments to air carriers	86,300,000	86,300,000	
Total, Civil Aeronautics Board	114,719,000	114,719,000	
INTERSTATE COMMERCE COMMISSION			
Salaries and expenses	83,900,000	82,400,000	−1,500,000
Payments for directed rail service *(limitation on obligations)*		*(10,000,000)*	*(+10,000,000)*
Total, Interstate Commerce Commission	83,900,000	82,400,000	−1,500,000
PANAMA CANAL COMMISSION			
Operating expenses	371,453,000	370,324,000	−1,129,000
Capital outlay	23,000,000	21,350,000	−1,650,000
Reimbursement of General Fund		*(−350,000,000)*	*(−350,000,000)*
Total, Panama Canal Commission	394,453,000	391,674,000	−2,779,000
DEPARTMENT OF THE TREASURY			
Office of the Secretary: *(Investment in Fund Anticipation Notes)*		*(25,000,000)*	*(+25,000,000)*
UNITED STATES RAILWAY ASSOCIATION			
Administrative expenses	29,280,000	29,000,000	−280,000
Payments for purchase of Conrail securities	185,000,000	185,000,000	
Total, United States Railway Association	214,280,000	214,000,000	−280,000
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY			
Interest payments	65,910,000	65,910,000	
Total, title II, related agencies:			
New budget *(obligational)* authority	891,241,000	886,903,000	−4,338,000
(Limitation on obligations)		*(10,000,000)*	*(+10,000,000)*

See footnotes at end of table, pp. 2061-2062.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1981, PUBLIC LAW 96-400, APPROVED OCTOBER 9, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—GENERAL PROVISIONS			
Federal Aviation Administration:			
Grants-in-aid for airport development *(limitation on obligations)*	*($650,000,000)*	*($700,000,000)*	*(+$50,000,000)*
Federal Highway Administration:			
Highway related safety grants *(limitation on obligations)*	*(28,000,000)*	*(28,000,000)*	
Federal-aid highways *(limitation on obligations)*	*(8,400,000,000)*	*(8,750,000,000)*	*(+350,000,000)*
Great River Road *(limitation on obligations)*	*(37,500,000)*	*(37,500,000)*	
National Highway Traffic Safety Administration:			
State and community highway safety *(limitation on obligations)*	*(150,405,000)*	*(150,405,000)*	
Coast Guard:			
Offshore Oil Pollution Compensation Fund *(limitation on obligations)*	*(60,000,000)*	*(60,000,000)*	
Consultant services		−3,894,000	−3,894,000
Total, title III, general provisions:			
New budget *(obligational)* authority		−3,894,000	−3,894,000
(General provisions)	*(9,325,905,000)*	*(9,725,905,000)*	*(+400,000,000)*
RECAPITULATION			
Grand total, titles I, II, and III:			
New budget *(obligational)* authority	12,971,135,065	11,991,261,764	−979,873,301
Appropriations, fiscal year 1981	*(12,771,035,065)*	*(11,823,261,764)*	*(−947,773,301)*
Advance appropriation, fiscal year 1982	*(198,100,000)*	*(166,000,000)*	*(−32,100,000)*
Borrowing authority, 1981	*(2,000,000)*	*(2,000,000)*	
(By transfer)	*(8,085,000)*	*(8,085,000)*	
(Limitations)	*(195,475,000)*	*(192,742,000)*	*(−2,733,000)*
(Limitations on obligations)	*(9,325,905,000)*	*(9,735,905,000)*	*(+410,000,000)*
(Limitations on direct loans)	*(3,000,000)*		*(−3,000,000)*
(Limitations on loan guarantees)	*(770,000,000)*	*(770,000,000)*	
(Limitations on new loan guarantees)	*(697,300,000)*	*(420,000,000)*	*(−277,300,000)*
(Limitation on working capital fund)		*(56,843,000)*	*(+56,843,000)*
Memoranda:			
(Appropriations to liquidate contract authorizations)	*(9,792,800,000)*	*(9,790,300,000)*	*(−2,500,000)*
(Appropriation for debt reduction)	*(233,935)*	*(233,935)*	
Total, appropriations including appropriations to liquidate contract authorization and appropriations for debt reduction	*(22,764,169,000)*	*(21,781,795,699)*	*(−982,373,301)*

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[1] Includes the following budget amendments:

H. Doc. 96-294	
Department of Transportation:	
Office of the Secretary:	
Salaries and expenses	−$500,000
Transportation planning, research, and development	−1,000,000
Coast Guard:	
Operating expenses	11,000,000
Federal Aviation Administration:	
Operations	−22,900,000
Grants-in-aid for airports *(liquidation of contract authorization)*	*(−70,000,000)*
Grants-in-aid for Airport Development *(limitation on obligations)*	*(−50,000,000)*
Federal Highway Administration:	
Federal-aid highways *(limitation on obligations)*	*(−350,000,000)*
(Limitation on general operating expenses)	*(−3,200,000)*
Federal-aid highways *(liquidation of contract authorization)*	*(−400,000,000)*
National Highway Traffic Safety Administration:	
Operations and research	−700,000
Federal Railroad Administration:	
Office of the administrator	—$207,000
Railroad safety	−421,000
Railroad research and development	−5,238,000
Rail service assistance	−106,000
(Limitation on new loan guarantees under Emergency Rail Services Act)	*(−20,000,000)*
Grants to the National Railroad Passenger Corporation	−50,000,000
Urban Mass Transportation Administration:	
Administrative expenses	−500,000
Research, development and demonstrations and university research and training	−18,925,000
Urban discretionary grants	1,022,000,000
Urban formula grants	45,000,000
Interstate transfer grants	75,000,000
Research and Special Programs Administration:	
Research and special programs	−232,000
National Transportation Safety Board:	
Salaries and expenses	−244,000
Civil Aeronautics Board:	
Salaries and expenses:	−410,000

Interstate Commerce Commission:	
Salaries and expenses	−$1,100,000
United States Railway Association:	
Administrative expenses	−220,000
Total, H. Doc. 96-294	1,050,297,000
H. Doc. 96-345	
Federal Highway Administration:	
Auto-use management	250,000,000
Research and Special Programs Administration:	
Cooperative and automotive research	12,000,000
Total, H. Doc. 96-345	262,000,000
S. Doc. 96-349	
Federal Railroad Administration:	
Rail labor assistance	1,500,000
S. Doc. 96-49	
Federal Railroad Administration:	
Rail service assistance (rail restructuring)	$250,000,000
Total, budget amendments:	
New budget (obligational) authority (net)	1,563,797,000
(Liquidation of contract authorizations)	*(−470,000,000)*
(Limitations)	*(−423,200,000)*

[2] No limitation was requested. Budget estimate of fiscal year 1981 obligations was $60,253,000.

[3] Does not reflect reduction of $3,894,000 for consultant services shown under "General Provisions" on p. 341 and p. 2061 (table 8), this volume.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1981, H.R. 7583

[NOTE.—The Treasury, Postal Service, and General Government Appropriation Act, 1981 (H.R. 7583), was not approved by Congress. Funding of items in the bill at rates provided in H.R. 7583 as passed by the House of Representatives on August 20, 1980, with certain adjustments as noted, is provided for fiscal year 1981 under Sec. 101(a)(4) of Public Law 96-536 (Further Continuing Appropriations, 1981). (See pp. 379-386, this volume, for text of Public Law 96-536.)]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE TREASURY			
Office of the Secretary	$33,995,000	$33,500,000	−$495,000
International affairs	23,671,000	23,500,000	−171,000
Federal Law Enforcement Training Center	13,400,000	13,400,000	
Bureau of Government Financial Operations:			
Salaries and expenses	188,012,000	188,000,000	−12,000
Payments to the Governments of Guam, Virgin Islands and American Samoa		2,172,881	+2,172,881
Total, Bureau of Government Financial Operations	188,012,000	190,172,881	+2,160,881
Bureau of Alcohol, Tobacco, and Firearms	144,844,000	144,300,000	−544,000
United States Customs Service	465,700,000	472,000,000	+6,300,000
Bureau of the Mint: Salaries and expenses	60,956,000	60,500,000	−456,000
Bureau of the Public Debt	196,625,000	196,625,000	
Internal Revenue Service:			
Salaries and expenses	157,708,000	157,000,000	−708,000
Taxpayer service and returns processing	811,468,000	811,000,000	−468,000
Examinations and appeals	853,435,000	853,000,000	−435,000
Investigations and collections	536,500,000	536,500,000	
Total, Internal Revenue Service	2,359,111,000	2,357,500,000	−1,611,000
Payment where energy credit exceeds liability for tax	900,000	900,000	
United States Secret Service	157,041,000	157,000,000	−41,000
Total, title I, new budget *(obligational)* authority, Department of the Treasury	3,644,255,000	3,649,397,881	+5,142,881
TITLE II—UNITED STATES POSTAL SERVICE			
Payment to the Postal Service Fund	1,343,217,000	1,593,217,000	+250,000,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
Compensation of the President	250,000	250,000	
Office of Administration	12,025,000	12,000,000	−25,000
The White House Office	20,373,000	20,373,000	
Executive Residence	3,156,000	3,156,000	
Official Residence of the Vice President	168,000	168,000	
Special Assistance to the President	1,531,000	1,531,000	
Council of Economic Advisers	2,171,000	2,171,000	
Council on Wage and Price Stability	[2] *(25,044,000)*	[2] *(9,447,000)*	*(−15,597,000)*
Domestic Policy Staff	2,927,000	2,927,000	
National Security Council	3,668,000	3,668,000	
Office of Management and Budget	32,056,000	32,000,000	−56,000
Office of Federal Procurement Policy	2,661,000	2,500,000	−161,000
Unanticipated Needs	1,000,000	1,000,000	
Total, title III, new budget *(obligational)* authority, Executive Office of the President and Funds appropriated to the President	81,986,000	81,744,000	−242,000

See footnotes at end of table, pp. 2065-2066.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1981, H.R. 7583— Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriation Act, 1981 (H.R. 7583), was not approved by Congress. Funding of items in the bill at rates provided in H.R. 7583 as passed by the House of Representatives on August 20, 1980, with certain adjustments as noted, is provided for fiscal year 1981 under Sec. 101(a)(4) of Public Law 96-536 (Further Continuing Appropriations, 1981). (See pp. 379-386, this volume, for text of Public Law 96-536.)]

Agency and item	Estimates of new budget (obligational) authority, 1981[1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—INDEPENDENT AGENCIES			
Administrative Conference of the United States	$1,119,000	$1,100,000	−$19,000
Advisory Commission on Intergovernmental Relations	1,771,000	1,750,000	−21,000
Advisory Committee on Federal Pay	190,000	190,000	
Committee for Purchase from the Blind and Other Severely Handicapped	509,000	500,000	−9,000
Federal Election Commission	9,283,000	9,283,000	
Funds Appropriated to the President: Contribution to international buffer stocks	88,000,000	88,000,000	
GENERAL SERVICES ADMINISTRATION			
Federal Buildings Fund:			
Limitation on availability of revenue:			
Construction and acquisition of facilities	*(37,549,000)*	*(15,792,000)*	*(−21,757,000)*
Repairs and alterations	*(180,000,000)*	*(180,000,000)*	
Purchase contract payments	*(108,374,000)*	*(108,374,000)*	
Rental of space	*(680,700,000)*	*(680,000,000)*	*(−700,000)*
Real property operations	*(569,151,000)*	*(536,500,000)*	*(−32,651,000)*
Program direction	*(77,353,000)*	*(77,353,000)*	
Total, Federal Buildings Fund: *(Limitations)*	*(1,653,127,000)*	*(1,598,019,000)*	*(−55,108,000)*
Federal Supply Service:			
Operating expenses	131,807,000	131,000,000	−807,000
Transportation and Public Utilities Service:			
Operating expenses	14,759,000	14,500,000	−259,000
National Archives and Records Service:			
Operating Expenses	82,961,000	83,000,000	+39,000
Records declassification	3,375,000	3,000,000	−375,000
Total, National Archives and Records Service	86,336,000	86,000,000	−336,000
Automated Data and Telecommunications Service:			
Operating Expenses	13,206,000	13,000,000	−206,000
Federal telecommunications fund	5,000,000	2,500,000	−2,500,000
Total, Automated Data and Telecommunications Service	18,206,000	15,500,000	−2,706,000
Federal Property Resources Activities:			
Operating expenses	45,077,000	45,000,000	−77,000
National defense stockpile transaction fund	148,900,000	100,000,000	−48,900,000
Total, Federal Property Resources Activities	193,977,000	145,000,000	−48,977,000

See footnotes at end of table, pp. 2065-2066.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1981, H.R. 7583—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriation Act, 1981 (H.R. 7583), was not approved by Congress. Funding of items in the bill at rates provided in H.R. 7583 as passed by the House of Representatives on August 20, 1980, with certain adjustments as noted, is provided for fiscal year 1981 under Sec. 101(a)(4) of Public Law 96-536 (Further Continuing Appropriations, 1981). (See pp. 379-386, this volume, for text of Public Law 96-536.)]

Agency and item	Estimates of new budget (obligational) authority, 1981 [1]	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
General Activities:			
General Management and Administration, Salaries and Expenses	$110,310,000	$110,000,000	−$310,000
Office of the Inspector General	21,596,000	21,250,000	−346,000
Indian Trust Accounting	2,842,000	2,800,000	−42,000
Expenses, presidential transition	3,000,000	3,000,000	
Public services	7,372,000	7,250,000	−122,000
Working capital funds	851,000	750,000	−101,000
Total, General Activities	145,971,000	145,050,000	−921,000
Total, General Services Administration	591,056,000	537,050,000	−54,006,000
OFFICE OF PERSONNEL MANAGEMENT			
Salaries and expenses:			
Appropriation	121,875,000	121,500,000	−375,000
Limitation	*(37,785,000)*	*(37,785,000)*	
Government payment for annuitants, employees health benefits	757,617,000	757,617,000	
Payment to civil service retirement and disability fund	2,784,767,000	2,784,767,000	
Intergovernmental personnel assistance	20,000,000	20,000,000	
Total, Office of Personnel Management	3,684,259,000	3,683,884,000	−375,000
MERIT SYSTEMS PROTECTION BOARD			
Salaries and expenses	12,835,000	15,000,000	+2,165,000
Limitation	*(255,000)*	*(255,000)*	
Office of special counsel	4,410,000	4,250,000	−160,000
Total, Merit Systems Protection Board	17,245,000	19,250,000	+2,005,000
Federal Labor Relations Authority	14,541,000	14,000,000	−541,000
Total, federal personnel activities	3,716,045,000	3,717,134,000	+1,089,000
United States Tax Court: Salaries and Expenses	10,427,000	10,427,000	
Total, title IV, new budget *(obligational)* authority, independent agencies	4,418,400,000	4,365,434,000	−52,966,000
RECAPITULATION			
Grand total, titles I, II, III, and IV:			
New budget *(obligational)* authority	9,487,858,000	9,689,792,881	+201,934,881
(Limitations)	*(1,691,167,000)*	*(1,636,059,000)*	*(−55,108,000)*

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[1] Includes the following budget amendments:

H. Doc. 96-294	
Department of the Treasury:	
Office of the Secretary:	
Salaries and expenses	−$1,200,000
International Affairs	−600,000
Bureau of Government Financial Operations:	
Salaries and expenses	−3,833,000
Bureau of Alcohol, Tobacco and Firearms:	
Salaries and expenses	−2,100,000
U.S. Customs Service:	
Salaries and expenses	−6,300,000
Bureau of the Mint:	
Expansion and improvements	−8,895,000
Bureau of the Public Debt:	
Administering the public debt	−2,200,000
Internal Revenue Service:	
Salaries and expenses	−$887,000
Taxpayer service and returns processing	−11,339,000
Examinations and appeals	−10,244,000
Investigations and collections	−3,497,000
U.S. Secret Service:	
Salaries and expenses	−2,200,000
Total, Department of Treasury	−53,295,000
Executive Office of the President:	
Office of Administration:	
Salaries and expenses	−91,000
The White House Office:	
Salaries and expenses	−254,000
Executive Residence at the White House:	
Operating Expenses	−48,000
Special Assistance to the President:	

Salaries and expenses	–$20,000
Council of Economic Advisers:	
Salaries and expenses	–26,000
Council on Wage and Price Stability:	
Salaries and expenses	15,274,000
Domestic Policy Staff:	
Salaries and expenses	–41,000
National Security Council:	
Salaries and expenses	–57,000
Office of Management and Budget:	
Salaries and expenses	–422,000
Office of Federal Procurement Policy:	
Salaries and expenses	–39,000
Total, Executive Office of the President (net)	+14,276,000
Independent Agencies:	
Administrative Conference of the United States:	
Salaries and expenses	–$13,000
Advisory Commission on Intergovernmental Relations	–36,000
Advisory Commission on Federal Pay:	
Salaries and expenses	–2,000
Committee for Purchase from the Blind and Other Severely Handicapped:	
Salaries and expenses	–7,000
Federal Election Commission:	
Salaries and expenses	–117,000
General Services Administration:	
Federal Supply Service:	
Operating expenses	–1,603,000
Transportation and Public Utilities Service:	
Operating expenses	–230,000
National Archives and Records Service:	
Operating expenses	–$766,000
Records declassification	–48,000
Automated Data and Telecommunications Service:	
Operating expenses	–176,000
Federal Property Resources Activities:	
Operating expenses	–444,000
National Defense Stockpile Transaction Fund	–21,000,000
General Management and Administration:	
Salaries and expenses	–1,511,000
Office of Inspector General	–317,000
Indian Trust Accounting	–44,000
Public services	–97,000
Working capital fund	–149,000
Office of Personnel Management:	
Salaries and expenses	–1,638,000
Limitation	*(–478,000)*
Merit Systems Protection Board:	
Salaries and expenses	–240,000
Office of the Special Council	–106,000
Federal Labor Relations Authority:	
Salaries and expenses	–203,000
United States Tax Court:	
Salaries and expenses	30,000
Total Independent Agencies (net)	–28,717,000
Total, budget amendments (net)	–67,736,000
Limitation	*(–478,000)*

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[3] For informational purposes only. Budget authority provided under Section 101(d), Further Continuing Appropriations, 1981 (Public Law 96–536) and reflected in table VIII for Public Law 96–536 (see p. 380 and p. 2074, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

INTERNATIONAL MONETARY FUND APPROPRIATIONS, 1981, PUBLIC LAW 96-544, APPROVED DECEMBER 17, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL MONETARY PROGRAMS			
United States Quota, International Monetary Fund	[1] $5,537,839,000	$5,537,839,000	

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[1] Submitted in H. Doc. 96-330.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-369, APPROVED OCTOBER 1, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
FOREIGN ASSISTANCE AND RELATED AGENCIES			
AID operating expenses	[1]$289,100,000	$280,000,000	−$9,100,000
DEPARTMENT OF AGRICULTURE			
National forest system		15,000,000	+15,000,000
DEPARTMENT OF ENERGY			
Strategic petroleum reserve	[1]1,383,000,000	1,383,000,000	
POSTAL SERVICE			
Payment to the Postal Service Fund	[1]*(1,343,217,000)*	[2]*(1,250,000,000)*	*(−93,217,000)*
DEPARTMENT OF LABOR			
Temporary employment assistance	[1]*(1,293,000,000)*	[3]*(1,229,000,000)*	*(−64,000,000)*
Total, continuing appropriations, 1981 (P.L. 96-396)	1,672,100,000	1,678,000,000	+5,900,000

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[1] Budget estimates submitted in the President's Budget for Fiscal Year 1981 (H. Doc. 96-246).

[2] Funding in the amount of $1,593,217,000 subsequently provided in the Treasury, Postal Service, and General Government Appropriation Bill, 1981 (H.R. 7583), (See page 343, this volume.)

[3] Funding in the amount of $729,000,000 subsequently provided under Sec. 118 of Public Law 96-536, Further Continuing Appropriations, 1981 (see page 384, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7998)			
Fiscal year 1981 appropriations	[1] *($88,205,794,920)*	[1] *($84,558,823,000)*	*(−$3,646,971,920)*
TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATION ACT, 1981 (H.R. 7583)			
Fiscal year 1981 appropriations	[1] *(9,487,858,000)*	[1] *(9,689,792,881)*	*(+201,934,881)*
FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT, 1981 (H.R. 7854)			
Fiscal year 1981 appropriations	[1] *(7,363,333,462)*	[1] *(5,540,820,665)*	*(−1,822,512,797)*
LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1981 (H.R. 7593)[2]			
TITLE I—CONGRESSIONAL OPERATIONS			
HOUSE OF REPRESENTATIVES			
COMPENSATION AND MILEAGE FOR THE MEMBERS			
Compensation of Members	29,254,300	29,254,300	
Mileage of Members	(3)	(3)	
Total, compensation and mileage for the Members	29,254,300	29,254,300	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	602,700	602,700	
Office of the Majority Floor Leader	446,500	446,500	
Office of the Minority Floor Leader	546,700	546,700	
Office of the Majority Whip	459,600	459,600	
Office of the Minority Whip	359,400	359,400	
Total, House leadership offices	2,414,900	2,414,900	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	9,680,000	9,680,000	
Office of the Sergeant at Arms	14,308,500	14,308,500	
Office of the Doorkeeper	5,084,800	5,084,800	
Office of the Postmaster	1,403,100	1,403,100	
Office of the Chaplain	52,800	52,800	
Office of the Parliamentarian	292,000	292,000	
Compilation of precedents of the House of Representatives	190,000	190,000	
Technical assistant, Office of the Attending Physician	34,700	34,700	
House Democratic Steering Committee	344,800	344,800	
House Democratic Caucus	103,800	103,800	
House Republican Conference	448,600	448,600	
Six minority employees	316,500	316,500	
L.B.J. Interns and Former Speakers' staff	692,900	692,900	
Total, salaries, officers and employees	32,952,500	32,952,500	

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980— Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
COMMITTEE EMPLOYEES			
Professional and clerical employees *(standing committees)*	$27,000,000	$27,000,000	
COMMITTEE ON APPROPRIATIONS *(Studies and Investigations)*			
Salaries and expenses	2,856,000	2,856,000	
COMMITTEE ON THE BUDGET *(Studies)*			
Salaries and expenses	245,000	245,000	
OFFICE OF THE LAW REVISION COUNSEL			
Salaries and expenses	510,000	510,000	
OFFICE OF THE LEGISLATIVE COUNSEL			
Salaries and expenses	2,097,000	2,097,000	
MEMBERS' CLERK HIRE			
Clerk hire	126,808,000	126,808,000	
CONTINGENT EXPENSES OF THE HOUSE			
ALLOWANCES AND EXPENSES			
Official expenses of Members	43,049,000	43,049,000	
Supplies, materials, administrative costs and Federal tort claims	7,545,000	7,545,000	
Furniture and furnishings	2,480,000	2,000,000	−$480,000
Reporting hearings	1,810,000	1,810,000	
Reemployed annuitants reimbursement	1,709,000	1,709,000	
Government contributions	16,052,000	16,052,000	
Miscellaneous items	507,000	507,000	
Total, allowances and expenses	73,152,000	72,672,000	−480,000
SPECIAL AND SELECT COMMITTEES			
Salaries and expenses	46,500,000	41,500,000	−5,000,000
Total, contingent expenses of the House	119,652,000	114,172,000	−5,480,000
Total, House of Representatives	[4]343,789,700	[4]338,309,700	−5,480,000
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	2,150,000	2,150,000	
Joint Committee on Printing	794,000	760,000	−34,000
Total, contingent expenses of the Senate	2,944,000	2,910,000	−34,000
JOINT COMMITTEE ON TAXATION			
Salaries and expenses	2,670,000	2,632,000	−38,000
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	503,900	503,900	

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
CAPITOL POLICE			
General expenses	$834,000	$834,000	
Capitol Police Board	1,351,600	915,000	−$436,600
Total, Capitol Police	2,185,600	1,749,000	−436,600
EDUCATION OF PAGES			
Education of congressional pages and pages of the Supreme Court	258,500	236,000	−22,500
OFFICIAL MAIL COSTS			
Expenses	36,633,000	36,633,000	
CAPITOL GUIDE SERVICE			
Salaries and expenses	664,000	664,000	
STATEMENTS OF APPROPRIATIONS			
Preparation	13,000	13,000	
Total, joint items	45,872,000	45,340,900	−531,100
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	14,200,000	11,000,000	−3,200,000
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	13,544,000	12,386,000	−1,158,000
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	3,401,000	3,221,000	−180,000
Contingent expenses	210,000	210,000	
Total, Office of the Architect of the Capitol	3,611,000	3,431,000	−180,000
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	8,675,000	7,326,000	−1,349,000
Capitol grounds	2,243,000	2,147,000	−96,000
House office buildings	18,010,000	16,760,000	−1,250,000
Capitol Power Plant *(operation)*	17,629,000	17,098,000	−531,000
Total, Capitol buildings and grounds	46,557,000	43,331,000	−3,226,000
Total, Architect of the Capitol *(except Library buildings and grounds)*	50,168,000	46,762,000	−3,406,000
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	31,589,000	28,656,000	−2,933,000
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	89,978,000	82,400,000	−7,578,000
Total, title I, Congressional Operations	[5]589,140,700	[5]564,854,600	−24,286,100

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980— Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	$2,092,000	$1,588,000	−$504,000
LIBRARY OF CONGRESS			
Salaries and expenses	110,895,000	102,181,000	−8,714,000
Copyright Office, salaries and expenses	10,612,000	9,546,000	−1,066,000
Books for the blind and physically handicapped, salaries and expenses	35,290,000	34,337,000	−953,000
Collection and distribution of library materials *(special foreign currency program)*:			
Payments in Treasury-owned foreign currencies	3,568,100	3,568,100	
U.S. dollars	411,900	389,900	−22,000
Total, collection and distribution of library materials	3,980,000	3,958,000	−22,000
Furniture and furnishings	4,160,000	1,775,000	−2,385,000
(Release of Sec. 311 funds)			
Total, Library of Congress *(except Congressional Research Service)*	164,937,000	151,797,000	−13,140,000
ARCHITECT OF THE CAPITOL			
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	11,437,000	5,183,000	−6,254,000
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	490,000	456,000	−34,000
GOVERNMENT PRINTING OFFICE			
Printing and binding	22,145,000	16,250,000	−5,895,000
Office of Superintendent of Documents, salaries and expenses	26,200,000	23,400,000	−2,800,000
Total, Government Printing Office *(except Congressional printing and binding and acquisition of site and general plans and designs of building)*	48,345,000	39,650,000	−8,695,000
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	218,070,000	210,000,000	−8,070,000
COST-ACCOUNTING STANDARDS BOARD			
Salaries and expenses	961,000		−961,000
Total, title II, other agencies	446,332,000	408,674,000	−37,658,000
TITLE III—CAPITAL IMPROVEMENTS			
GOVERNMENT PRINTING OFFICE			
Acquisition of site and general plans and designs of building	20,869,000		−20,869,000
Total, Legislative Branch, 1981 (H.R. 7593) [2]	[2] 1,056,341,700	[2] 973,528,600	−82,813,100

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980— Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
HOUSE OF REPRESENTATIVES			
COMPENSATION AND MILEAGE FOR THE MEMBERS			
Mileage of Members	$210,000	$210,000	
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
Council on Wage and Price Stability	(6)	(6)	
LEGISLATIVE BRANCH			
SENATE			
COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS, AND WHIPS OF THE SENATE			
Compensation and mileage of the Vice President and Senators	7,310,000	6,827,000	−$483,000
Expense allowances of the Vice President, President Pro Tempore, Majority and Minority Leaders and Majority and Minority Whips:			
Vice President	10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000	
Majority Leader of the Senate	10,000	10,000	
Minority Leader of the Senate	10,000	10,000	
Majority Whip of the Senate	2,500	2,500	
Minority Whip of the Senate	2,500	2,500	
Total, expense allowances	45,000	45,000	
Total, Vice President and Senators	7,355,000	6,872,000	−483,000
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Vice President	866,000	866,000	
Office of the President pro tempore	129,000	129,000	
Offices of the Majority and Minority Leaders	577,000	577,000	
Floor assistants to the Majority and Minority Leaders	117,000	109,000	−8,000
Offices of the Majority and Minority Whips	270,000	270,000	
Offices of the secretaries of the conference of the Majority and the conference of the Minority	146,000	146,000	
Office of the Chaplain	59,000	59,000	
Office of the Secretary	4,660,000	4,656,000	−4,000
Committee employees	13,059,000	12,825,000	−234,000
Conference committees	846,000	846,000	
Administrative, clerical, and legislative assistance to Senators	78,447,000	76,133,000	−2,314,000
Office of Sergeant at Arms and Doorkeeper	23,275,000	22,761,000	−514,000
Offices of the secretaries for the Majority and Minority	464,000	456,000	−8,000
Agency contributions and longevity compensation	13,033,000	12,626,000	−407,000
Total, salaries, officers and employees	135,948,000	132,459,000	−3,489,000
OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE			
Salaries and expenses	961,000	935,000	−26,000
OFFICE OF SENATE LEGAL COUNSEL			
Salaries and expenses	500,000	350,000	−150,000

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
CONTINGENT EXPENSES OF THE SENATE			
Senate policy committees	$1,562,000	$1,562,000	
Automobiles and maintenance	70,000	65,000	−$5,000
Inquiries and investigations	36,000,000	33,600,000	−2,400,000
Folding documents	117,000	117,000	
Miscellaneous items	30,776,000	38,195,000	+7,419,000
Postage stamps	7,000	7,000	
Stationery *(revolving fund)*	40,000	40,000	
Total, contingent expenses of the Senate	68,572,000	73,586,000	+5,014,000
Total, Senate	213,336,000	214,202,000	+866,000
ARCHITECT OF THE CAPITOL			
Senate office buildings	13,496,000	11,433,000	−2,063,000
Senate garage	186,000	206,000	+20,000
Total, Architect of the Capitol (Senate items)	13,682,000	11,639,000	−2,043,000
Total, Senate items	227,018,000	225,841,000	−1,177,000
Grand total, Legislative Branch, 1981	1,283,569,700	1,199,579,600	−83,990,100
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
Council on Wage and Price Stability	[7] 25,044,000	9,447,000	−15,597,000
DEPARTMENT OF ENERGY			
Atomic energy defense activities:			
Operating expenses	39,700,000	46,700,000	+7,000,000
Plant and equipment	72,300,000	65,300,000	−7,000,000
Total, Department of Energy	[8] 112,000,000	112,000,000	
DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7584)			
Fiscal year 1981 appropriations	[1] *(9,667,887,000)*	[1] *(9,131,756,000)*	*(−536,131,000)*
GENERAL SERVICES ADMINISTRATION			
Allowances and office staff for former presidents	798,000	823,000	+25,000
DEPARTMENT OF THE TREASURY			
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS			
Claims, judgements, and relief acts	[9] 218,299	218,299	
SMALL BUSINESS ADMINISTRATION			
Disaster loan fund *(authority to borrow)*	[10] 600,000,000	600,000,000	
PANAMA CANAL COMMISSION			
Capital outlay	[11] 10,210,000	10,210,000	

See footnotes at end of table, p. 2075.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 96TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1981, PUBLIC LAW 96-536, APPROVED DECEMBER 16, 1980—Continued

Agency and item	Estimates of new budget (obligational) authority, 1981	New budget (obligational) authority appropriated, 1981	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Temporary employment assistance	[12] **$1,293,000,000**	$729,000,000	−$564,000,000
Employment and training assistance	[13] **1,125,000,000**	746,000,000	−379,000,000
Total, Department of Labor	2,418,000,000	1,475,000,000	−943,000,000
Total, new budget *(obligational)* authority, further continuing resolution, 1981 (P.L. 96-536)	4,449,839,999	[14] **3,407,277,899**	−1,042,562,100
RECAPITULATION			
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981 (H.R. 7998)	[1] *(88,205,794,920)*	[1] *(84,558,823,000)*	*(−3,646,971,920)*
Treasury, Postal Service, and General Government Appropriation Act, 1981 (H.R. 7583)	[1] *(9,487,858,000)*	[1] *(9,689,792,881)*	*(+201,934,881)*
Foreign Assistance and Related Programs Appropriation Act, 1981 (H.R. 7854)	[1] *(7,373,633,462)*	[1] *(5,540,820,665)*	*(−1,832,812,797)*
Legislative Branch Appropriations Act, 1981	1,283,569,700	1,199,579,600	−83,990,100
H.R. 7593 as passed House July 21, 1980	*(1,056,551,700)*	*(973,738,600)*	*(−82,813,100)*
Mileage of Members	*(210,000)*	*(210,000)*	
Senate	*(213,336,000)*	*(214,202,000)*	*(+866,000)*
Architect of the Capitol *(Senate items only)*	*(13,682,000)*	*(11,639,000)*	*(−2,043,000)*
Executive Office of the President	25,044,000	9,447,000	−15,597,000
Department of Energy	112,000,000	112,000,000	
Departments of State, Justice, Commerce, the Judiciary and Related Agencies Appropriation Act, 1981 (H.R. 7584)	[1] *(9,666,387,000)*	[1] *(9,131,756,000)*	*(−534,631,000)*
General Services Administration	798,000	823,000	+25,000
Department of the Treasury	218,299	218,299	
Small Business Administration	600,000,000	600,000,000	
Panama Canal Commission	10,210,000	10,210,000	
Department of Labor	2,418,000,000	1,475,000,000	−943,000,000
Total, new budget *(obligational)* authority, further continuing resolution, 1981 (P.L. 96-536)	4,449,839,999	[14] **3,407,277,899**	−1,042,562,100

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[1] For informational purposes only. Funding authority for these four bills (H.R. 7583, H.R. 7998, H.R. 7854 and H.R. 7584) is provided in Public Law 96-536, Further Continuing Appropriations, 1981; however, a separate table VIII and the text of the applicable version of each bill are included elsewhere in this volume.

[2] Reflects amounts in bill as passed the House of Representatives on July 21, 1980. Excludes Mileage of Members; Senate items; and items jurisdictionally under the Architect of the Capitol for the Senate traditionally excluded from the House version of the annual Legislative Branch Appropriation Bill.

[3] Funded as separate item on page 380 of this volume and shown on page 2073 of this table.

[4] Excludes Mileage of Members funded as separate item and shown later in this table.

[5] Excludes Mileage of Members; Senate; and Senate items under the Architect of the Capitol which are shown as separate items later in this table.

[6] Amount shown on page 2074 of this table since this program does not relate to the Legislative Branch Appropriation Bill, 1981.

[7] Includes budget amendment of $15,274,000 submitted in H. Doc. 96-294.

[8] Submitted in H. Doc. 96-382.

[9] Submitted in S. Doc. 96-53.

[10] Submitted in H. Doc. 96-368.

[11] Submitted in H. Doc. 96-382.

[12] Reflects budget amendment of −$751,000,000 submitted in H. Doc. 96-294.

[13] Submitted in S. Doc. 96-60.

[14] Excludes amounts for four regular appropriation bills funded in this continuing resolution but reflected in separate table VIII's printed elsewhere in this volume for each of those bills (H.R. 7583, H.R. 7998, H.R. 7854, and H.R. 7584).

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 96TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 96th Cong. 2D sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS						
Agriculture, rural development, and related agencies *(net)*	$22,507,069,329	$100,000,000	$563,443,000	$22,043,626,329	[1] $21,696,661,000	−$346,965,329
Agricultural programs	5,236,764,329		32,643,000	5,204,121,329	5,260,695,000	+56,573,671
Rural development programs	2,465,607,000		272,037,000	2,193,570,000	2,303,848,000	+110,278,000
Domestic food programs *(net)*	13,225,397,000		247,621,000	12,977,776,000	[1] 12,471,899,000	−505,877,000
International programs	1,197,558,000	100,000,000	771,000	1,296,787,000	1,292,965,000	−3,822,000
Related agencies	381,743,000		10,371,000	371,372,000	367,254,000	−4,118,000
Department of Defense	151,454,987,000	3,328,565,000	287,128,000	154,496,424,000	159,738,836,000	+5,242,412,000
Military personnel	32,037,300,000	91,820,000		32,129,120,000	33,074,349,000	+945,229,000
Retired military personnel	13,699,800,000	288,000,000		13,987,800,000	13,887,800,000	−100,000,000
Operation and maintenance	48,631,985,000	2,574,483,000	18,445,000	51,188,023,000	51,768,663,000	+580,640,000
Procurement	40,523,642,000	332,300,000	216,600,000	40,639,342,000	44,909,424,000	+4,270,082,000
Research, development, test, and evaluation	16,485,500,000	41,962,000	51,907,000	16,475,555,000	16,022,716,000	−452,839,000
Special foreign currency program	2,760,000			2,760,000	2,760,000	
Related agencies	74,000,000		176,000	73,824,000	73,124,000	−700,000
District of Columbia	527,227,000	4,645,100		531,872,100	490,782,700	−41,089,400
Federal funds to the District of Columbia	527,227,000	4,645,100		531,872,100	490,782,700	−41,089,400
(Out of District revenues)	*(1,691,454,600)*	*(268,037,500)*	*(179,365,200)*	*(1,780,126,900)*	*(1,741,033,500)*	*(−39,093,400)*

See footnotes at end of table, p. 2082.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 96th Cong. 2D sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS—Continued						
Energy and water development	$12,357,130,000	$148,100,000	$559,101,000	$11,946,129,000	$12,038,849,663	+$92,720,663
Department of Energy	7,480,357,000	137,100,000	355,385,000	7,262,072,000	7,178,590,000	−83,482,000
Department of Defense—Civil	3,037,914,000		165,000,000	2,872,914,000	2,984,134,000	+111,220,000
Department of the Interior	806,752,000			806,752,000	771,461,000	−35,291,000
Independent agencies	1,032,107,000	11,000,000	38,716,000	1,004,391,000	1,104,604,000	+100,213,000
General provision					60,663	+60,663
Foreign assistance and related programs [2]	7,185,024,087	368,768,375	190,459,000	7,363,333,462	[3] 5,540,820,665	−1,822,512,797
Multilateral Economic Assistance	1,873,673,087	232,668,375	12,000,000	2,094,341,462	781,443,165	−1,312,898,297
Bilateral Economic Assistance	4,459,851,000	115,000,000	177,859,000	4,396,992,000	4,120,777,500	−276,214,500
Military Assistance	851,500,000	21,100,000	600,000	872,000,000	638,600,000	−233,400,000
Export-Import Bank of the United States	*(13,662,399,000)*		*(1,334,335,000)*	*(12,328,064,000)*	*(19,931,736,000)*	*(+7,603,672,000)*
Department of Housing and Urban Development—Independent agencies *(net)*	82,092,734,000	165,634,000	3,120,280,000	79,138,088,000	[3] 74,126,287,000	−5,011,801,000
Department of Housing and Urban Development *(net)*	40,461,990,000	113,800,000	83,839,000	40,491,951,000	[3] 36,910,223,000	−3,581,728,000
Independent agencies	41,630,744,000	51,834,000	3,036,441,000	38,646,137,000	38,210,876,000	−435,261,000
Corporations	*(56,250,000)*			*(56,250,000)*	*(54,135,000)*	*(−2,115,000)*
General provision					−994,812,000	−994,812,000
Department of the Interior and related agencies	10,882,434,000	329,212,000	862,150,000	10,349,496,000	9,466,943,000	−882,553,000
Department of the Interior	4,329,117,000	106,612,000	635,133,000	3,800,596,000	4,092,846,000	+292,250,000
Related agencies	6,553,317,000	222,600,000	227,017,000	6,548,900,000	5,374,097,000	−1,174,803,000
Departments of Labor, Health and Human Services, Education, and related agencies [4]	82,881,990,920	7,692,407,000	2,368,603,000	88,205,794,920	[4] 84,558,823,000	−3,646,971,920
Department of Labor	11,622,908,000	4,077,000,000	612,720,000	15,087,188,000	10,973,583,000	−4,113,605,000
Department of Health and Human Services	55,917,286,000	3,063,257,000	806,933,000	58,173,610,000	58,043,381,000	−130,229,000
Department of Education and special institutions	14,432,521,920	15,000,000	916,569,000	13,530,952,920	14,137,984,000	+607,031,080
Related agencies	909,275,000	537,150,000	32,381,000	1,414,044,000	1,403,875,000	−10,169,000

Legislative branch [5]	*($1,283,494,100)*	*($75,600)*		*($1,283,569,700)*	[5] *($1,199,579,600)*	*(−$83,990,100)*
House and Related Offices	*(1,056,476,100)*	*(75,600)*		[6] *(1,056,551,700)*	[6] *(973,738,600)*	*(−82,813,100)*
Secretary of the Senate	*(213,336,000)*			*(213,336,000)*	*(214,202,000)*	*(+866,000)*
Architect of the Capitol	*(13,682,000)*			*(13,682,000)*	*(11,639,000)*	*(−2,043,000)*
Military construction	5,204,749,000	261,626,000	$79,239,000	5,387,136,000	5,098,680,000	−288,456,000
Departments of State, Justice, and Commerce, the Judiciary, and related agencies [7]	10,444,877,000	142,305,000	919,295,000	9,667,887,000	[7] 9,131,756,000	−536,131,000
Department of State	1,581,527,000	86,405,000	18,300,000	1,649,632,000	1,564,708,000	−84,924,000
Department of Justice	2,665,358,000		418,224,000	2,247,134,000	2,217,274,000	−29,860,000
Department of Commerce	3,064,486,000	50,200,000	461,405,000	2,653,281,000	2,442,170,000	−211,111,000
The Judiciary	647,091,000	4,200,000		651,291,000	631,140,000	−20,151,000
Related agencies	2,486,415,000	1,500,000	21,366,000	2,466,549,000	2,276,464,000	−190,085,000
Department of Transportation and related agencies	11,407,338,065	1,666,500,000	102,703,000	12,971,135,065	11,991,261,764	−979,873,301
Department of Transportation	10,514,123,065	1,666,500,000	100,729,000	12,079,894,065	11,108,252,764	−971,641,301
Related agencies	893,215,000		1,974,000	891,241,000	886,903,000	−4,338,000
General provisions					−3,894,000	−3,894,000
Treasury, Postal Service, and general government [8]	9,555,594,000	15,304,000	83,040,000	9,487,858,000	[8] 9,689,732,881	+201,934,881
Department of the Treasury	3,697,550,000		53,295,000	3,644,255,000	3,649,397,881	+5,142,881
United States Postal Service	1,343,217,000			1,343,217,000	1,593,217,000	+250,000,000
Executive Office of the President and Funds Appropriated to the President	67,710,000	15,274,000	998,000	81,986,000	81,744,000	−242,000
Independent agencies	4,447,117,000	30,000	28,747,000	4,418,400,000	4,365,434,000	−52,966,000
Net total, regular annual appropriation acts [9]	406,501,154,401	14,223,066,475	9,135,441,000	411,588,779,876	[9] 403,569,493,673	−8,019,286,203
SUPPLEMENTAL APPROPRIATION ACTS						
Urgent Supplemental for Food Stamp Program, 1980 (P.L. 96-243)		2,556,174,000		2,556,174,000	2,556,174,000	
Federal Trade Commission, 1980 (P.L. 96-261)	69,021,000			69,021,000	49,700,000	−19,321,000
Selective Service System, 1980 (P.L. 96-282)		21,895,000		21,895,000		−21,895,000
Supplemental—Rescission Appropriations Bill, 1980 *(net)* (P.L. 96-304)		24,076,278,917	896,137,500	23,180,141,417	[10] 16,900,136,772	−6,280,004,645
Urgent Supplemental, Veterans' Administration, 1980 (P.L. 96-352)		40,000,000		40,000,000	67,000,000	+27,000,000
International Monetary Fund, 1981 (P.L. 96-544)	5,537,839,000			5,537,839,000	5,537,839,000	
Net total, supplemental appropriation acts	5,606,860,000	26,694,347,917	896,137,500	31,405,070,417	25,110,849,772	−6,294,220,645

See footnotes at end of table, p. 2082.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 96th Cong. 2D sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
CONTINUING APPROPRIATIONS						
Continuing Appropriations, 1981 (P.L. 96-369)	$1,672,100,000			$1,672,100,000	$1,678,000,000	+$5,900,000
Foreign Assistance and Related Agencies	289,100,000			289,100,000	280,000,000	−9,100,000
Department of Agriculture					15,000,000	+15,000,000
Department of Energy	1,383,000,000			1,383,000,000	1,383,000,000	
Postal Service	*(1,343,217,000)*			*(1,343,217,000)*	*(1,250,000,000)*	*(−93,217,000)*
Department of Labor	*(1,293,000,000)*			*(1,293,000,000)*	*(1,229,000,000)*	*(−64,000,000)*
Further Continuing Appropriations, 1980 (P.L. 96-536)	3,338,062,100	$1,862,777,899	$751,000,000	4,449,839,999	3,407,277,899	−1,042,562,100
Departments of Labor, Health and Human Services, Education, and related agencies [11]	*(82,881,990,920)*	*(7,692,407,000)*	*(2,368,603,000)*	*(88,205,794,920)*	*(84,558,823,000)*	*(−3,646,971,920)*
Treasury, Postal Service, and general government [11]	*(9,555,594,000)*	*(15,304,000)*	*(83,040,000)*	*(9,487,858,000)*	*(9,689,792,881)*	*(+201,934,881)*
Foreign assistance and related programs [11]	*(7,185,024,087)*	*(368,768,375)*	*(190,459,000)*	*(7,363,333,462)*	*(5,540,820,665)*	*(−1,822,512,797)*
Legislative branch	1,283,494,100	75,600		[6] 1,283,569,700	[6] 1,199,579,600	−83,990,100
House and Related Offices	*(1,056,476,100)*	*(75,600)*		*(1,056,551,700)*	*(973,738,600)*	*(−82,813,100)*
Secretary of the Senate	*(213,336,000)*			*(213,336,000)*	*(214,202,000)*	*(+866,000)*
Architect of the Capitol	*(13,682,000)*			*(13,682,000)*	*(11,639,000)*	*(−2,043,000)*
Executive office of the President and funds appropriated to the President	9,770,000	15,274,000		25,044,000	9,447,000	−15,597,000
Department of Energy		112,000,000		112,000,000	112,000,000	
Departments of State, Justice, and Commerce, the Judiciary, and related agencies [11]	*(10,444,877,000)*	*(142,305,000)*	*(919,295,000)*	*(9,667,887,000)*	*(9,131,756,000)*	*(−536,131,000)*
General Services Administration	798,000			798,000	823,000	+25,000
Department of Treasury		218,299		218,299	218,299	
Small Business Administration		600,000,000		600,000,000	600,000,000	
Panama Canal Commission		10,210,000		10,210,000	10,210,000	
Department of Labor	2,044,000,000	1,125,000,000	751,000,000	2,418,000,000	1,475,000,000	−943,000,000
Total, continuing appropriations	5,010,162,100	1,862,777,899	751,000,000	6,121,939,999	5,085,277,899	−1,036,662,100

Estimates not considered (see Table VIIIg)		$4,503,486,000	$104,366,000	$4,399,120,000		−$4,399,120,000
Net total, new budget *(obligational)* authority, regular annual, supplemental and continuing appropriation acts	$417,118,176,501	47,283,678,291	10,886,944,500	453,514,910,292	$433,765,621,344	−19,749,288,948
APPROPRIATIONS IN OTHER ACTS						
Legislative acts [12]					(13)	
Private appropriation acts (see p. 1901)					843,002	+843,002
Total, appropriations in other acts					843,002	+843,002
Net total, regular annual, supplemental, continuing and other acts	417,118,176,501	47,283,678,291	10,886,944,500	453,514,910,292	433,766,464,346	−19,748,445,946
New budget *(obligational)* authority	*(417,118,176,501)*	*(47,283,678,291)*	*(10,886,944,500)*	*(453,514,910,292)*	*(438,285,036,492)*	*(−15,229,873,800)*
Rescissions of unobligated balances	*(−1,050,000,000)*	*(−1,485,170,446)*		*(−2,535,170,446)*	*(−4,518,572,146)*	[13]*(−4,518,572,146)*
PERMANENT APPROPRIATIONS [14]						
Federal funds:						
Interest on the public debt	79,400,000,000			79,400,000,000	79,400,000,000	
Department of Agriculture:						
Food Safety and Quality Service	2,269,843,000			2,269,843,000	2,269,843,000	
Office of Personnel Management	8,795,088,000			8,795,088,000	8,795,088,000	
Internal Revenue Service	2,503,000,000			2,503,000,000	2,503,000,000	
All other	3,184,322,000			3,184,322,000	3,184,322,000	
Total, Federal funds	96,152,253,000			96,152,253,000	96,152,253,000	
Trust funds:						
Foreign assistance	9,525,248,000			9,525,248,000	9,525,248,000	
Department of Health and Human Services:						
Health Care Financing Administration	45,007,120,000			45,007,120,000	45,007,120,000	
Social Security Administration	132,464,981,000			132,464,981,000	132,464,981,000	
Department of Labor, Employment and Training Administration	19,300,100,000			19,300,100,000	19,300,100,000	
Department of Transportation, Federal Highway Administration	9,101,213,000			9,101,213,000	9,101,213,000	
Veterans Administration	1,215,697,000			1,215,697,000	1,215,697,000	
Independent agencies:						
Office of Personnel Management	25,858,490,000			25,858,490,000	25,858,490,000	
Railroad Retirement Board	4,769,000,000			4,769,000,000	4,769,000,000	

See footnotes at end of table, p. 2082.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 96th Cong. 2D sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
PERMANENT APPROPRIATIONS [14]—Continued						
Trust funds—Continued:						
All other	$8,222,365,000			$8,222,365,000	$8,222,365,000	
Total, trust funds	255,464,214,000			255,464,214,000	255,464,214,000	
Total, permanent appropriations, Federal and trust funds	[14] 351,616,467,000			[14] 351,616,467,000	[14] 351,616,467,000	
Net total, regular annual, supplemental, continuing and other acts and permanent appropriations	768,734,643,501	$47,283,678,291	$10,886,944,500	805,131,377,292	785,382,931,346	−$19,748,445,946
Adjustments for interfund and intragovernmental transactions (see par. 2, "Compilers' Notes", p. IV)	−88,590,878,000			−88,590,878,000	−88,590,878,000	
Net total for session	680,143,765,501	47,283,678,291	10,886,944,500	716,540,499,292	696,792,053,346	−19,748,445,946

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[1] Reflects rescission of $285,000,000.

[2] Funding for programs and activities normally included in this bill is provided through further continuing appropriations, Public Law 96–536 (Sec. 101(b) see p. 380, this volume).

[3] Reflects rescission of $1,050,000,000.

[4] Funding for programs and activities normally included in this bill, including an advance appropriation of $172,000,000 for the Corporation for Public Broadcasting, is provided through three sequential continuing resolutions, Public Law 96–369, Public Law 96–536 and Public Law 97–12 (see p. 369–386, this volume).

[5] Funding for programs and activities normally included in this bill is provided through Public Law 96–536 (Sec. 101(c) and Sec. 101(d), see pp. 379–385, this volume).

[6] Includes $210,000 in compensation of members for mileage.

[7] Funding for programs and activities normally included in this bill is provided through Public Law 96–536 (Sec. 101(o), see p. 383, this volume).

[8] Funding for programs and activities normally included in this bill is provided through further continuing appropriations, Public Law 96–536 (Sec. 101(a), see pp. 379–386, this volume).

[9] Includes amounts considered and funded through continuing appropriations for programs and activities normally funded in five regular annual appropriation bills. These bills are (1) the Foreign Assistance and Related Programs Appropriation Bill, 1981, H.R. 7854 *($5,540,820,665)*; (2) the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1981, H.R. 7998 *($84,558,823,000)*; (3) the Legislative Branch Appropriation Bill, 1981, H.R. 7593 *($1,199,579,600)*; (4) the Departments of State, Justice and Commerce, the Judiciary, and Related Agencies Appropriation Bill, 1981, H.R. 7584 *($9,131,756,000)*; (5) the Treasury, Postal Service, and General Government Appropriations Bill, 1981, H.R. 7583 *($9,689,792,881)*.

[10] Reflects rescissions totalling $3,183,572,146.

[11] Amounts for these bills are included in the totals for "regular annual appropriation acts".

[12] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires that all borrowing and contract authority (so called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action. As a result, there were no legislative acts approved during the 96th Congress, 2nd Session, carrying appropriations.

[13] Reflects actual amounts rescinded rather than comparison with requests. See pp. 387–401 and pp. 403–408 for status reports on rescissions and deferrals.

[14] Basically, amounts shown are taken from the January 1980 budget document (H. Doc. 96–246) and are subject to revision as better data become available.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1981, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981		Total budget estimates, fiscal year 1981	New budget (obligational) authority appropriated, 96th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Agriculture:						
Regular annual appropriation acts	$23,633,455,329	$100,000,000	$603,065,000	$23,130,390,329	$23,075,767,000	−$54,623,329
Rescission of unobligated balances					−285,000,000	−285,000,000
Continuing appropriations					15,000,000	+15,000,000
Estimates not considered (See Table VIIIg)		292,485,000		292,485,000		−292,485,000
Permanent appropriations:						
Federal funds	2,863,298,000			2,863,298,000	2,863,298,000	
(Authority to borrow)	*(34,154,000)*			*(34,154,000)*	*(34,154,000)*	
Trust funds	160,988,000			160,988,000	160,988,000	
Total, Department of Agriculture *(net)*	26,657,741,329	392,485,000	603,065,000	26,447,161,329	25,830,053,000	−617,108,329
Department of Commerce:						
Regular annual appropriation act	3,064,486,000	50,200,000	461,405,000	2,653,281,000	2,442,170,000	−211,111,000
Permanent appropriations:						
Federal funds	384,329,000			384,329,000	384,329,000	
(Contract authority)	*(348,502,000)*			*(348,502,000)*	*(348,502,000)*	
Trust funds	96,757,000			96,757,000	96,757,000	
Total, Department of Commerce	3,545,572,000	50,200,000	461,405,000	3,134,367,000	2,923,256,000	−211,111,000

See footnotes at end of table, p. 2089.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1981, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981		Total budget estimates, fiscal year 1981	New budget (obligational) authority appropriated, 96th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Defense—Civil:						
Regular annual appropriation acts	$3,063,809,000		$165,434,000	$2,898,375,000	$3,009,595,000	+$111,220,000
Permanent appropriations:						
Federal funds	7,879,000			7,879,000	7,879,000	
Trust funds	39,005,000			39,005,000	39,005,000	
Total, Department of Defense—Civil	3,110,693,000		165,434,000	2,945,259,000	3,056,479,000	+111,220,000
Department of Defense—Military:						
Regular annual appropriation acts	156,585,912,000	$3,590,191,000	366,367,000	159,809,736,000	164,764,392,000	+4,954,656,000
Estimates not considered (See Table VIIIg)		1,384,981,000		1,384,981,000		−1,384,981,000
Permanent appropriations:						
Trust funds	10,800,000			10,800,000	10,800,000	
Total, Department of Defense—Military	156,596,712,000	4,975,172,000	366,367,000	161,205,517,000	164,775,192,000	+3,569,675,000
District of Columbia—Federal Funds:						
Regular annual appropriation act	527,227,000	4,645,100		531,872,100	490,782,700	−41,089,400
(District of Columbia—Payable from District revenue:)						
(Regular annual appropriation act)	*(1,691,454,600)*	*(268,037,500)*	*(179,365,200)*	*(1,780,126,900)*	*(1,741,033,500)*	*(−39,093,400)*
Department of Education:						
Regular annual appropriation acts	14,546,371,920	15,000,000	916,569,000	13,644,802,920	14,232,521,000	+587,718,080
Estimates not considered (See Table VIIIg)		915,000,000		915,000,000		−915,000,000
Permanent appropriations:						
Federal funds	10,748,000			10,748,000	10,748,000	
Total, Department of Education	14,557,119,920	930,000,000	916,569,000	14,570,550,920	14,243,269,000	−327,281,920

Department of Energy:						
Regular annual appropriation acts	$11,167,535,000	$359,700,000	$477,885,000	$11,049,350,000	$9,784,478,000	-$1,264,872,000
Continuing appropriations	1,383,000,000			1,383,000,000	1,383,000,000	
Further continuing appropriations		112,000,000		112,000,000	112,000,000	
Estimates not considered (See Table VIIIg)		147,500,000	[3] 103,000,000	44,500,000		-44,500,000
Permanent appropriations:						
Federal funds	85,000			85,000	85,000	
Trust funds	14,903,000			14,903,000	14,903,000	
Total, Department of Energy	12,565,523,000	619,200,000	580,885,000	12,603,838,000	11,294,466,000	-1,309,372,000
Environmental Protection Agency:						
Regular annual appropriation act	5,084,317,000	27,334,000		5,111,651,000	4,752,876,000	-358,775,000
Foreign Assistance:						
Regular annual and supplemental appropriation acts	12,151,992,087	303,768,375	125,459,000	12,330,301,462	10,668,660,665	-1,661,640,797
Continuing appropriations	289,100,000			289,100,000	280,000,000	-9,100,000
Permanent appropriations:						
Trust funds	9,525,248,000			9,525,248,000	9,525,248,000	
(Contract authority)	*(9,500,000,000)*			*(9,500,000,000)*	*(9,500,000,000)*	
Total, Foreign Assistance	21,966,340,087	303,768,375	125,459,000	22,144,649,462	20,473,908,665	-1,670,740,797
General Government:						
Regular annual and supplemental appropriation acts	12,770,357,000	52,304,000	221,154,000	12,601,507,000	12,262,103,000	-339,404,000
Further continuing appropriations	9,770,000	625,484,000		635,254,000	619,657,000	-15,597,000
Estimates not considered (See Table VIIIg)		860,000		860,000		-860,000
Appropriated during 96th Cong., 1st sess. for fiscal year 1981		162,000,000		162,000,000	162,000,000	
Permanent appropriations:						
Federal funds	8,795,738,000			8,795,738,000	8,795,738,000	
Trust funds	30,662,870,000			30,662,870,000	30,662,870,000	
Total, General Government	52,238,735,000	840,648,000	221,154,000	52,858,229,000	52,502,368,000	-355,861,000
General Services Administration:						
Regular annual appropriation acts	594,321,000		1,844,000	592,477,000	538,459,000	-54,018,000
Further continuing appropriations	798,000			798,000	823,000	+25,000
Estimates not considered (See Table VIIIg)		119,000,000	[3] 66,000	118,934,000		-118,934,000
Permanent appropriations:						
Federal funds	1,000,000			1,000,000	1,000,000	
Trust funds	75,000			75,000	75,000	
Total, General Services Administration	596,194,000	119,000,000	1,910,000	713,284,000	540,357,000	-172,927,000

See footnotes at end of table, p. 2089.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1981, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981		Total budget estimates, fiscal year 1981	New budget (obligational) authority appropriated, 96th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Health and Human Services:						
Regular annual and supplemental appropriation acts	$56,451,568,000	$3,600,407,000	$871,586,000	$59,180,389,000	$59,073,457,000	−$106,932,000
Estimates not considered (See Table VIIIg)		3,860,000		3,860,000		−3,860,000
Permanent appropriations:						
Federal funds	450,000			450,000	450,000	
Trust funds	177,476,721,000			177,476,721,000	177,476,721,000	
Total, Department of Health and Human Services	233,928,739,000	3,604,267,000	871,586,000	236,661,420,000	236,550,628,000	−110,792,000
Department of Housing and Urban Development:						
Regular annual appropriation act	40,461,990,000	113,800,000	83,839,000	40,491,951,000	37,147,584,000	−3,344,367,000
Rescission of contract authority	*(−1,050,000,000)*			*(−1,050,000,000)*	−1,050,000,000	[1]−1,050,000,000
Permanent appropriations:						
Federal funds	1,059,357,000			1,059,357,000	1,059,357,000	
(Contract authority)	*(32,500,000)*			*(32,500,000)*	*(32,500,000)*	
(Authority to borrow)	*(1,017,265,000)*			*(1,017,265,000)*	*(1,017,265,000)*	
Total, Department of Housing and Urban Development *(net)*	41,521,347,000	113,800,000	83,839,000	41,551,308,000	37,156,941,000	−4,394,367,000
Department of the Interior:						
Regular annual appropriation act	5,135,869,000	106,612,000	635,133,000	4,607,348,000	4,864,307,000	+256,959,000
Estimates not considered (See Table VIIIg)		1,300,000	1,300,000			
Permanent appropriations:						
Federal funds	676,795,000			676,795,000	676,795,000	
(Contract authority)	*(30,000,000)*			*(30,000,000)*	*(30,000,000)*	
Trust funds	508,188,000			508,188,000	508,188,000	
Total, Department of the Interior	6,320,852,000	107,912,000	636,433,000	5,792,331,000	6,049,290,000	+256,959,000

The Judiciary:						
Regular annual appropriation act	$647,091,000	$4,200,000		$651,291,000	$631,140,000	−$20,151,000
Permanent appropriations:						
Trust funds	9,400,000			9,400,000	9,400,000	
Total, The Judiciary	656,491,000	4,200,000		660,691,000	640,540,000	−20,151,000
Department of Justice:						
Regular annual appropriation act	2,665,358,000		$418,224,000	2,247,134,000	2,217,274,000	−29,860,000
Estimates not considered (See Table VIIIg)		13,500,000		13,500,000		−13,500,000
Total, Department of Justice	2,665,358,000	13,500,000	418,224,000	2,260,634,000	2,217,274,000	−43,360,000
Department of Labor:						
Regular annual and supplemental appropriation acts	11,622,908,000	4,077,000,000	612,720,000	15,087,188,000	11,373,583,000	−3,713,605,000
Further continuing appropriations	2,044,000,000	1,125,000,000	751,000,000	2,418,000,000	1,475,000,000	−943,000,000
Estimates not considered (See Table VIIIg)		1,125,000,000		1,125,000,000		−1,125,000,000
Permanent appropriations:						
Trust funds	19,311,034,000			19,311,034,000	19,311,034,000	
Total, Department of Labor	32,977,942,000	6,327,000,000	1,363,720,000	37,941,222,000	32,159,617,000	−5,781,605,000
Legislative Branch:						
Regular annual appropriation acts					67,663	+67,663
Further continuing appropriations	1,283,494,100	75,600		1,283,569,700	1,199,579,600	−83,990,100
Permanent appropriations:						
Federal funds	17,283,000			17,283,000	17,283,000	
Trust funds	5,087,000			5,087,000	5,087,000	
Total, Legislative Branch	1,305,864,100	75,600		1,305,939,700	1,222,017,263	−83,922,437
National Aeronautics and Space Administration:						
Regular annual appropriation act	5,736,654,000		219,000,000	5,517,654,000	5,541,200,000	+23,546,000
Postal Service:						
Regular annual appropriation act	1,343,217,000			1,343,217,000	1,593,217,000	+250,000,000
Department of State:						
Regular annual appropriation acts	2,152,398,000	151,405,000	83,300,000	2,220,503,000	2,104,707,000	−115,796,000
Permanent appropriations:						
Federal funds	113,357,000			113,357,000	113,357,000	
Trust funds	266,742,000			266,742,000	266,742,000	
Total, Department of State	2,532,497,000	151,405,000	83,300,000	2,600,602,000	2,484,806,000	−115,796,000

See footnotes at end of table, p. 2089.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1981, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981		Total budget estimates, fiscal year 1981	New budget (obligational) authority appropriated, 96th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Transportation:						
Regular annual and supplemental appropriation acts	$10,316,023,065	$1,666,500,000	$100,729,000	$11,881,794,065	$10,999,958,764	−$881,835,301
Appropriations in legislative acts made during 95th Cong., 2nd sess. for fiscal year 1981—trust funds (P.L. 95-599)		4,455,000,000		4,455,000,000	5,615,000,000	+1,160,000,000
Permanent appropriations:						
Federal funds	7,000,000			7,000,000	7,000,000	
Trust funds	9,301,150,000			9,301,150,000	9,301,150,000	
(Contract authority)	*(9,297,620,000)*			*(9,297,620,000)*	*(9,297,620,000)*	
Total, Department of Transportation	19,624,173,065	6,121,500,000	100,729,000	25,644,944,065	25,923,108,764	+278,164,699
Department of the Treasury:						
Regular annual and supplemental appropriation acts	10,677,484,000		2,365,270,000	8,312,214,000	8,317,106,881	+4,892,881
Further continuing appropriations		218,299		218,299	218,299	
Estimates not considered (See Table VIIIj)		500,000,000		500,000,000		−500,000,000
Private appropriation acts					753,757	+753,757
Permanent appropriations:						
Federal funds	82,214,934,000			82,214,934,000	82,214,934,000	
Trust funds	6,859,549,000			6,859,549,000	6,859,549,000	
Total, Department of the Treasury	99,751,967,000	500,218,299	2,365,270,000	97,886,915,299	97,392,561,937	−494,353,362
Veterans Administration:						
Regular annual appropriation act	21,268,550,000		406,458,000	20,862,092,000	20,810,526,000	−51,566,000
Permanent appropriations:						
Trust funds	1,215,697,000			1,215,697,000	1,215,697,000	
Total, Veterans Administration	22,484,247,000		406,458,000	22,077,789,000	22,026,223,000	−51,566,000
Grand total, new budget *(obligational)* authority *(net)*	768,295,522,501	25,206,330,374	9,990,807,000	783,511,045,875	771,840,431,329	−11,670,614,546

Consisting of—						
Regular annual and supplemental appropriation acts	$411,668,893,401	$14,223,066,475	$9,135,441,000	$416,756,518,876	$410,695,932,673	−$6,060,586,203
Rescission of unobligated balances	*(1,050,000,000)*			*(1,050,000,000)*	−1,335,000,000	[1]−1,335,000,000
Continuing appropriations	1,672,100,000			1,672,100,000	1,678,000,000	+5,900,000
Further continuing appropriations	3,338,062,100	1,862,777,899	751,000,000	4,449,839,999	3,407,277,899	−1,042,562,100
Estimates not considered (See Table VIIIg)		4,503,486,000	[4] 104,366,000	[4] 4,399,120,000		[4]−4,399,120,000
Appropriated during prior Congressional sessions for fiscal year 1981		4,617,000,000		4,617,000,000	5,777,000,000	+1,160,000,000
Appropriations in legislative acts						
Private appropriation acts					753,757	+753,757
Permanent appropriations:						
Federal funds	96,152,253,000			96,152,253,000	[3]96,152,253,000	
(Contract authority)	*(411,002,000)*			*(411,002,000)*	*(411,002,000)*	
(Authority to borrow)	*(1,051,419,000)*			*(1,051,419,000)*	*(1,051,419,000)*	
Trust funds	255,464,214,000			255,464,214,000	[3]255,464,214,000	
(Contract authority)	*(18,797,620,000)*			*(18,797,620,000)*	*(18,797,620,000)*	
Subtotal	768,295,522,501	25,206,330,374	9,990,807,000	783,511,045,875	771,840,431,329	−11,670,614,546
Less adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−88,590,878,000			−88,590,878,000	−88,590,878,000	
Net total for fiscal year 1981 to date	679,704,644,501	25,206,330,374	9,990,807,000	694,920,167,875	683,249,553,329	−11,670,614,546
Deduct estimates and appropriations made during prior Congressional sessions for fiscal year 1981		−4,617,000,000		−4,617,000,000	−5,777,000,000	−1,160,000,000
Net for fiscal year 1981 (96th Congress, 2nd session)	679,704,644,501	20,589,330,374	9,990,807,000	690,303,167,875	677,472,553,329	−12,830,614,546

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[1] Reflects actual amounts rescinded rather than comparison with requests.

[2] Subject to revision as better data becomes available. (See "Note" above.)

[3] Proposed for fiscal year 1980.

[4] Includes $103,066,000 proposed for fiscal year 1980.

VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1980, ARRANGED BY AGENCIES, 96TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

(Amounts considered in supplemental appropriation acts, private acts, and rescission acts)

Department or establishment	Budget estimates, fiscal year 1980	New budget (obligational) authority appropriated, fiscal year 1980	Increase (+) or decrease (–), appropriations compared with estimates
Department of Agriculture *(net)*	$3,602,935,000	$3,449,345,000	–$153,590,000
New budget *(obligational)* authority	*(3,602,935,000)*	*(3,477,045,000)*	*(–125,890,000)*
Rescissions	*(–105,000,000)*	*(–27,700,000)*	[1]*(–27,700,000)*
Department of Commerce *(net)*	817,584,000	146,854,000	–670,730,000
New budget *(obligational)* authority	*(817,584,000)*	*(182,254,000)*	*(–635,330,000)*
Rescissions	*(–50,000,000)*	*(–35,400,000)*	[1]*(–35,400,000)*
Department of Defense—Civil *(net)*	298,431,000	456,195,000	+157,764,000
New budget *(obligational)* authority	*(298,431,000)*	*(461,645,000)*	*(+163,214,000)*
Rescissions		*(–5,450,000)*	[1]*(–5,450,000)*
Department of Defense—Military	6,581,698,000	6,385,719,000	–195,979,000
District of Columbia:			
Federal Funds *(net)*	120,370,000	75,740,300	–44,629,700
New budget *(obligational)* authority	*(120,370,000)*	*(96,870,000)*	*(–23,500,000)*
Rescissions		*(–21,129,700)*	[1]*(–21,129,700)*
(Payable from District revenues—net)	*(104,007,200)*	*(48,806,600)*	*(–55,200,600)*
(New budget (obligational) authority)	*(110,184,600)*	*(54,984,000)*	*(–55,200,600)*
(Rescissions)	*(6,177,400)*	*(6,177,400)*	
Department of Education *(net)*	813,773,000	369,151,855	–444,621,145
New budget *(obligational)* authority	*(813,773,000)*	*(702,953,855)*	*(–110,819,145)*
Rescissions	*(–429,648,000)*	*(–333,802,000)*	[1]*(–333,802,000)*
Department of Energy *(net)*	574,904,000	–1,872,775,000	–2,447,679,000
New budget *(obligational)* authority	*(574,904,000)*	*(249,450,000)*	*(–325,454,000)*
Rescissions	(–45,900,000)	*(–2,122,225,000)*	[1]*(–2,122,225,000)*
Environmental Protection Agency *(net)*	17,644,000	10,300,000	–7,344,000
New budget *(obligational)* authority	*(17,644,000)*	*(10,800,000)*	*(–6,844,000)*
Rescissions		*(–500,000)*	[1]*(–500,000)*
Foreign Assistance	386,078,000	105,352,000	–280,726,000
General Government *(net)*	2,778,340,000	2,656,601,000	–121,739,000
New budget *(obligational)* authority	*(2,778,340,000)*	*(2,685,295,000)*	*(–93,045,000)*
Rescissions	*(–37,008,000)*	*(–28,694,000)*	[1]*(–28,694,000)*
General Services Administration	23,189,000	15,404,000	–7,785,000
Department of Health and Human Services *(net)*	3,101,427,000	2,765,711,000	–335,716,000
New budget *(obligational)* authority	*(3,101,427,000)*	*(2,874,329,000)*	*(–227,098,000)*
Rescissions	*(–261,153,000)*	*(–108,618,000)*	[1]*(–108,618,000)*
Department of Housing and Urban Development *(net)*	63,608,000	–21,892,000	–85,500,000
New budget *(obligational)* authority	*(63,608,000)*	*(166,808,000)*	*(+103,200,000)*
Rescissions	*(–191,200,000)*	*(–188,700,000)*	[1]*(–188,700,000)*
Department of the Interior *(net)*	155,668,000	111,208,000	–44,460,000
New budget *(obligational)* authority	*(155,668,000)*	*(132,208,000)*	*(–23,460,000)*
Rescissions	*(–352,500,000)*	*(–21,000,000)*	[1]*(–21,000,000)*
The Judiciary	25,961,000		–25,961,000
Department of Justice *(net)*	86,184,000	80,433,554	–5,750,446
New budget *(obligational)* authority	*(86,184,000)*	*(84,873,000)*	*(–1,311,000)*
Rescissions	*(–12,439,446)*	*(–4,439,446)*	[1]*(–4,439,446)*
Department of Labor	1,867,833,000	1,460,563,000	–407,270,000
Legislative Branch *(net)*	65,170,000	38,427,063	–26,742,937
New budget *(obligational)* authority	*(65,170,000)*	*(42,719,063)*	*(–22,450,937)*
Rescissions		*(–4,292,000)*	[1]*(–4,292,000)*

See footnotes at end of table, p. 2092.

VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1980, ARRANGED BY AGENCIES, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

(Amounts considered in supplemental appropriation acts, private acts, and rescission acts)

Department or establishment	Budget estimates, fiscal year 1980	New budget (obligational) authority appropriated, fiscal year 1980	Increase (+) or decrease (−), appropriations compared with estimates
National Aeronautics and Space Administration	$346,286,000	$321,286,000	−$25,000,000
Department of State	52,420,000	31,227,000	−21,193,000
Department of Transportation *(net)*	950,553,000	728,522,000	−222,031,000
New budget *(obligational)* authority	*(950,553,000)*	*(788,522,000)*	*(−162,031,000)*
Rescissions		*(−60,000,000)*	[1]*(−60,000,000)*
Department of the Treasury *(net)*	2,877,903,417	1,659,352,000	−1,218,551,417
New budget *(obligational)* authority	*(2,877,903,417)*	*(1,660,974,000)*	*(−1,216,929,417)*
Rescissions	*(−322,000)*	*(−1,622,000)*	[1]*(−1,622,000)*
Veterans Administration	259,272,000	228,686,000	−30,586,000
General provisions *(rescission)* (P.L. 96-304, sec. 304)		[2]−220,000,000	−220,000,000
Private appropriation acts		89,245	+89,245
Grand total *(net)*	25,867,231,417	18,981,500,017	−6,885,731,400
Consisting of—			
Supplemental appropriation acts *(net)*	25,867,231,417	18,981,410,772	−6,885,820,645
New budget *(obligational)* authority	*(25,867,231,417)*	*(22,164,982,918)*	[1]*(−3,702,248,499)*
Rescissions	*(−1,485,170,446)*	*(−3,183,572,146)*	[1]*(−3,183,572,146)*
Private appropriation acts		89,245	+89,245
(District of Columbia funds)	*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*

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[1] Reflects actual amounts rescinded rather than comparison with requests.

[2] Government-wide rescission to be applied to the purchase of furniture pursuant to Sec. 304 of Public Law 96-304 (see p. 85, this volume).

VIIId. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1982, ARRANGED BY AGENCIES, 96TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. II.)]

(Amounts considered in supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1982	New budget (obligational) authority appropriated, fiscal year 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF TRANSPORTATION			
FEDERAL RAILROAD ADMINISTRATION			
Grants to the National Railroad Passenger Corporation	$198,100,000	$166,000,000	−$32,100,000

VIIIe. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1983, ARRANGED BY AGENCIES, 96TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal year 1983	New budget (obligational) authority appropriated, fiscal year 1983	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION ACT, 1981			
RELATED AGENCIES			
Advance appropriation for fiscal year 1983	$172,000,000	$172,000,000	....

VIIIf. RECAPITULATION OF COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, 96TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

	Amount
Net reduction in budget estimates for fiscal 1980 (p. 2092)	−$6,885,731,400
Net reduction in budget estimates for fiscal 1981 (p. 2089)	−12,830,614,546
Net reduction in budget estimates for fiscal 1982 (p. 2093)	−32,100,000
Net reduction in budget estimates for fiscal 1983 (p. 2095)	
Total decrease	−19,748,445,946

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates not considered
			Increases	Decreases	
DEPARTMENT OF AGRICULTURE					
Federal Crop Insurance Corporation					
Administrative and operating expenses, 1981	96-382		$66,370,000		[3]$66,370,000
Federal Crop Insurance Corporation fund, 1981	96-382		*(Language)*		[3]*(Language)*
Subscription to capital stock, 1981	96-382		150,000,000		[3]150,000,000
Total, Federal Crop Insurance Corporation, 1981			216,370,000		216,370,000
Foreign Assistance Programs					
Public Law 480, 1981	96-382		76,115,000		[3]76,115,000
Total, Department of Agriculture, 1981			292,485,000		292,485,000
DEPARTMENT OF DEFENSE—MILITARY					
Military Personnel					
Military personnel, Army, 1981	S 96-69		5,000,000		[3]5,000,000
Military personnel, Navy, 1981	S 96-69		2,483,000		[3]2,483,000
National Guard personnel, Air Force, 1981	S 96-69		1,890,000		[3]1,890,000
Total, Military Personnel, 1981			9,373,000		9,373,000
Operation and Maintenance					
Operation and maintenance, Army, 1981	S 96-69		131,644,000		[3]131,644,000
Army stock fund, 1981	S 96-69		103,500,000		[3]103,500,000
Operation and maintenance, Navy, 1981	S 96-69		261,200,000		[3]261,200,000
Navy stock fund, 1981	S 96-69		1,729,000		[3]1,729,000
Operation and maintenance, Marine Corps, 1981	S 96-69		82,742,000		[3]82,742,000
Operation and maintenance, Air Force, 1981	S 96-69		32,800,000		[3]32,800,000
Air Force stock fund, 1981	S 96-69		29,204,000		[3]29,204,000
Operation and maintenance, Air National Guard, 1981	S 96-69		4,060,000		[3]4,060,000
Total, Operation and Maintenance, 1981			646,879,000		646,879,000
Procurement					
Other procurement, Army, 1981	S 96-69		207,775,000		[3]207,775,000
Other procurement, Navy, 1981	S 96-69		146,344,000		[3]146,344,000
Procurement, Marine Corps, 1981	S 96-69		148,921,000		[3]148,921,000
Other procurement, Air Force, 1981	S 96-69		224,989,000		[3]224,989,000
Procurement, Defense agencies, 1981	S 96-69		700,000		[3]700,000
Total, Procurement, 1981			728,729,000		728,729,000
Total, Department of Defense, 1981			1,384,981,000		1,384,981,000
DEPARTMENT OF EDUCATION					
Departmental Management					
Youth education and training, 1981	S 96-60		900,000,000		[3]900,000,000
Office of Elementary and Secondary Education					
Elementary and secondary education, 1981	96-382		15,000,000		[3]15,000,000
Total, Department of Education, 1981			915,000,000		915,000,000

See footnotes at end of table, p. 2101.

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates not considered
			Increases	Decreases	
DEPARTMENT OF ENERGY					
ENERGY PROGRAMS					
Economic regulation, 1980	S 96-55			$103,000,000	[2] – $103,000,000
Solar Energy and Energy Conservation Bank, 1981	S 96-57		$147,500,000		[3]147,500,000
Total, Department of Energy			147,500,000	103,000,000	44,500,000
Fiscal year 1980				*(103,000,090)*	*(– 103,000,000)*
Fiscal year 1981			*(147,500,000)*		*(147,500,000)*
GENERAL GOVERNMENT					
EXECUTIVE OFFICE OF THE PRESIDENT					
General Provisions, 1980	96-382		*(Language)*		[3]*(Language)*
Railroad Accounting Principles Board, 1981	96-391		860,000		[3]860,000
RAILROAD RETIREMENT BOARD					
Federal windfall payment to Railroad Retirement Account, 1981	96-345		*(Language)*		[3]*(Language)*
MERIT SYSTEMS PROTECTION BOARD					
Salaries and expenses, *(by transfer)*, 1980	96-355		*(135,000)*		[3]*(135,000)*
Total, General Government			860,000		860,000
GENERAL SERVICES ADMINISTRATION					
Allowances and office staff for former Presidents, 1980	S 96-55			66,000	[2] – 66,000
Federal Buildings Fund, *(limitation)*, 1980	S 96-55		*(Language)*		[3]*(Language)*
Federal Buildings Fund, *(limitation)*, 1981	S 96-55		*(1,141,000)*		[3]*(1,141,000)*
Federal Buildings Fund, *(limitation)*, 1981	S 96-55			*(1,141,000)*	[3]*(– 1,141,000)*
Federal Buildings Fund, *(limitation)*, 1981	96-368		*(32,650,000)*		[3]*(32,650,000)*
General supply fund, 1981	96-382		119,000,000		[3]119,000,000
Total, General Service Administration			119,000,000	66,000	118,934,000
Fiscal year 1980				*(66,000)*	*(– 66,000)*
Fiscal year 1981			*(119,000,000)*		*(119,000,000)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
CENTER FOR DISEASE CONTROL					
Preventive health service, 1981	S 96-67		3,860,000		[3]3,860,000
HEALTH RESOURCES ADMINISTRATION					
Health professions graduate student loan insurance fund, *(limitation)*, 1981	96-294			*(18,000,000)*	[3]*(– 18,000,000)*
Total, Department of Health and Human Services 1981			3,860,000		3,860,000
DEPARTMENT OF INTERIOR					
WATER AND POWER RESOURCES SERVICE					
Construction program, 1981	96-368			1,300,000	[2] – 1,300,000
General investigations, 1981	96-368		1,300,000		[3]1,300,000
Total, Department of Interior, 1981			1,300,000	1,300,000	
DEPARTMENT OF JUSTICE					
Federal Prison System, 1981	96-382		4,600,000		[3]4,600,000
Immigration and Naturalization Service, 1981	96-382		8,900,000		[3]8,900,000
Total, Department of Justice, 1981			13,500,000		13,500,000

See footnotes at end of table, p. 2101.

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1981	Budget amendments and supplemental estimates, fiscal year 1981 and prior years		Total budget estimates not considered
			Increases	Decreases	
DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
Grants to States for unemployment insurance and employment services	96-349		*(Language)*		[2]*(Language)*
Employment and training assistance, 1981	S 96-60		$1,125,000,000		[1]$1,125,000,000
DEPARTMENT OF THE TREASURY					
OFFICE OF REVENUE SHARING					
State and local government fiscal assistance trust fund, 1981	96-294		500,000,000		[1]500,000,000
VETERANS' ADMINISTRATION					
Construction, major projects, *(authority to obligate)*, 1980	96-368		*(1,150,000)*		[2]*(1,150,000)*
General provisions, *(limitation)*, 1980	96-368		*(133,045,000)*		[2]*(133,045,000)*
Total, Veterans' Administration			*(133,045,000)*		*(133,045,000)*
Grand total, estimates not considered			4,503,486,000	$104,366,000	4,399,120,000
(By transfer)			*(135,000)*		*(135,000)*
(Limitations)			*(166,836,000)*	*(19,141,000)*	*(147,695,000)*
(Authority to obligate)			*(1,150,000)*		*(1,150,000)*
Fiscal year 1980				*(103,066,000)*	*(−103,066,000)*
(By transfer)			*(135,000)*		*(135,000)*
(Limitations)			*(133,045,000)*		*(133,045,000)*
(Authority to obligate)			*(1,150,000)*		*(1,150,000)*
Fiscal year 1981			*(4,503,486,000)*	*(1,300,000)*	*(4,502,186,000)*
(Limitations)			*(33,791,000)*	*(19,141,000)*	*(14,650,000)*

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[1] Not considered due to lack of authorizing legislation.

[2] Submitted too late for consideration in the applicable appropriation bill.

[3] Considered by Senate in H.J. Res. 637 which was not approved by Congress. Not considered in substitute H.J. Res 644 which was approved as Public Law 96-536.

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 96TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of Agriculture:			
Supplemental—Rescission Appropriations Act, 1980 (P.L. 96-304)	$105,000,000	$27,700,000	−$77,300,000
Agriculture Appropriation Act, 1981 (P.L. 96-528)		285,000,000	+285,000,000
Total, Agriculture	105,000,000	312,700,000	+207,700,000
Department of Commerce:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	50,000,000	35,400,000	−14,600,000
Department of Defense—Civil:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)		5,450,000	+5,450,000
District of Columbia:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)		21,129,700	+21,129,700
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304) (District of Columbia Funds)	(6,177,400)	(6,177,400)	
Department of Education:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	429,648,000	333,802,000	−95,846,000
Department of Energy:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	45,900,000	2,122,225,000	+2,076,325,000
Environmental Protection Agency:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)		500,000	+500,000
General Government:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304):			
Arms control and Disarmament Activities	720,000	720,000	
Federal Inspector for the Alaska Gas Pipeline		2,700,000	+2,700,000
Federal Mine Safety & Health Review Commission	188,000	188,000	
National Consumer Cooperative Bank		7,055,000	+7,055,000
National Science Foundation	5,000,000	4,500,000	−500,000
Occupational Safety & Health Review Commission	100,000	100,000	
Small Business Administration	19,000,000		−19,000,000
Water Resources Council	11,000,000	11,431,000	+431,000
General Provision		220,000,000	+220,000,000
Total, General Government	36,008,000	246,694,000	+210,686,000
Department of Health and Human Services:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	$261,153,000	$108,618,000	−$152,535,000
Department of Housing and Urban Development:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	191,200,000	188,700,000	−2,500,000
Housing and Urban Development Appropriation Act, 1981, (P.L. 96-526) (contract authority)	1,050,000,000	1,050,000,000	
Total, Housing and Urban Development	1,241,200,000	1,238,700,000	−2,500,000

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 96TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS—Continued

[Note.—For information purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of the Interior:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	$352,500,000	$21,000,000	−$331,500,000
Department of Justice:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	12,439,446	4,439,446	−8,000,000
Legislative Branch:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304):			
Senate		1,000,000	+1,000,000
House of Representatives		1,000,000	+1,000,000
Architect of the Capitol		1,792,000	+1,792,000
Library of Congress		500,000	+500,000
Total, Legislative Branch		4,292,000	+4,292,000
Department of Transportation:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)		60,000,000	+60,000,000
Department of Treasury:			
Supplemental-Rescission Appropriations Act, 1980 (P.L. 96-304)	1,322,000	3,622,000	+2,300,000
Grand Total, rescissions of budget authority (96th Congress, 2nd session)	2,535,170,446	4,518,572,146	+1,983,401,700
Fiscal year 1980	(*1,485,170,446*)	(*3,183,572,146*)	(+*1,698,401,700*)
Fiscal year 1981	(*1,050,000,000*)	(*1,335,000,000*)	(+*285,000,000*)

VIIIi. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION

[NOTE.—For information purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amounts proposed for deferral [1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of Agriculture	$56,395,842		−$56,395,842
Department of Commerce	111,882,855		−111,882,855
Department of Defense—Civil	708,166		−708,166
Department of Defense—Military	1,962,137,000		−1,962,137,000
District of Columbia	8,129,700		−8,129,700
Department of Education	140,000,000		−140,000,000
Department of Energy	54,500,000		−54,500,000
Environmental Protection Agency	3,636,254,355	$3,647,948,000	+11,693,645
Foreign Assistance	100,000,000		−100,000,000
General government:			
Appalachian Regional Development Programs	14,300,000		−14,300,000
Federal Emergency Management Agency	79,684		−79,684
Foreign Claims Settlement Commission	1,800,000		−1,800,000
International Communication Agency	14,573,190		−14,573,190
National Alcohol Fuels Commission	250,000		−250,000
National Commission on Social Security	250,000		−250,000
National Consumer Cooperative Bank	8,000,000		−8,000,000
National Science Foundation	18,000,000		−18,000,000
Navajo and Hopi Indian Relocation Commission	5,300,000		−5,300,000
President's Commission on Pension Policy	700,000		−700,000
Railroad Retirement Board	1,000,000		−1,000,000
Tennessee Valley Authority	17,000,000		−17,000,000
Total, General government	81,252,874		−81,252,874
General Services Administration	25,000,000		−25,000,000
Department of Health and Human Services	42,962,510		−42,962,510
Department of Housing and Urban Development	10,000,000		−10,000,000
Department of Interior	66,809,570	15,500,000	−51,309,570
Department of Justice	37,430,300		−37,430,300
Department of Labor	419,260,000		−419,260,000
Department of State	15,650,000		−15,650,000
Department of Transportation	2,979,800,842	1,833,120,473	−1,146,680,369
Department of the Treasury	98,061,854		−98,061,854
Grand total, 96th Congress, 2nd session	9,846,235,868	5,496,568,473	−4,349,667,395

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[1] Amounts proposed for deferral reflect original requests for *all* fiscal year 1980 deferrals proposed during the 2nd session of the 96th Congress. Does not reflect adjustments proposed in subsequent documents or congressionally initiated deferral actions.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture:			
Appropriations, fiscal year 1981:			
Regular annual act	$21,672,254,329	$21,614,407,000	−$57,847,329
Rescission of unobligated balanaces		−285,000,000	−285,000,000
Carried in other regular annual act	1,458,136,000	1,461,360,000	+3,224,000
Carried in continuing appropriations		15,000,000	+15,000,000
Estimates not considered (see Table VIIIg)	292,485,000		−292,485,000
Subtotal *(net)*	23,422,875,329	22,805,767,000	−617,108,329
Permanent appropriations:			
Federal funds	2,863,298,000	2,863,298,000	
(Authority to borrow)	*(34,154,000)*	*(34,154,000)*	
Trust funds	160,988,000	160,988,000	
Total permanent appropriations	3,024,286,000	3,024,286,000	
Total appropriations, fiscal year 1981 *(net)*	26,447,161,329	25,830,053,000	−617,108,329
Appropriations, fiscal year 1980:			
Supplemental acts *(net)*	3,602,935,000	3,449,345,000	−153,590,000
New budget *(obligational)* authority	*(3,602,935,000)*	*(3,477,045,000)*	*(−125,890,000)*
Rescissions	*(−105,000,000)*	*(−27,700,000)*	[1]*(−27,700,000)*
Grand total for session, Department of Agriculture *(net)*	30,050,096,329	29,279,398,000	−770,698,329
Department of Commerce:			
Appropriations, fiscal year 1981:			
Regular annual act	[2]2,653,281,000	[2]2,442,170,000	−211,111,000
Appropriations to liquidate contract authorizations	*(333,196,000)*	*(333,196,000)*	
Permanent appropriations:			
Federal funds	384,329,000	384,329,000	
(Contract authority)	*(348,502,000)*	*(348,502,000)*	
Trust funds	96,757,000	96,757,000	
Total, permanent appropriations	481,086,000	481,086,000	
Total appropriations, fiscal year 1981	3,134,367,000	2,923,256,000	−211,111,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	817,584,000	146,854,000	−670,730,000
New budget *(obligational)* authority	*(817,584,000)*	*(182,254,000)*	*(−635,330,000)*
Rescissions	*(−50,000,000)*	*(−35,400,000)*	[1]*(−35,400,000)*
Appropriations to liquidate contract authorizations	*(44,307,000)*	*(44,307,000)*	
Grand total for session, Department of Commerce *(net)*	3,951,951,000	3,070,110,000	−881,841,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Civil:			
Appropriations, fiscal year 1981:			
Regular annual act	$2,872,914,000	$2,984,134,000	+$111,220,000
Carried in other regular annual acts	25,461,000	25,461,000	
Subtotal	2,898,375,000	3,009,595,000	+111,220,000
Permanent appropriations:			
Federal funds	7,879,000	7,879,000	
Trust funds	39,005,000	39,005,000	
Total, permanent appropriations	46,884,000	46,884,000	
Total appropriations, fiscal year 1981	2,945,259,000	3,056,479,000	+111,220,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	298,431,000	456,195,000	+157,764,000
New budget *(obligational)* authority	*(298,431,000)*	*(461,645,000)*	*(+163,214,000)*
Rescissions		*(−5,450,000)*	*(−5,450,000)*
Grand total for session, Department of Defense—Civil *(net)*	3,243,690,000	3,512,674,000	+268,984,000
Department of Defense—Military:			
Military personnel:			
Appropriations, fiscal year 1981:			
Regular annual act	32,129,120,000	33,074,349,000	+945,229,000
Estimates not considered (see Table VIIIg)	9,373,000		−9,373,000
Appropriations, fiscal year 1980:			
Supplemental act	1,897,098,000	1,881,621,000	−15,477,000
Total, military personnel	34,035,591,000	34,955,970,000	+920,379,000
Retired military personnel:			
Appropriations, fiscal year 1981:			
Regular annual act	13,987,800,000	13,887,800,000	−100,000,000
Appropriations, fiscal year 1980:			
Supplemental act	573,200,000	513,200,000	−60,000,000
Total, retired military personnel	14,561,000,000	14,401,000,000	−160,000,000
Operation and maintenance:			
Appropriations, fiscal year 1981:			
Regular annual act	51,188,023,000	51,768,663,000	+580,640,000
Estimates not considered (see Table VIIIg)	646,879,000		−646,879,000
Appropriations, fiscal year 1980:			
Supplemental act	4,088,478,000	3,981,398,000	−107,080,000
Total, operation and maintenance	55,923,380,000	55,750,061,000	−173,319,000
Procurement:			
Appropriations, fiscal year 1981:			
Regular annual act	40,639,342,000	44,909,424,000	+4,270,082,000
Estimates not considered (see Table VIIIg)	728,729,000		−728,729,000
Total, procurement	41,368,071,000	44,909,424,000	+3,541,353,000
Research, development, test, and evaluation:			
Appropriations, fiscal year 1981:			
Regular annual act	16,475,555,000	16,022,716,000	−452,839,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Special foreign currency program:			
Appropriations, fiscal year 1981:			
Regular annual act	$2,760,000	$2,760,000	
Military construction:			
Appropriations, fiscal year 1981:			
Carried in separate regular annual act	5,387,136,000	5,098,680,000	−$288,456,000
Appropriations, fiscal year 1980:			
Supplemental act	22,922,000	9,500,000	−13,422,000
Total, military construction	5,410,058,000	5,108,180,000	−301,878,000
Total, regular annual and supplemental appropriation acts	167,776,415,000	171,150,111,000	+3,373,696,000
Permanent appropriations: Trust funds	10,800,000	10,800,000	
Grand total for session, Department of Defense—Military	167,787,215,000	171,160,911,000	+3,373,696,000
Consisting of—			
Appropriations, fiscal year 1981:			
Regular annual act	154,422,600,000	159,665,712,000	+5,243,112,000
Carried in separate and other regular annual acts	5,387,136,000	5,098,680,000	−288,456,000
Estimates not considered (see Table VIIIg)	1,384,981,000		−1,384,981,000
Subtotal	161,194,717,000	164,764,392,000	+3,569,675,000
Permanent appropriations: Trust funds	10,800,000	10,800,000	
Total appropriations, fiscal year 1981	161,205,517,000	164,775,192,000	+3,569,675,000
Appropriations, fiscal year 1980:			
Supplemental act	6,581,698,000	6,385,719,000	−195,979,000
Grand total for session, Department of Defense—Military	167,787,215,000	171,160,911,000	+3,373,696,000
District of Columbia—Federal Funds:			
Appropriations, fiscal year 1981:			
Regular annual act	531,872,100	490,782,700	−41,089,400
Appropriations, fiscal year 1980:			
Supplemental act	120,370,000	75,740,300	−44,629,700
Grand total for session, District of Columbia—Federal Funds	652,242,100	566,523,000	−85,719,100
(District of Columbia—Payable from District revenues:)			
(Appropriations, fiscal year 1981:)			
(Regular annual act (net))	*(1,780,126,900)*	*(1 [illegible],500)*	*(−39,093,400)*
(Appropriations, fiscal year 1980:)			
(Supplemental act (net))	*(104,007,200)*	*(48,806,600)*	*(−55,200,600)*
(New budget (obligational) authority)	*(110,184,600)*	*(54,984,000)*	*(−55,200,600)*
(Rescissions)	*(6,177,400)*	*(6,177,400)*	
(Grand total for session, District of Columbia—Payable from District revenues (net))	*(1,884,134,100)*	*(1,789,840,100)*	*(−94,294,000)*

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Education:			
Appropriations, fiscal year 1981:			
Regular annual act	[3]$13,530,952,920	[3]$14,137,984,000	+$607,031,080
Carried in other regular annual acts	113,850,000	94,537,000	−19,313,000
Estimates not considered (see Table VIIIg)	915,000,000		−915,000,000
Subtotal	14,559,802,920	14,232,521,000	−327,281,920
Permanent appropriations:			
Federal funds	10,748,000	10,748,000	
Total appropriations, fiscal year 1981	14,570,550,920	14,243,269,000	−327,281,920
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	813,773,000	369,151,855	−444,621,145
New budget *(obligational)* authority	*(813,773,000)*	*(702,953,855)*	*(−110,819,145)*
Rescissions	*(−429,648,000)*	*(−333,802,000)*	*Y333,802,000)*
Grand total for session, Department of Education *(net)*	15,384,323,920	14,612,420,855	−771,903,065
Department of Energy:			
Appropriations, fiscal year 1981:			
Regular annual act	7,262,072,000	7,178,590,000	−83,482,000
Carried in other regular annual act	3,787,278,000	2,605,888,000	−1,181,390,000
Carried in continuing appropriations	1,495,000,000	1,495,000,000	
Estimates not considered (see Table VIIIg) (net)	44,500,000		−44,500,000
Subtotal	12,588,850,000	11,279,478,000	−1,309,372,000
Permanent appropriations:			
Federal funds	85,000	85,000	
Trust funds	14,903,000	14,903,000	
Total, permanent appropriations	14,988,000	14,988,000	
Total appropriations, fiscal year 1981	12,603,838,000	11,294,466,000	−1,309,372,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	574,904,000	−1,872,775,000	−2,447,679,000
New budget *(obligational)* authority	*(574,904,000)*	*(249,450,000)*	*(−325,454,000)*
Rescissions	*(−45,900,000)*	*(−2,122,225,000)*	*Y−2,122,225,000)*
Grand total for session, Department of Energy *(net)*	13,178,742,000	9,421,691,000	−3,757,051,000
Environmental Protection Agency:			
Appropriations, fiscal year 1981:			
Regular annual act	5,111,651,000	4,752,876,000	−358,775,000
Appropriations to liquidate contract authorizations	*(1,700,000,000)*	*(1,700,000,000)*	
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	17,644,000	10,300,000	−7,344,000
New budget *(obligational)* authority	*(17,644,000)*	*(10,800,000)*	*(−6,844,000)*
Rescissions		*(−500,000)*	*Y−500 000)*
Grand total for session, Environmental Protection Agency *(net)*	5,129,295,000	4,763,176,000	−366,119,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Foreign Assistance:			
Appropriations, fiscal year 1981:			
Regular annual act	[4]$6,792,462,462	[4]$5,000,821,665	−$1,791,640,797
Carried in supplemental act	5,537,839,000	5,667,839,000	+130,000,000
Carried in continuing appropriations	289,100,000	280,000,000	−9,100,000
Subtotal	12,619,401,462	10,948,660,665	−1,670,740,797
Permanent appropriations:			
Trust funds	9,525,248,000	9,525,248,000	
(Contract authority)	*(9,500,000,000)*	*(9,500,000,000)*	
Total appropriations, fiscal year 1981	22,144,649,462	20,473,908,665	−1,670,740,797
Appropriations, fiscal year 1980:			
Supplemental act	386,078,000	105,352,000	−280,726,000
Grand total for session, Foreign Assistance	22,530,727,462	20,579,260,665	−1,951,466,797
General Government:			
Appropriations, fiscal year 1981:			
Regular annual act	3,909,330,000	3,910,128,000	+798,000
Carried in other regular annual acts	8,692,177,000	8,351,975,000	−340,202,000
Carried in continuing appropriations	635,254,000	619,657,000	−15,597,000
Estimates not considered (see Table VIIIg)	860,000		−860,000
Appropriated during 96th Congress, 1st session for fiscal year 1981	[5]162,000,000	[6]162,000,000	
Subtotal	13,399,621,000	13,043,760,000	−355,861,000
Permanent appropriations:			
Federal funds	8,795,738,000	8,795,738,000	
Trust funds	30,662,870,000	30,662,870,000	
Total, permanent appropriations	39,458,608,000	39,458,608,000	
Total appropriations, fiscal year 1981	52,858,229,000	52,502,368,000	−355,861,000
Appropriations, fiscal year 1980:			
Supplemental acts *(net)*	2,778,340,000	2,656,601,000	−121,739,000
New budget *(obligational)* authority	*(2,778,340,000)*	*(2,685,295,000)*	*(−93,045,000)*
Rescissions	*(−37,008,000)*	*(−28,694,000)*	*(−28,694,000)*
Appropriations, fiscal year 1983:			
Regular annual act	172,000,000	172,000,000	
Grand total for session, General Government net)	55,808,569,000	55,330,969,000	−477,600,000
General Services Administration:			
Appropriations, fiscal year 1981:			
Regular annual act	591,056,000	537,050,000	−54,006,000
Carried in other regular annual act	1,421,000	1,409,000	−12,000
Carried in continuing appropriations	798,000	823,000	+25,000
Estimates not considered (see Table VIIIg) (net)	118,934,000		−118,934,000
Subtotal	712,209,000	539,282,000	−172,927,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
General Services Administration—Continued:			
Permanent appropriations:			
Federal funds	$1,000,000	$1,000,000	
Trust funds	75,000	75,000	
Total, permanent appropriations	1,075,000	1,075,000	
Total appropriations, fiscal year 1981	713,284,000	540,357,000	−$172,927,000
Appropriations, fiscal year 1980:			
Supplemental act	23,189,000	15,404,000	−7,785,000
Grand total for session, General Services Administration	736,473,000	555,761,000	−180,712,000
Department of Health and Human Services:			
Appropriations, fiscal year 1981:			
Regular annual act	[3]58,173,610,000	[3]58,043,381,000	−130,229,000
Carried in other regular annual acts	1,006,779,000	1,030,076,000	+23,297,000
Estimates not considered (see Table VIIIg)	3,860,000		−3,860,000
Subtotal	59,184,249,000	59,073,457,000	−110,792,000
Permanent appropriations:			
Federal funds	450,000	450,000	
Trust funds	177,476,721,000	177,476,721,000	
Total, permanent appropriations	177,477,171,000	177,477,171,000	
Total appropriations, fiscal year 1981	236,661,420,000	236,550,628,000	−110,792,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	3,101,427,000	2,765,711,000	−335,716,000
New budget *(obligational)* authority	*(3,101,427,000)*	*(2,874,329,000)*	*(−227,098,000)*
Rescissions	*(−261,153,000)*	*(−108,618,000)*	[1]*(−108,618,000)*
Grand total for session, Department of Health and Human Services *(net)*	239,762,847,000	239,316,339,000	−446,508,000
Department of Housing and Urban Development:			
Appropriations, fiscal year 1981:			
Regular annual act	40,491,951,000	37,147,584,000	−3,344,367,000
Rescission of contract authority	*(−1,050,000,000)*	−1,050,000,000	[1]−1,050,000,000
Appropriations to liquidate contract authorizations	*(7,127,000,000)*	*(7,127,000,000)*	
Subtotal	40,491,951,000	36,097,584,000	−4,394,367,000
Permanent appropriations:			
Federal funds	1,059,357,000	1,059,357,000	
(Contract authority)	*(32,500,000)*	*(32,500,000)*	
(Authority to borrow)	*(1,017,265,000)*	*(1,017,265,000)*	
Total appropriations, fiscal year 1981	41,551,308,000	37,156,941,000	−4,394,367,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	63,608,000	−21,892,000	−85,500,000
New budget *(obligational)* authority	*(63,608,000)*	*(166,808,000)*	*(+103,200,000)*
Rescissions	*(−191,200,000)*	*(−188,700,000)*	[1]*(−188,700,000)*
Appropriations to liquidate contract authorizations	*(2,740,362,000)*	*(2,740,362,000)*	
Grand total for session, Department of Housing and Urban Development *(net)*	41,614,916,000	37,135,049,000	−4,479,867,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Interior:			
Appropriations, fiscal year 1981:			
Regular annual act	$3,800,596,000	$4,092,846,000	+$292,250,000
Carried in other regular annual acts	806,752,000	771,461,000	−35,291,000
Subtotal	4,607,348,000	4,864,307,000	+256,959,000
Permanent appropriations:			
Federal funds	676,795,000	676,795,000	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	508,188,000	508,188,000	
Total, permanent appropriations	1,184,983,000	1,184,983,000	
Total appropriations, fiscal year 1981	5,792,331,000	6,049,290,000	+256,959,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	155,668,000	111,208,000	−44,460,000
New budget *(obligational)* authority	*(155,668.000)*	*(132,208,000)*	*(−23,460,000)*
Rescissions	*(−352,500,000)*	*(−21,000,000)*	*(−21,000,000)*
Grand total for session, Department of the Interior *(net)*	5,947,999,000	6,160,498,000	+212,499,000
The Judiciary:			
Appropriations, fiscal year 1981:			
Regular annual act	[2] 651,291,000	[2] 631,140,000	−20,151,000
Permanent appropriations: Trust funds	9,400,000	9,400,000	
Total appropriations, fiscal year 1981	660,691,000	640,540,000	−20,151,000
Appropriations, fiscal year 1980:			
Supplemental act	25,961,000		−25,961,000
Grand total for session, The Judiciary	686,652,000	640,540,000	−46,112,000
Department of Justice:			
Appropriations, fiscal year 1981:			
Regular annual act	[2]2,247,134,000	[2]2,217,274,000	−29,860,000
Estimates not considered (see Table VIIIg)	13,500,000		−13,500,000
Total appropriations, fiscal year 1981	2,260,634,000	2,217,274,000	−43,360,000
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	86,184,000	80,433,554	−5,750,446
New budget *(obligational)* authority	*(86,184,000)*	*(84,873,000)*	*(−1,311,000)*
Rescissions	*(−12,439,446)*	*(−4,439,446)*	*(−4,439,446)*
Grand total for session, Department of Justice *(net)*	2,346,818,000	2,297,707,554	−49,110,446
Department of Labor:			
Appropriations, fiscal year 1981:			
Regular annual act	[3]15,087,188,000	[3]10,973,583,000	−4,113,605,000
Carried in continuing appropriations	2,418,000,000	1,475,000,000	−943,000,000
Carried in supplemental act		400,000,000	+400,000,000
Estimates not considered (see Table VIIIg)	1,125,000,000		−1,125,000,000
Permanent appropriations: Trust funds	19,311,034,000	19,311,034,000	
Total appropriations, fiscal year 1981	37,941,222,000	32,159,617,000	−5,781,605,000
Appropriations, fiscal year 1980:			
Supplemental act	1,867,833,000	1,460,563,000	−407,270,000
Grand total for session, Department of Labor	39,809,055,000	33,620,180,000	−6,188,875,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Legislative Branch:			
Appropriations, fiscal year 1981:			
Carried in other regular annual acts		$67,663	+$67,663
Carried in continuing appropriations	[7]$1,283,569,700	[7]1,199,579,600	−83,990,100
Subtotal	1,283,569,700	1,199,647,263	−83,922,437
Permanent appropriations:			
Federal funds	17,283,000	17,283,000	
Trust funds	5,087,000	5,087,000	
Total permanent appropriations	22,370,000	22,370,000	
Total appropriations, fiscal year 1981	1,305,939,700	1,222.017,263	−83,922,437
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	65,170,000	38,427,063	−26,742,937
New budget *(obligational)* authority	*(65,170,000)*	*(42,719,063)*	*(−22,450,937)*
Rescissions		*(−4,292,000)*	*(−4,292,000)*
Grand total for session, Legislative Branch *(net)*	1,371,109,700	1,260,444,326	−110,665,374
National Aeronautics and Space Administration:			
Appropriations, fiscal year 1981:			
Regular annual act	5,517,654,000	5,541,200,000	+23,546,000
Appropriations, fiscal year 1980:			
Supplemental act	346,286,000	321,286,000	−25,000,000
Grand total for session, National Aeronautics and Space Administration	5,863,940,000	5,862,486,000	−1,454,000
Postal Service:			
Appropriations, fiscal year 1981:			
Regular annual act	[8]1,343,217,000	[8]1,593,217,000	+250,000,000
Grand total for session, Postal Service	1,343,217,000	1,593,217,000	+250,000,000
Department of State:			
Appropriations, fiscal year 1981:			
Regular annual act	[2]1,649,632,000	[2]1,564,708,000	−84,924,000
Carried in other regular annual act	570,871,000	539,999,000	−30,872,000
Permanent appropriations:			
Federal funds	113,357,000	113,357,000	
Trust funds	266,742,000	266,742,000	
Total, permanent appropriations	380,099,000	380,099,000	
Total appropriations, fiscal year 1981	2,600,602,000	2,484,806,000	−115,796,000
Appropriations, fiscal year 1980:			
Supplemental act	52,420,000	31,227,000	−21,193,000
Grand total for session, Department of State	2,653,022,000	2,516,033,000	−136,989,000

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Transportation:			
Appropriations, fiscal year 1981:			
Regular annual act	$11,881,794,065	$10,938,358,764	−$943,435,301
Carried in supplemental act		61,600,000	+61,600,000
Appropriations in legislative acts made during 95th Cong., 2nd sess. for fiscal year 1981—trust funds (P.L. 95-599)	4,455,000,000	5,615,000,000	+1,160,000,000
Appropriations to liquidate contract authorizations	*(9,792,800,000)*	*(9,790,300,000)*	*(−2,500,000)*
Subtotal	16,336,794,065	16,614,958,764	+278,164,699
Permanent appropriations:			
Federal funds	7,000,000	7,000,000	
Trust funds	9,301,150,000	9,301,150,000	
(Contract authority)	*(9,297,620,000)*	*(9,297,620,000)*	
Total, permanent appropriations	9,308,150,000	9,308,150,000	
Total appropriations, fiscal year 1981	25,644,944,065	25,923,108,764	+278,164,699
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	950,553,000	728,522,000	−222,031,000
New budget *(obligational)* authority	*(950,553,000)*	*(788,522,000)*	*(−162,031,000)*
Rescissions		*(−60,000,000)*	*(−60,000,000)*
Appropriations to liquidate contract authorizations	*(1,400,000,000)*	*(1,400,000,000)*	
Appropriations, fiscal year 1982:			
Regular annual act	198,100,000	166,000,000	−32,100,000
Grand total for session, Department of Transportation *(net)*	26,793,597,065	26,817,630,764	+24,033,699
Department of the Treasury:			
Appropriations, fiscal year 1981:			
Regular annual act	[9]3,644,255,000	[9]3,649,397,881	+5,142,881
Carried in other regular annual act	4,667,959,000	4,667,709,000	−250,000
Carried in continuing appropriations	218,299	218,299	
Estimates not considered (see Table VIIIg)	500,000,000		−500,000,000
Private appropriation acts		753,757	+753,757
Subtotal	8,812,432,299	8,318,078,937	−494,353,362
Permanent appropriations:			
Federal funds	82,214,934,000	82,214,934,000	
Trust funds	6,859,549,000	6,859,549,000	
Total, permanent appropriations	89,074,483,000	89,074,483,000	
Total appropriations, fiscal year 1981	97,886,915,299	97,392,561,937	−494,353,362
Appropriations, fiscal year 1980:			
Supplemental act *(net)*	2,877,903,417	1,659,352,000	−1,218,551,417
New budget *(obligational)* authority	*(2,877,903,417)*	*(1,660,974,000)*	*(−1,216,929,417)*
Rescissions	*(−322,000)*	*(−1,622,000)*	*(−1,622,000)*
Private appropriation acts		89,245	+89,245
Total appropriations, fiscal year 1980 *(net)*	2,877,903,417	1,659,441,245	−1,218,462,172
Grand total for session, Department of the Treasury *(net)*	100,764,818,716	99,052,003,182	−1,712,815,534

See footnotes at end of table, p. 2117.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 96TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the January 1980 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 96th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Veterans Administration:			
Appropriations, fiscal year 1981:			
Regular annual act	$20,862,092,000	$20,810,526,000	−$51,566,000
Permanent appropriations: Trust funds	1,215,697,000	1,215,697,000	
Total appropriations, fiscal year 1981	22,077,789,000	22,026,223,000	−51,566,000
Appropriations, fiscal year 1980:			
Supplemental acts	259,272,000	228,686,000	−30,586,000
Grand total for session, Veterans Administration	22,337,061,000	22,254,909,000	−82,152,000
General reduction:			
Appropriations, fiscal year 1980:			
Supplemental act (P.L. 96-304, sec. 304)		[9]−220,000,000	−220,000,000
Grand total for session, general reduction		−220,000,000	−220,000,000
Grand total:			
Consisting of—			
Appropriations:			
Fiscal year 1981 *(net)*	783,511,045,875	771,840,431,329	−11,670,614,546
New budget *(obligational) authority*	*(783,511,045,875)*	*(773,175,431,329)*	*(−10,335,614,546)*
Rescissions of unobligated balances	*(1,050,000,000)*	*(−1,335,000,000)*	[4]*(−1,335,000,000)*
Fiscal year 1980 *(net)*	25,867,231,417	18,981,500,017	−6,885,731,400
New budget *(obligational)* authority	*(25,867,231,417)*	*(22,165,072,163)*	*(−3,702,159,254)*
Rescissions	*(1,485,170,446)*	*(−3,183,572,146)*	[4]*(−3,183,572,146)*
Fiscal year 1982	198,100,000	166,000,000	−32,100,000
Fiscal year 1983	172,000,000	172,000,000	
Appropriations to liquidate contract authorizations:			
Fiscal year 1981	*(18,952,996,000)*	*(18,950,496,000)*	*(−2,500,000)*
Fiscal year 1980	*(4,184,669,000)*	*(4,184,669,000)*	
Net total	809,748,377,292	791,159,931,346	−18,588,445,946
Less adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−88,590,878,000	−88,590,878,000	
Subtotal	721,157,499,292	702,569,053,346	−18,588,445,946
Less estimates and appropriations made during prior Congressional sessions for fiscal year 1981	−4,617,000,000	−5,777,000,000	−1,160,000,000
Net total for session	716,540,499,292	696,792,053,346	−19,748,445,946
Consisting of:			
Regular annual, supplemental and continuing appropriation acts *(net)*	453,514,910,292	438,284,193,490	−15,230,716,802
Rescission of unobligated balances	*(−2,535,170,446)*	−4,518,572,146	[1]4,518,572,146
Appropriations in legislative acts		[10]843,002	+843,002
Permanent appropriations: Federal and trust funds	351,616,467,000	351,616,467,000	
Adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−88,590,878,000	−88,590,878,000	

See footnotes at end of table, p. 2117.

[1] Reflects actual amounts rescinded rather than comparison with requests.

[2] The regular annual appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and related Agencies, 1981 (H.R. 7584) was not enacted into law. Funding for programs and activities normally included in that bill is provided through further continuing appropriations, Public Law 96-536 (Sec. 101(o), see p. 383, this volume).

[3] The regular annual appropriation bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies for fiscal year 1981 (H.R. 7998) was not enacted into law. Funding for programs and activities normally included in that bill is provided for in three sequential continuing resolutions, Public Law 96-369, Public Law 96-536, and Public Law 97-12 (see pp. 369-386, this volume).

[4] The regular annual appropriation for Foreign Assistance and Related Programs for fiscal year 1981 (H.R. 7854) was not enacted into law. Funding for programs and activities normally included in that bill is provided through further continuing appropriations, Public Law 96-536 (Sec. 101(b), see p. 380, this volume).

[5] Reflects estimates for the Corporation for Public Broadcasting.

[6] Reflects budget authority provided for the Corporation for Public Broadcasting.

[7] The regular annual appropriation bill for the Legislative Branch, 1981 (H.R. 7593) was not enacted into law. Funding for programs and activities normally included in that bill is provided through further continuing appropriations, Public Law 96-536 (Sec. 101(c) and 101(d)).

[8] The regular annual appropriation bill for the Departments of Treasury, Postal Service, and General Government, 1981 (H.R. 7583) was not enacted into law. Funding for programs and activities normally included in that bill is provided through further continuing appropriations, Public Law 96-536 (Sec. 101(a), see pp. 379-386, this volume).

[9] Reflects government-wide rescission to be applied to the purchase of furniture pursuant to Sec. 304 of Public Law 96-304 (see page 85, this volume).

[10] Consists solely of private appropriation acts. Sec. 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so-called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action. As a result, there were no legislative acts (other than the private appropriation acts summarized in this table) approved during the 96th Congress, 2d session, carrying appropriations.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (–), appropriations compared with estimates (4)
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	–$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	–1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	–2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	–2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	–1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	–1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	–4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	–8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	–12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	–2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	–2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	–257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	–5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	–617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	–1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	–211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	–4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	–4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	–6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	–4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	–2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	–929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] –6,071,790,017

See footnotes on pp. 2122–2124.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (–), appropriations compared with estimates (4)
90th Cong., 2d sess., fiscal year 1969 and prior years	[10] $209,439,260,996	[11] $196,537,244,324	–$12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,908,612,996)*	*(133,339,868,734)*	*(–14,568,744,262)*
Appropriations in legislative acts	*(1,332,500,000)*	*(2,999,227,590)*	*(+1,666,727,590)*
Permanent appropriations, Federal and trust funds	*(72,998,148,000)*	*(72,998,148,000)*	
Adjustments for interfund and intragovernmental transactions	*(–12,800,000,000)*	*(–12,800,000,000)*	
91st Cong., 1st sess., fiscal year 1970 and prior years	[12] 210,843,237,215	[13] 207,248,481,494	–3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	*(142,701,346,215)*	*(134,431,463,135)*	*(–8,269,883,080)*
Appropriations in legislative acts	*(5,000,000)*	*(4,680,127,359)*	*(+4,675,127,359)*
Permanent appropriations, Federal and trust funds	*(82,052,416,000)*	*(82,052,416,000)*	
Adjustments for interfund and intragovernmental transactions	*(–13,915,525,000)*	*(–13,915,525,000)*	
91st Cong., 2d sess., fiscal year 1971 and prior years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,778,903,434)*	*(144,273,528,504)*	*(–3,505,374,930)*
Appropriations in legislative acts		*(18,039,291,378)*	*(+18,039,291,378)*
Permanent appropriations, Federal and trust funds	*(88,059,842,000)*	*(88,059,842,000)*	
Adjustments for interfund and intragovernmental transactions	*(–18,232,767,000)*	*(–18,232,767,000)*	
92d Cong., 1st sess., fiscal year 1972 and prior years	[16] 248,329,646,937	[17] 245,707,600,635	–2,622,046,302
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(167,969,353,937)*	*(165,300,661,865)*	*(–2,668,692,072)*
Appropriations in legislative acts		*(46,645,770)*	*(+46,645,770)*
Permanent appropriations, Federal and trust funds	*(100,764,691,000)*	*(100,764,691,000)*	
Adjustments for interfund and intragovernmental transactions	*(–20,404,398,000)*	*(–20,404,398,000)*	
92d Cong., 2d sess., fiscal year 1973 and prior years	[18] 281,543,640,953	[19] [20] 284,782,538,934	+3,238,897,981
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(185,509,077,552)*	*(179,006,901,364)*	*(–6,502,176,188)*
Appropriations in legislative acts	*(1,954,000,000)*	*(11,200,404,169)*	*(+9,246,404,169)*
Permanent appropriations, Federal and trust funds	*(117,995,208,401)*	*(118,489,878,401)*	*(+494,670,000)*
Adjustments for interfund and intragovernmental transactions	*(–23,914,645,000)*	*(–23,914,645,000)*	

See footnotes on pp. 2122–2124.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
93d Cong., 1st sess., fiscal year 1974 and prior years	[illegible] $295,154,959,255	[illegible] $303,476,236,654	+$8,321,277,399
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(178,014,404,255)*	*(174,902,319,304)*	*(-3,112,084,951)*
Appropriations in legislative acts	*(4,969,950,000)*	*(16,403,312,350)*	*(+11,433,362,350)*
Permanent appropriations, Federal and trust funds	*(149,428,595,000)*	*(149,428,595,000)*	
Adjustments for interfund and intragovernmental transactions	*(-37,257,990,000)*	*(-37,257,990,000)*	
93d Cong., 2d sess., fiscal year 1975 and prior years	[illegible] 344,779,700,007	[illegible] 390,041,133,427	[illegible] +45,261,433,420
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(213,694,183,007)*	*(204,012,311,514)*	*(-9,681,871,493)*
Appropriations in legislative acts	*(7,778,000,000)*	[illegible] *(62,721,304,913)*	*(+54,943,304,913)*
Permanent appropriations, Federal and trust funds	*(167,031,493,000)*	*(167,031,493,000)*	
Adjustments for interfund and intragovernmental transactions	*(-43,723,976,000)*	*(-43,723,976,000)*	
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	[illegible] 406,281,005,434	[illegible] 400,113,361,951	-6,167,643,483
Transition period	85,480,984,914	83,406,054,499	-2,074,930,415
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(268,312,351,434)*	*(262,194,919,839)*	*(-6,117,431,595)*
Transition period	*(49,641,474,914)*	*(47,575,114,499)*	*(-2,066,360,415)*
Rescission acts	[illegible] *(-2,633,306,226)*	*(-287,291,174)*	*(-287,291,174)*
Appropriations in legislative acts	*(10,000,000,000)*	[illegible] *(10,237,079,286)*	*(+237,079,286)*
Transition period (net)		*(-8,570,000)*	*(-8,570,000)*
Permanent appropriations, Federal and trust funds	*(182,234,795,000)*	*(182,234,795,000)*	
Transition period	*(46,570,059,000)*	*(46,570,059,000)*	
Adjustments for interfund and intragovernmental transactions	*(-54,266,141,000)*	*(-54,266,141,000)*	
Transition period	*(-10,730,549,000)*	*(-10,730,549,000)*	
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[illegible] 452,558,401,535	[illegible] 444,664,800,880	-7,893,600.655
Transition period	3,667,308,225	[illegible] 8,507,078,440	+4,839,770,215
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(280,825,058,535)*	*(277,503,235,407)*	*(-3,321,823,128)*
Transition period (net)	*(3,579,808,225)*	*(4,812,230,180)*	*(+1,232,421,955)*
Rescission acts	[illegible] *(-2,721,032,655)*	*(-70,656,000)*	*(-70,656,000)*
Transition period	*(-45,600,000)*	*(-5,175,000)*	*(-5,175,000)*
Appropriations in legislative acts	*(6,950,000,000)*	[illegible] *(2,448,878,473)*	*(-4,501,121,527)*
Transition period	*(87,500,000)*	[illegible] *(3,700,023,260)*	*(+3,612,523,260)*
Permanent appropriations, Federal and trust funds	*(227,151,661,000)*	*(227,151,661,000)*	
Adjustments for interfund and intragovernmental transactions	*(-62,368,318,000)*	*(-62,368,318,000)*	

See footnotes on pp. 2122–2124.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	$540,713,958,174	$527,330,473,509	-$13,383,484,665
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(366,590,877,174)*	*(354,014,030,783)*	*(-12,576,846,391)*
Rescission acts	*(-1,779,480,000)*	*(-807,640,000)*	*(-807,640,000)*
Appropriations in legislative acts		*(1,001,726)*	*(+1,001,726)*
Permanent appropriations, Federal and trust funds	*(235,215,056,000)*	*(235,215,056,000)*	
Adjustments for interfund and intragovernmental transactions	*(-61,091,975,000)*	*(-61,091,975,000)*	
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	597,475,620,701	579,378,264,134	-18,097,356,567
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(373,829,695,701)*	*(353,538,353,730)*	*(-20,291,341,971)*
Rescission acts	*(-603,255,000)*	*(-55,255,000)*	*(-55,255,000)*
Appropriations in legislative acts	*(17,349,285,000)*	*(19,598,525,404)*	*(+2,249,240,404)*
Permanent appropriations:			
Federal and trust funds	*(269,875,638,000)*	*(269,875,638,000)*	
Adjustments for interfund and intragovernmental transactions	*(-63,578,998,000)*	*(-63,578,998,000)*	
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	638,492,625,836	623,190,712,474	(-15,301,913,362)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(402,717,061,836)*	*(388,138,756,291)*	*(-14,578,305,545)*
Rescission acts	*(-914,617,000)*	*(-723,609,000)*	*(-723,609,000)*
Appropriations in legislative acts		*(+1,183)*	*(+1,183)*
Permanent appropriations:			
Federal and trust funds	*(308,995,920,000)*	*(308,995,920,000)*	
Adjustments for interfund and intragovernmental transactions	*(-73,220,356,000)*	*(-73,220,356,000)*	
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	716,540,499,292	696,792,053,346	(-19,748,445,946)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(453,514,910,292)*	*(433,765,621,344)*	*(-19,749,288,948)*
Rescission acts			
Appropriations in legislative acts		*(+843,002)*	*(+843,002)*
Permanent appropriations:			
Federal and trust funds	*(351,616,467,000)*	*(351,616,467,000)*	
Adjustments for interfund and intragovernmental transactions	*(-88,590,878,000)*	*(-88,590,878,000)*	

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[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.

[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.

[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.

[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.

[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.

[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.

[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.

[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.

[9] Does not reflect additional reductions in controllable obliga-

tions effected pursuant to Public Law 90-218 (H.J. Res. 888) estimated at $3,400,000,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000.

[10] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.

[11] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.

[12] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $1,651,000,000 requested in 1970 for fiscal year 1971.

[13] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $214,000,000 appropriated in 1970 for fiscal year 1971.

[14] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.

[15] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.

[16] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.

[17] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.

[18] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $131,181,000 requested in 1973 for fiscal year 1974.

[19] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $131,181,000 appropriated in 1973 for fiscal year 1974.

[20] Includes appropriations totaling $33,499,495,500 in continuing resolution (Public Law 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, and Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects an increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[21] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* (1) $90,360,000 requested in 1974 for fiscal year 1975 and (2) proposed rescissions of fiscal year 1973 appropriations of $198,055,000; and *exclude* (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.

[22] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* (1) $90,360,000 appropriated in 1974 for fiscal year 1975 and (2) rescissions of fiscal year 1973 appropriations totaling $212,412,000; and *excludes* action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000.

[23] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,391,561,000 requested in fiscal year 1975 for fiscal year 1976, and proposed rescissions totaling $1,455,116,000 in regular appropriation and rescission acts (see table VIIIj on p. 2427 1974-1975 volume for detail).

[24] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,428,597,000 appropriated in fiscal 1975 for fiscal year 1976, and rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427 1974-1975 volume for detail).

[25] Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-out cost of annual contract authority made available through Public Law 93-383.

[26] Includes private acts totaling $165,913.

[27] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,417,777,000 requested in fiscal year 1976 for fiscal year 1977, and *exclude* proposed rescissions totaling $25,000,000 considered in a regular annual appropriation act (Public Law 94-134).

[28] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,653,410,852 appropriated in fiscal year 1976 for fiscal year 1977, and rescissions totaling $702,291,174 consisting of $25,000,000 in a regular annual appropriation act, $287,291,174 in rescission acts and $390,000,000 in a legislative act.

[29] Estimates not reflected in totals.

[30] Includes private acts totaling $27,286.

[31] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $95,421,779 for fiscal year 1978 and $90,000,000 for fiscal year 1979 requested in fiscal year 1977.

[32] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 appropriated in fiscal year 1977, and rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts.

[33] Reflects rescissions of $5,175,000.

[34] Includes private acts totaling $878,473.

[35] Includes private acts totaling $23,260.

[36] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $120,200,000 for fiscal year 1980 requested in fiscal year 1978.

[37] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $152,000,000 for fiscal year 1980 appropriated in fiscal year 1978, and rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95-74).

[38] Includes private acts totaling $1,726.

[39] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $17,646,443,000, excluded from the 1978-79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95-482). This amount has been increased by $198,300,000 above the $17,448,143,000 referred to in footnote 39 of the 1978-79 volume (for details, see table VIII on pp. 1221-1222, 1979-80 volume). Budget estimates also *include* $9,835,000,000 for fiscal year 1980, $4,627,000,000 for fiscal year 1981; and $4,465,000,000 for fiscal year 1982 requested in fiscal year 1979.

[40] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $15,427,919,000, excluded from the 1978-79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95-482). Estimates for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978-79 volume (for details, see table VIII on pp. 1221-1222, 1979-80 volume). Appropriations figure also includes $5,136,500,000 for fiscal year 1980, $5,615,000,000 for fiscal year 1981, and $4,374,000,000 for fiscal year 1982 appropriated in fiscal year 1979, and rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95-240) and $55,255,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95-465).

[41] Includes private acts totaling $1,325,404.

[42] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $662,319,000 excluded from the 1979-80 volume (96th Congress, 1st session) for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96-123). This amount has been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979-80 volume (for details, see table VIII on p. 1959, 1980-81 volume). Budget estimates also include

$162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 requested in fiscal year 1980.

[43] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Appropriations figures includes $1,146,946,000, excluded from the 1979–80 volume (96th Congress, 1st session), for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). Estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Appropriations figure also *includes* $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 appropriated in fiscal year 1980, and rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,00 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[44] Consists of private appropriation acts.

[45] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $198,100,000 for fiscal year 1982; and $172,000,000 for fiscal year 1983 requested in fiscal year 1981.

[46] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 appropriated in fiscal year 1981, and rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
42d Cong., 2d sess., fiscal year 1873 and prior years	$330,546,360	....	$330,546,360
42d Cong., 3d sess., fiscal year 1874 and prior years	344,535,209	....	344,535,209
43d Cong., 1st sess., fiscal year 1875 and prior years	330,441,844	....	330,441,844
43d Cong., 2d sess., fiscal year 1876 and prior years	322,013,149	....	322,013,149
44th Cong., 1st sess., fiscal year 1877 and prior years	299,150,125	....	299,150,125
44th Cong., 2d sess., fiscal year 1878 and prior years	291,220,477	....	291,220,477
45th Cong., 1st and 2d sess., fiscal year 1879 and prior years	317,924,555	....	317,924,555
45th Cong., 3d sess., and 46th Cong., 1st sess., fiscal year 1880 and prior years	338,865,031	....	338,865,031
46th Cong., 2d sess., fiscal year 1881 and prior years	332,791,077	....	332,791,077
46th Cong., 3d sess., fiscal year 1882 and prior years	361,922,068	....	361,922,068
47th Cong., 1st sess., fiscal year 1883 and prior years	423,827,294	....	423,827,294
47th Cong., 2d sess., fiscal year 1884 and prior years	349,463,261	....	349,463,261
48th Cong., 1st sess., fiscal year 1885 and prior years	306,077,470	....	306,077,470
48th Cong., 2d sess., fiscal year 1886 and prior years	344,504,413	....	344,504,413
49th Cong., 1st sess., fiscal year 1887 and prior years	383,245,914	....	383,245,914
49th Cong., 2d sess., fiscal year 1888 and prior years	365,430,333	....	365,430,333
50th Cong., 1st sess., fiscal year 1889 and prior years	422,867,168	....	422,867,168
50th Cong., 2d sess., fiscal year 1890 and prior years	395,430,284	....	395,430,284
51st Cong., 1st sess., fiscal year 1891 and prior years	463,383,480	....	463,383,480
51st Cong., 2d sess., fiscal year 1892 and prior years	524,381,816	....	524,381,816
52d Cong., 1st sess., fiscal year 1893 and prior years	507,376,398	....	507,376,398
52d Cong., 2d sess., fiscal year 1894 and prior years	519,535,293	....	519,535,293
53d Cong., 1st and 2d sess., fiscal year 1895 and prior years	492,477,460	....	492,477,460

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
53d Cong., 3d sess., fiscal year 1896 and prior years	$496,982,585		$496,982,585
54th Cong., 1st sess., fiscal year 1897 and prior years	515,852,380		515,852,380
54th Cong., 2d sess. and 55th Cong., 1st sess., fiscal year 1898 and prior years	528,735,878		528,735,878
55th Cong., 2d sess., fiscal year 1899 and prior years	892,656,776		892,656,776
55th Cong., 3d sess., fiscal year 1900 and prior years	698,912,893		698,912,893
56th Cong., 1st sess., fiscal year 1901 and prior years	705,653,298		705,653,298
56th Cong., 2d sess., fiscal year 1902 and prior years	730,241,863		730,241,863
57th Cong., 1st sess., fiscal year 1903 and prior years	801,682,773		801,682,773
57th Cong., 2d sess., fiscal year 1904 and prior years	752,741,659		752,741,659
58th Cong., 1st and 2d sess., fiscal year 1905 and prior years	781,288,215		781,288,215
58th Cong., 3d sess., fiscal year 1906 and prior years	818,191,283		818,191,283
59th Cong., 1st sess., fiscal year 1907 and prior years	881,953,644		881,953,644
59th Cong., 2d sess., fiscal year 1908 and prior years	919,163,823		919,163,823
60th Cong., 1st sess., fiscal year 1909 and prior years	1,006,431,727		1,006,431,727
60th Cong., 2d sess., fiscal year 1910 and prior years	1,044,433,623		1,044,433,623
61st Cong., 1st and 2d sess., fiscal year 1911 and prior years	1,039,550,617		1,039,550,617
61st Cong. 3d sess., fiscal year 1912 and prior years	1,022,759,949		1,022,759,949
62d Cong., 1st and 2d sess., fiscal year 1913 and prior years	1,021,349,991		1,021,349,991
62d Cong., 3d sess., fiscal year 1914 and prior years	1,098,602,066		1,098,602,066
63d Cong., 1st and 2d sess., fiscal year 1915 and prior years	1,122,471,919		1,122,471,919
63d Cong., 3d sess., fiscal year 1916 and prior years	1,114,490,704		1,114,490,704
64th Cong., 1st sess., fiscal year 1917 and prior years	1,628,441,645		1,628,441,645
64th Cong., 2d sess. and 65th Cong., 1st sess., fiscal year 1918 and prior years	18,881,940,244		18,881,940,244
65th Cong., 2d sess., fiscal year 1919 and prior years	27,065,148,933		27,065,148,933
65th Cong., 3d sess. and 66th Cong., 1st sess., fiscal year 1920 and prior years	6,454,596,650		6,454,596,650
66th Cong., 2d sess., fiscal year 1921 and prior years	4,780,829,510		4,780,829,510
66th Cong., 3d sess., and 67th Cong., 1st sess. (to July 12, 1921), fiscal year 1922 and prior years	3,909,282,209		3,909,282,209

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
67th Cong., 1st sess. (from July 12, 1921), and 67th Cong., 2d sess. (to July 1, 1922), fiscal year 1923 and prior years	$4,248,140,570	....	$4,248,140,570
67th Cong., 2d sess. (from July 2, 1922), and 67th Cong., 3d sess. and 67th Cong., 4th sess., fiscal year 1924 and prior years	4,092,544,312	....	4,092,544,312
68th Cong., 1st sess., fiscal year 1925 and prior years	3,748,651,750	....	3,748,651,750
68th Cong., 2d sess., fiscal year 1926 and prior years	4,151,682,050	....	4,151,682,050
69th Cong., 1st sess., fiscal year 1927 and prior years	4,409,463,390	....	4,409,463,390
69th Cong., 2d sess., fiscal year 1928 and prior years	4,211,011,353	....	4,211,011,353
70th Cong., 1st sess., fiscal year 1929 and prior years	4,633,577,974	....	4,633,577,974
70th Cong., 2d sess., fiscal year 1930 and prior years	4,665,236,678	....	4,665,236,678
71st Cong., 1st and 2d sess., fiscal year 1931 and prior years	5,071,711,694	....	5,071,711,694
71st Cong., 3d sess., fiscal year 1932 and prior years	5,178,524,968	....	5,178,524,968
72d Cong., 1st sess., fiscal year 1933 and prior years	5,785,252,642	....	5,785,252,642
72d Cong., 2d sess. and 73d Cong., 1st sess., fiscal year 1934 and prior years	7,692,447,339	....	7,692,447,339
73d Cong., 2d sess., fiscal year 1935 and prior years	7,527,559,328	....	7,527,559,328
74th Cong., 1st sess., fiscal year 1936 and prior years	9,579,757,330	....	9,579,757,330
74th Cong., 2d sess., fiscal year 1937 and prior years	10,336,399,273	....	10,336,399,273
75th Cong., 1st sess., fiscal year 1938 and prior years	9,183,701,741	$172,473,242	9,356,174,983
75th Cong., 2d and 3d sess., fiscal year 1939 and prior years	10,338,996,190	1,022,819,464	11,361,815,654
76th Cong., 1st sess., fiscal year 1940 and prior years	11,447,634,077	1,904,152,417	13,351,786,494
76th Cong., 2d and 3d sess., fiscal year 1941 nd prior years	16,878,865,242	2,193,125,902	19,071,991,144
77th Cong., 1st sess., fiscal year 1942 and prior years	57,792,715,367	3,062,440,985	60,855,156,352
77th Cong., 2d sess., fiscal year 1943 and prior years to Oct. 31, 1942	147,071,208,962	3,861,678,074	150,932,887,036
78th Cong., 1st sess., fiscal year 1944 and prior years	114,564,008,595	4,642,328,744	119,206,337,339
78th Cong., 2d sess., fiscal year 1945 and prior fiscal years	67,614,266,775	6,749,006,538	74,363,273,313
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	69,780,137,110	6,662,202,694	76,442,339,804
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,734,209,165	4,653,376,295	40,387,585,460
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	35,982,887,708	5,487,396,936	41,470,284,644

See footnotes on pp. 2131-2132.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	$41,675,480,957	$5,480,063,813	$47,155,544,770
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	46,497,456,898	6,517,603,514	53,015,060,412
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	81,045,040,441	6,632,999,495	87,678,039,936
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	101,117,786,897	8,127,323,548	109,245,110,445
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	85,999,646,411	8,532,644,348	94,532,290,759
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	65,156,254,797	8,999,782,171	74,156,036,968
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	58,160,445,563	9,891,179,453	68,051,625,016
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	63,947,281,321	10,871,988,245	74,819,269,566
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	73,041,364,417	11,679,248,757	84,720,613,174
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,064,958,328	15,610,607,572	88,675,565,900
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,119,818,276	16,382,991,651	[2] 97,502,809,927
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	81,572,357,732	19,495,828,782	[2] 101,068,186,514
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	83,799,241,957	22,329,891,675	[2] 106,129,133,632
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	96,194,946,610	24,915,218,285	[2] 121,110,164,895
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	102,661,536,812	27,401,377,000	[2] 130,062,913,812
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	103,798,634,671	29,472,357,040	[2] 133,270,991,711
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	106,070,110,056	30,929,694,000	[2] 136,999,804,056
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	119,310,113,527	32,747,251,540	[2] 152,057,365,067
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	143,883,626,282	41,830,618,000	[2] 185,714,244,282
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	156,917,115,912	48,205,647,000	[2] 205,122,762,912
90th Cong., 2d sess., fiscal year 1969 and prior years	142,524,357,324	54,012,887,000	[2] 196,537,244,324
Consisting of:			
Regular annual and supplemental appropriation acts	*(133,339,868,734)*		*(133,339,868,734)*
Appropriations in legislative acts	*(2,999,227,590)*		*(2,999,227,590)*
Permanent appropriations	*(18,985,261,000)*	*(54,012,887,000)*	*(72,998,148,000)*
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*		*(−12,800,000,000)*

See footnotes on pp. 2131–2132.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	$146,628,658,494	$60,619,823,000	[2] $207,248,481,494
Consisting of:			
Regular annual and supplemental appropriation acts	*(134,431,463,135)*		*(134,431,463,135)*
Appropriations in legislative acts	*(4,680,127,359)*		*(4,680,127,359)*
Permanent appropriations	*(21,432,593,000)*	*(60,619,823,000)*	*(82,052,416,000)*
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*		*(−13,915,525,000)*
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	166,758,720,882	65,381,174,000	[2] 232,139,894,882
Consisting of:			
Regular annual and supplemental appropriation acts	*(144,273,528,504)*		*(144,273,528,504)*
Appropriations in legislative acts	*(18,039,291,378)*		*(18,039,291,378)*
Permanent appropriations	*(22,678,668,000)*	*(65,381,174,000)*	*(88,059,842,000)*
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*		*(−18,232,767,000)*
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	170,300,119,635	75,407,481,000	[2] 245,707,600,635
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(165,300,661,865)*		(165,300,661,865)
Appropriations in legislative acts	*(46,645,770)*		*(46,645,770)*
Permanent appropriations	*(25,357,210,000)*	*(75,407,481,000)*	*(100,764,691,000)*
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*		*(−20,404,398,000)*
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	[3] 193,474,986,934	91,307,552,000	[2] [3] 284,782,538,934
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[3] *(179,006,901,364)*		[3] *(179,006,901,364)*
Appropriations in legislative acts	*(11,200,404,169)*		*(11,200,404,169)*
Permanent appropriations	*(27,182,326,401)*	*(91,307,552,000)*	*(118,489,878,401)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*		*(−23,914,645,000)*
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	[4] 182,480,509,654	120,995,727,000	[2] [4] 303,476,236,654
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[4] *(174,902,319,304)*		[4] *(174,902,319,304)*
Appropriations in legislative acts	*(3,940,372,350)*	*(12,462,940,000)*	*(16,403,312,350)*
Permanent appropriations	*(40,895,808,000)*	*(108,532,787,000)*	*(149,428,595,000)*
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*		*(−37,257,990,000)*
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	[5] 268,304,872,427	121,736,261,000	[2] [5] 390,041,133,427
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(204,012,311,514)*		*(204,012,311,514)*
Appropriations in legislative acts	*(62,568,804,913)*	*(152,500,000)*	*(62,721,304,913)*
Permanent appropriations	*(45,447,732,000)*	*(121,583,761,000)*	*(167,031,493,000)*
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*		*(−43,723,976,000)*

See footnotes on pp. 2131–2132.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	$269,391,509,951	$130,721,852,000	[2] [6] $400,113,361,951
Transition period	49,782,823,499	33,623,231,000	[7] 83,406,054,499
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(262,194,919,839)*		*(262,194,919,839)*
Transition period	*(47,575,114,499)*		*(47,575,114,499)*
Rescission acts	*(−287,291,174)*		*(−287,291,174)*
Appropriations in legislative acts	*(10,627,079,286)*	*(−390,000,000)*	*(10,237,079,286)*
Transition period (net)	[8] *(−8,570,000)*		[8] *(−8,570,000)*
Permanent appropriations	*(51,122,943,000)*	*(131,111,852,000)*	*(182,234,795,000)*
Transition period	*(12,946,828,000)*	*(33,623,231,000)*	*(46,570,059,000)*
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*		*(−54,266,141,000)*
Transition period	*(−10,730,549,000)*		*(−10,730,549,000)*
94th Cong., 2d sess:			
Fiscal year 1977 and prior fiscal years	[9] 288,220,964,880	156,443,836,000	[2] [9] 444,664,800,880
Transition period	4,792,078,440	3,715,000,000	[10] 8,507,078,440
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(277,157,958,407)*	*(345,277,000)*	*(277,503,235,407)*
Transition period (net)	*(4,797,230,180)*	*(15,000,000)*	*(4,812,230,180)*
Rescission acts	*(−70,656,000)*		*(−70,656,000)*
Transition period	*(−5,175,000)*		*(−5,175,000)*
Appropriations in legislative acts	*(878,473)*	*(2,448,000,000)*	*(2,448,878,473)*
Transition period	*(23,260)*	*(3,700,000,000)*	*(3,700,023,260)*
Permanent appropriations	*(63,037,720,000)*	*(164,113,941,000)*	*(227,151,661,000)*
Adjustments for interfund and intragovernmental transactions	[11] *(−51,904,936,000)*	*(−10,463,382,000)*	*(−62,368,318,000)*
95th Cong., 1st sess:			
Fiscal year 1978 and prior fiscal years	[12] 360,785,368,842	166,545,104,667	[2] [12] 527,330,473,509
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(353,317,494,116)*	*(696,536,667)*	[3] *(354,014,030,783)*
Rescission acts	*(−807,640,000)*		*(−807,640,000)*
Appropriations in legislative acts	*(1,001,726)*		*(1,001,726)*
Permanent appropriations	*(56,830,073,000)*	*(178,384,983,000)*	*(235,215,056,000)*
Adjustments for interfund and intragovernmental transactions	[13] *(−48,555,560,000)*	*(−12,536,415,000)*	*(−61,091,975,000)*
95th Cong., 2d sess:			
Fiscal year 1979 and prior fiscal years	[14] 372,683,967,134	206,694,297,000	[2] [14] 579,378,264,134
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(352,638,885,730)*	*(899,468,000)*	[3] *(353,538,353,730)*
Rescission acts	*(−55,255,000)*		*(−55,255,000)*
Appropriations in legislative acts	*(7,325,404)*	*(19,591,200,000)*	*(19,598,525,404)*
Permanent appropriations	*(70,749,391,000)*	*(199,126,247,000)*	*(269,875,638,000)*
Adjustments for interfund and intragovernmental transactions	[15] *(−50,656,380,000)*	*(−12,922,618,000)*	*(−63,578,998,000)*

See footnotes on pp. 2131–2132.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 96th Cong., 2d sess., are based on estimates in the January 1980 Budget, and ar. thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
96th Cong., 1st sess:			
Fiscal year 1980 and prior fiscal years	[16] $408,773,914,474	$214,416,798,000	[2] [16] $623,190,712,474
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(386,521,933,291)*	*(1,616,823,000)*	[2] *(388,138,756,291)*
Rescission acts	*(−723,609,000)*		*(−723,609,000)*
Appropriations in legislative acts	*(1,183)*		*(1,183)*
Permanent appropriations	*(81,676,152,000)*	*(227,319,768,000)*	*(308,995,920,000)*
Adjustments for interfund and intragovernmental transactions	[17] *(−58,700,563,000)*	*(−14,519,793,000)*	*(−73,220,356,000)*
96th Cong., 2d sess:			
Fiscal year 1981 and prior fiscal years	453,756,787,346	243,035,266,000	[2] [22] 696,792,053,346
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(432,276,712,344)*	*(1,488,909,000)*	*(433,765,621,344)*
Rescission acts			
Appropriations in legislative acts	*(843,002)*		*(843,002)*
Permanent appropriations	*(96,152,253,000)*	*(255,464,214,000)*	*(351,616,467,000)*
Adjustments for interfund and intragovernmental transactions	[23] *(−74,673,021,000)*	*(−13,917,857,000)*	*(−88,590,878,000)*

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[1] Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

[2] Total funds for the following years are qualified as indicated:

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	$4,708,950,000	$633,349,085	
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	5,402,200,000	633,349,085	
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	6,053,675,000	633,349,085	
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	5,986,825,000	680,849,085	
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	6,554,000,000	680,849,085	
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	6,235,134,000	680,849,085	
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	5,035,100,000	680,849,085	
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	6,243,000,000	680,849,085	$926,000,000
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	7,573,000,000	680,849,085	875,000,000
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	10,700,000,000	680,849,085	995,000,000
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	11,161,000,000	680,849,085	1,965,814,000
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	12,822,500,000	680,849,085	214,000,000
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	16,075,187,000	680,849,085	150,000,000
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	18,890,425,332	680,849,085	174,321,000
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	18,787,584,008	680,849,085	131,181,000
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	25,628,844,731	680,849,085	90,360,000
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	27,970,932,506	680,849,085	2,428,597,000
94th Cong., 1st sess., fiscal year 1976 and prior fiscal years	39,906,309,490	680,849,085	2,653,410,852
Transition period (July 1, 1977 – Sept. 30, 1976)	2,388,185,173		
94th Cong., 2d sess., fiscal year 1977 and prior fiscal years	33,566,777,877	680,849,085	[18] 813,249,779
95th Cong., 1st sess., fiscal year 1978 and prior fiscal years	36,178,035,326	680,849,085	[19] 152,000,000
95th Cong., 2d sess., fiscal year 1979 and prior fiscal years	39,324,935,206	680,849,085	[20] 15,125,500,000
96th Cong., 1st sess., fiscal year 1980 and prior fiscal years	41,350,321,605	680,849,085	[21] 334,000,000
96th Cong., 2d sess., fiscal year 1981 and prior fiscal years	53,504,051,402	680,849,085	[24] 338,000,000

[3] Includes appropriations totaling $33,499,495,500 in continuing resolution (P.L. 92–571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972–1973 volume due to later estimates.

[4] Reflects rescissions totaling $212,412,000 of fiscal year 1973 appropriations. Does not reflect action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,999,000.

[5] Reflects rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427, 1974–1975 volume, for detail).

[6] Reflects rescissions totaling $702,291,174 consisting of $25,000,000 (Federal funds) in a regular annual appropriation act, $287,291,174 (Federal funds) in rescission acts, and $390,000,000 (trust funds) in a legislative act (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[7] Reflects rescissions of $14,400,000 in legislative acts (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[8] Consists of new budget (obligational) authority of $5,830,000 and rescissions of $14,400,000 (see table VIIIa on pp. 1230–1231, 1975–1976 volume, for detail).

[9] Reflects rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts (see table VIIIh, 1976–1977 volume, for detail).

[10] Reflects rescissions of $5,175,000 (see table VIIIh, 1976–1977 volume, for detail).

[11] Consists of $14,728,128,000 in Federal funds and $37,176,808,000 in interfund transactions.

[12] Reflects rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts (see table VIIIi, 1977–78 volume, for detail. Also reflects rescission of $47,500,000 in permanent contract authority for the "Heilum fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[13] Consists of $12,130,868,000 in Federal funds and $36,424,692,000 in interfund transactions.

[14] Includes $15,427,919,00. excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and Related Agencies funded at the "current rate" under section 101(a) of the continuing resolution (Public Law 95–482) (see p. 319, 1978–79 volume). Budget estimates for these activities total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 14 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Reflects rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts (see table VIIIk, 1978–79 volume, for details). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[15] Consists of $13,158,914,000 in Federal funds and $37,497,466,000 in interfund transactions.

[16] Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Department of Health, Education and Welfare and related agencies funded at the "current rate" under section 101(c) of the further continuing resolution (Public Law 96–123, see p. 288, 1979–80 volume). Budget estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 16 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Reflects rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,000 in the budget rescission act (see table VIIIh 1979–80 volume). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. The amount for permanent contract authority is shown in the estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[17] Consists of $16,335,625,000 in Federal funds and $42,364,938,000 in interfund transactions.

[18] Includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 (2 years in advance of budget year).

[19] This amount is for fiscal year 1980 (2 years in advance of budget year).

[20] Includes $5,136,500,000 for fiscal year 1980; $5,615,000,000 for fiscal year 1981; and $4,374,000,000 for fiscal year 1982.

[21] Includes $162,000,000 for fiscal year 1981 and $172,000,000 for fiscal year 1982 (2 years in advance of budget year).

[22] Reflects rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts.

[23] Consists of $26,402,993,000 in Federal funds and $48,270,028,000 in interfund transactions.

[24] Includes $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 (2 years in advance of budget year).

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